

Ontario Heritage Act [extract]

R.S.O. 1990, CHAPTER O.18

REGISTER AND MUNICIPAL HERITAGE COMMITTEE

Register

27 (1) The clerk of a municipality shall keep a register of property situated in the municipality that is of cultural heritage value or interest. 2019, c. 9, Sched. 11, s. 6.

(1.1) The clerk of the municipality shall ensure that the information included in the register is accessible to the public on the municipality's website. 2022, c. 21, Sched. 6, s. 3 (1).

Contents of register

(2) The register kept by the clerk shall list all property situated in the municipality that has been designated by the municipality or by the Minister under this Part and shall contain, with respect to each property,

- (a) a legal description of the property;
- (b) the name and address of the owner; and
- (c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. 2019, c. 9, Sched. 11, s. 6.

Non-designated property

(3) Subject to subsection (18), in addition to the property listed in the register under subsection (2), the register may include property that has not been designated under this Part if,

- (a) the council of the municipality believes the property to be of cultural heritage value or interest; and
- (b) where criteria for determining whether property is of cultural heritage value or interest have been prescribed for the purposes of this subsection, the property meets the prescribed criteria. 2022, c. 21, Sched. 6, s. 3 (2).

Same

(3.1) If property is included in the register under subsection (3), the register shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property. 2022, c. 21, Sched. 6, s. 3 (2).

Consultation

(4) If the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (3) or removing the reference to such a property from the register, consult with its municipal heritage committee. 2019, c. 9, Sched. 11, s. 6.

Notice to property owner

(5) If a property that has not been designated under this Part has been included in the register under subsection (3), the council of the municipality shall, within 30 days after including the property in the register, provide the owner of the property with notice that the property has been included in the register. 2019, c. 9, Sched. 11, s. 6.

Same

(6) The notice under subsection (5) shall include the following:

1. A statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest.
2. A description of the property that is sufficient to readily ascertain the property.
3. A statement that if the owner of the property objects to the property being included in the register, the owner may object to the property's inclusion by serving on the clerk of the municipality a notice of objection setting out the reasons for the objection and all the relevant facts.

4. An explanation of the restriction concerning the demolition or removal, or the permitting of the demolition or removal, of a building or structure on the property as set out in subsection (9). 2019, c. 9, Sched. 11, s. 6.

Objection

(7) The owner of a property who objects to a property being included in the register under subsection (3) or a predecessor of that subsection shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts. 2019, c. 9, Sched. 11, s. 6; 2022, c. 21, Sched. 6, s. 3 (3).

Decision of council

- (8) If a notice of objection has been served under subsection (7), the council of the municipality shall,
 - (a) consider the notice and make a decision as to whether the property should continue to be included in the register or whether it should be removed; and
 - (b) provide notice of the council's decision to the owner of the property, in such form as the council considers proper, within 90 days after the decision. 2019, c. 9, Sched. 11, s. 6.

Restriction on demolition, etc.

(9) If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2019, c. 9, Sched. 11, s. 6.

Same

(10) Subsection (9) applies only if the property is included in the register under subsection (3) before any application is made for a permit under the *Building Code Act, 1992* to demolish or remove a building or structure located on the property. 2019, c. 9, Sched. 11, s. 6.

Same

(11) The notice required by subsection (9) shall be accompanied by such plans and shall set out such information as the council may require. 2019, c. 9, Sched. 11, s. 6.

Extracts

(12) The clerk of a municipality shall issue extracts from the register referred to in subsection (1) to any person on payment of the fee set by the municipality by by-law. 2019, c. 9, Sched. 11, s. 6.

Application of subss. (7) and (8)

(13) In addition to applying to properties included in the register under subsection (3) on and after July 1, 2021, subsections (7) and (8) apply in respect of properties that were included in the register as of June 30, 2021 under the predecessor of subsection (3). 2022, c. 21, Sched. 6, s. 3 (4).

Removal of non-designated property

(14) In the case of a property included in the register under subsection (3), or a predecessor of that subsection, before, on or after January 1, 2023, the council of the municipality shall remove the property from the register if the council of the municipality has given a notice of intention to designate the property under subsection 29 (1) and any of the following circumstances exist:

1. The council of the municipality withdraws the notice of intention under subsection 29 (7).
2. The council of the municipality does not withdraw the notice of intention, but does not pass a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8).
3. The council of the municipality passes a by-law designating the property under subsection 29 (1) within the time set out in paragraph 1 of subsection 29 (8), but the by-law is repealed in accordance with subclause 29 (15) (b) (i) or (iii). 2022, c. 21, Sched. 6, s. 3 (4).

Same

(15) In the case of a property included in the register under subsection (3) on or after January 1, 2023, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before the second anniversary of the day the property was included in the register. 2022, c. 21, Sched. 6, s. 3 (4).

Same

(16) In the case of a property included in the register under a predecessor of subsection (3), as of December 31, 2022, the council of a municipality shall remove the property from the register if the council of the municipality does not give a notice of intention to designate the property under subsection 29 (1) on or before January 1, 2027 or such later date as may be prescribed~~2025~~. 2022, c. 21, Sched. 6, s. 3 (4).

Consultation not required

(17) Despite subsection (4), the council of the municipality is not required to consult with its municipal heritage committee, if one has been established, before removing a property from the register under subsection (14), (15) or (16). 2022, c. 21, Sched. 6, s. 3 (4).

Prohibition re including property in register, subss. (14) to (16)

(18) If subsection (14), (15) or (16) requires the removal of a property from the register, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the following date:

1. In the case of subsection (14), the day any of the circumstances described in paragraphs 1, 2 and 3 of that subsection exist.
2. In the case of subsection (15), the second anniversary of the day the property was included in the register.
3. In the case of subsection (16), January 1, 2027 or such later date as may be prescribed~~2025~~. 2022, c. 21, Sched. 6, s. 3 (4).

Same

(19) If a property included in the register under subsection (3) on or after January 1, 2023 or a predecessor of subsection (3) as of December 31, 2022 is removed from the register on or after the day subsection 1 (3) of Schedule 2 to the *Homeowner Protection Act, 2024* comes into force and subsection (14), (15) or (16) of this section does not require the removal, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the date of the removal.

Same

(20) If a property included in the register under a predecessor of subsection (3) as of December 31, 2022 is removed from the register before the day subsection 1 (3) of Schedule 2 to the *Homeowner Protection Act, 2024* comes into force and subsection (14) of this section does not require the removal, the following rules apply:

1. Subsections (14), (16) and (18) apply in respect of the property as they would if the property had not been removed from the register.
2. The council of the municipality may not include the property again in the register under subsection (3) on or after the date on which subsection (14) or (16) would have required the property's removal from the register had it not already been removed, except in accordance with subsection (18).
3. If the council of the municipality includes the property again in the register, subsections (14), (16), (18) and (19) apply in respect of the property as they would if the property had not been removed from the register.

Same

(21) If a property included in the register under subsection (3) on or after January 1, 2023 is removed from the register before the day subsection 1 (3) of Schedule 2 to the *Homeowner Protection Act, 2024* comes into force and subsection (14) of this section does not require the removal, the council of the municipality may not include the property again in the register under subsection (3) for a period of five years after the date of the removal.

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Regulations re transitional matters

71 The Lieutenant Governor in Council may make regulations providing for transitional matters as the Lieutenant Governor in Council considers necessary or advisable to,

- (a) facilitate the implementation of amendments to this Act made by Schedule 11 to the *More Homes, More Choice Act, 2019*;
- (b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 11 to the *More Homes, More Choice Act, 2019*;

- (c) facilitate the implementation of amendments to this Act made by Schedule 6 to the *More Homes Built Faster Act, 2022*;
- (d) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of this Act by Schedule 6 to the *More Homes Built Faster Act, 2022*. 2019, c. 9, Sched. 11, s. 25; 2022, c. 21, Sched. 6, s. 9.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 71 of the Act is amended by adding the following clauses: (See: 2023, c. 20, Sched. 14, s. 3)

- (e) facilitate the implementation of amendments to this Act made by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*;
- (f) deal with any problems or issues arising as a result of the enactment of a provision of this Act by Schedule 14 to the *Less Red Tape, More Common Sense Act, 2023*.

[\(g\) facilitate the implementation of amendments to this Act made by Schedule 2 to the *Homeowner Protection Act, 2024*;](#)

[\(h\) deal with any problems or issues arising as a result of the enactment of a provision of this Act made by Schedule 2 to the *Homeowner Protection Act, 2024*.](#)

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 11, s. 25 - 01/07/2021

2022, c. 21, Sched. 6, s. 9 - 01/01/2023

2023, c. 20, Sched. 14, s. 3 - not in force