

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor and Members of Council

From: Tammie Ryall, R.P.P, Corporate Leader – Growth and Sustainability
Brianna Coughlin, Division Leader – Legislative Services

Date: June 18, 2024

Subject: Establishing a Municipal Heritage Committee and Heritage Act Changes

Recommendation

Direct Administration to implement Option 2, for Council to continue to review Heritage matters; and issue a Request for Proposal to undertake a review of the Heritage List of properties, as required under Bill 23 and Bill 200, the cost of which is to be added to the Community Planning budget in 2025; and

Direct Administration to include \$5,000 for consideration in the 2025 budget for public education or promotional materials, events or public engagement activities to promote the benefits of designating Heritage properties, all as presented at the August 13, 2024 Council meeting.

Strategic Objectives

Establishing a Heritage Advisory Committee - the review of heritage properties does not directly relate to a Strategic Objective. However, reviewing the Lakeshore Heritage list of properties does relate to this Strategic Objective:

3a) Modernizing and Enhancing Municipal Functions - Compile, organize, and index files, records, and data across the corporation to further evolve evidence-based decision making and increase staff efficiencies through accessing information

Background

Section 28 of the *Ontario Heritage Act* permits municipalities to establish a municipal heritage committee to advise and assist the council on matters relating to Part IV and Part V of the Act, or other heritage matters as specified by by-law. Establishing a heritage committee is voluntary and not mandatory. Part IV refers to the conservation of property of cultural heritage value or interest, and Part V refers to heritage conservation

districts. Designation of properties or heritage districts must be done by by-law and remains the responsibility of Council.

In 2008, Lakeshore adopted By-law 19-2008 to establish a Municipal Heritage Committee to provide support to Council in the review of heritage matters. The Committee operated under various departments. In the last term of Council, the Heritage Advisory Committee was assigned to the Planning Division. The operation of a Heritage Advisory Committee became difficult due to the challenges of holding meetings during the pandemic and the lack of interest of some committee members. As a result, it was difficult to hold meetings due to a lack of quorum. Part of the work that the Committee undertook was to provide advice to Council regarding removing heritage properties from the Lakeshore heritage list of properties (Appendix 1 – List of Lakeshore Heritage properties).

At the beginning of the 2022-2026 term of Council, Administration brought forward recommendations relating to existing boards and committees and recommended that the Heritage Committee be dissolved and that any hearing under the Act be undertaken by Council. Activities under the Act, such as designating new heritage designations, can be undertaken by staff with endorsement by Council as required. Council dissolved the committee and repealed By-law 19-2008 in December, 2022.

At the January 9, 2024 meeting, Council received a presentation and request to reinstate the Heritage Committee, and passed Resolution #2-01-2024:

Direct Administration to bring a report regarding the establishment of a Heritage Committee and bring back terms of reference for the committee.

This report is being brought to Council to fulfill that Resolution and to bring legislative changes to Council's attention.

Recent Legislative Changes

Under recent changes to legislation (Bill 23), municipalities must confirm their respective lists of heritage properties or risk having them removed from the list. A full description of the Bill 23 Changes to the Heritage Act and how it impacts Lakeshore is contained in Appendix 3 – Memo from WSP. Bill 200, which received Royal Assent on June 6, 2024, made further changes to the Heritage Act. Any listed properties on the municipal heritage register must be reviewed to determine if those properties should be designated under the Heritage Act. Any listed properties which are not designated under the Act by January 1, 2027 would be removed. If a property is removed from the register, it cannot be added back for another 5 years.

The impact of Bill 200 is that Lakeshore has until Jan 1, 2027 to review the 72 listed properties in Appendix 1 and decide whether to designate the properties under the Heritage Act. If the listed properties are not designated, the properties would be removed and not be able to be added back onto the list for another 5 years.

There are no details of the historic significance or attributes of the listed properties on the Lakeshore list. It is understood that the list was composed by a student, reviewed by the Heritage Advisory Committee, and endorsed by Council at the time.

Comments

The impact of the legislative changes through Bills 23 and 200 is that Lakeshore can no longer maintain a heritage list for many years. Lakeshore needs to actively attempt to change the “listed” heritage properties to properties “designated” under the Heritage Act.

Some municipalities have dedicated heritage planners on staff to support a heritage advisory committee and to undertake research on the significance of buildings or properties. As Lakeshore does not have dedicated staff assigned to this function, it is suggested that a qualified consultant be engaged to provide the expertise to undertake review of the significant features or attributes of heritage properties. Existing staff in the Planning Division could support the Heritage Advisory Committee meetings. However, there is no planner on staff with heritage expertise. It is anticipated that a qualified consultant would undertake this work for between \$60,000- \$70,000 consisting of desk top exercise and field surveys. A more precise amount would need to be provided through the Request for Proposal process. It is anticipated that this review of the non-designated 72 properties on the Heritage list could take up to 2 years.

Administration sets out Options, below, for Council consideration. Administration recommends Option 2.

Option 1 - Maintain the status quo of no formal Heritage Advisory Committee. Heritage responsibilities would continue to be the responsibility of Council. **Review of heritage properties would be undertaken by staff** with recommendations for designation to be reviewed and approved by Council. This approach could be challenged without a qualified person to provide an assessment of the historical attributes or features of individual properties. At this time, there is no capacity for staff to undertake this work. However, staffing for an additional Planner 1 position to undertake heritage and other duties (such as Community Improvement Plan administration) could be brought forward through the 2025 Budget process.

Option 2 – Maintain the status quo of no formal Heritage Advisory Committee. Heritage responsibilities would continue to be the responsibility of Council. **Review of heritage properties would be undertaken through a qualified consultant**, with recommendations to be reviewed and approved by Council. With this approach the chances of challenges are reduced, as a qualified person could provide an assessment of the historical attributes or features of individual properties.

Option 3a and 3b – Establish a Heritage Advisory Committee. **Review of heritage properties would be undertaken by either staff (3a) or by a qualified consultant (3b)**, with recommendations to be reviewed by the Heritage Advisory Committee and approved by Council.

The Terms of Reference for the Committee are attached as Appendix 2. Membership is proposed to be five members, with one member of Council appointed as the Council Representative. Should Council support the establishment of the Committee, a by-law will be prepared for a subsequent Council meeting. Following that, Administration would advertise for committee members.

It is recommended that a review of individual heritage properties would be undertaken by a qualified consultant at the expense of Lakeshore, with recommendations to be reviewed by the Heritage Advisory Committee prior to being considered/approved by Council (Option 3b). If Council prefers this Option, the following motion is recommended:

Direct the Clerk to prepare a by-law to Amend By-law 99-2022 (Boards and Committees By-law) to establish and adopt the terms of reference for a Heritage Advisory Committee to be presented at a future Council Meeting;

Approve \$2,500 to be added to the budget in 2024 for the Heritage Advisory Committee meeting costs; and to approve \$7,500 be placed in the 2025 budget;

In Options 1-3 residents interested in the history of Lakeshore but not appointed to a Heritage Advisory Committee could participate, if they so wish, by forming a Heritage Society or making delegations to Council on specific matters. Regarding a Heritage Society, it is noted that there are local heritage organizations in every region of Ontario. These organizations promote public awareness of their community's heritage through activities such as: exhibits, programs for the public; lectures; walking tours; and other special activities designed for the community. The Ontario government administers a Heritage Organization Development Grant for eligible incorporated historical societies, museums and associations under the *Heritage Act*. Each year, the government issues grants of over \$230,000 to support more than 160 heritage organizations in the province including several organizations in Essex County.

In Options 1-3, it is recommended that public education or promotional materials, events or public engagement activities be considered to explain and promote the benefits of designating properties under the Ontario Heritage Act. Administration recommends an additional \$5,000 be considered in the 2025 budget as per the Recommendation section above.

Financial Impacts

This chart provides a summary of the anticipated costs. The details are outlined below.

Options	Council determines – no Heritage Advisory Committee	Council determines – with the advice of a Heritage Advisory Committee
Option 1	Staff planner 1 - \$100,000 per annum (2025 rates)	
Option 2 (Recommended)	Heritage consultant - \$60,000-\$70,000 over 2 years.	
Option 3a		Staff planner 1 - \$100,000 per annum (2025 rates) \$7,500 meeting expenses \$5,000 committee member training Total: \$112,500
Option 3b		Heritage consultant - \$60,000-\$70,000 over 2 years \$7,500 meeting expenses \$5,000 committee member training Total: \$72,500-82,500

Option 1: Heritage responsibilities would continue to be the responsibility of Council.
Review of heritage properties would be undertaken by staff.

The cost of staff time to assess the non-designated properties can be brought forward through the 2025 budget process.

If a qualified person on staff is chosen, an additional planner 1 position with heritage experience, who could perform other tasks in the planning department, with wages (\$70,00) and benefits is approximately \$100,000.

Option 2: Heritage responsibilities would continue to be the responsibility of Council.
Review of heritage properties would be undertaken by a consultant.

The cost of a qualified consulting firm to assess the non-designated properties on the Heritage Register is estimated to be approximately \$60,000 - \$70,000, to be included in the Community Planning budget centre in 2025. This number needs to be confirmed

through a Request for Proposal. This amount could be split between the 2025 and 2026 fiscal years.

Option 3: Option 3a and 3b – Establish a Heritage Advisory Committee. **Review of heritage properties would be undertaken by either staff (3a) or by a qualified consultant (3b)**, with recommendations to be reviewed by the Heritage Advisory Committee and approved by Council.

Options 1-3 - Should Council wish to include public education or promotional materials, events or public engagement activities to promote the benefits of designating Heritage properties, Administration recommends an additional \$5,000 be considered in the 2025 budget (as indicated in the Recommendation section).

The proposed Terms of Reference for the Heritage Advisory Committee (Appendix 2) include remuneration of \$125 per person per meeting. A five-member committee would be recommended, meeting on a quarterly basis, or more often if required. This would result in a minimum expense of \$2,500 (4 meetings) or up to \$7,500 if meeting monthly (12 meetings).

Further, \$2,500 for meeting expenses is recommended to be added to the 2024 budget (5 members to attend 4 meetings) and \$7,500 is recommended in the 2025 budget (5 members to attend 12 meetings).

Should Council wish to include training and education in heritage matters for the committee members, Administration recommends an additional \$2,500 be considered in the 2024 budget and \$5,000 to be considered in the 2025 budget, to be included in the Committees of Council budget.

Attachments

Appendix 1 – Lakeshore Heritage List

Appendix 2 – Terms of Reference for a Heritage Advisory Committee

Appendix 3 – Summary of Bill 23 Heritage Changes, Memo from WSP

Report Approval Details

Document Title:	Establishing a Municipal Heritage Committee and Heritage Act Changes.docx
Attachments:	<ul style="list-style-type: none">- Appendix 1A Lakeshore Heritage List - Designated under the Heritage Act.pdf- Appendix 1B - Lakeshore Heritage List - Listed Under the Heritage Act.pdf- Appendix 2 Heritage Committee Terms of Reference.docx- Appendix 3 Summary of Bill 23 Heritage Changes, WSP.pdf
Final Approval Date:	Aug 2, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team