

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-25-90

Date of Report: September 3, 2025

Date of Meeting: September 8, 2025

Subject: Process for Extending Timelines under Various Sections of the
Ontario Heritage Act

Ward: All Wards

File: 12-04-0239

1.0 Purpose

The purpose of this Report is to seek Council authorization to advance amendments to the Delegation of Authority By-law 29-2009, as amended (the “Delegation By-law”), to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services, or their designate, to enter into agreements with property owners to waive and/or extend various timelines associated with Sections 29(1.2), 29(8), 33(6), 34(4.2), and 42(4) of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”).

Attachment 1 is a summary of delegated authority powers to waive and/or extend various timelines under the Ontario Heritage Act for other Ontario municipalities researched by staff with respect to Sections 29(1.2), 29(8), 33(6), 34(4.2), and 42(4) of the Ontario Heritage Act.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, based on Report ED-25-90 dated September 3, 2025, Economic and Development Services staff be authorized to advance amendments to the Delegation of Authority By-law 29-2009, as amended, to delegate to the Commissioner, Economic and Development Services Department and the Director, Planning Services, and/or their designate(s), to enter into agreements with property owners to waive and/or extend various timelines associated with Sections 29(1.2), 29(8), 33(6), 34(4.2), and 42(4) of the Ontario Heritage Act, as generally outlined in Section 4.3 of said Report.

3.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- City Solicitor

4.0 Analysis

4.1 Background

On March 31, 2025, City Council considered Item ED-25-27 concerning the process to extend the timeline associated with an application made under Section 33 of the Ontario Heritage Act at 827 Gordon Street and passed the following motion:

- “1. That pursuant to Item ED-25-27 dated February 26, 2025, the Commissioner, Economic and Development Services Department, and Director, Planning Services be authorized to enter into an agreement with the property owner of 827 Gordon Street to waive or extend the 150-day timeline to consider an application submitted under Section 33 of the Ontario Heritage Act, in accordance with Section 33(7) of the Ontario Heritage Act, to coincide with Council's consideration of the submitted Zoning By-law Amendment application.
2. That, pursuant to Item ED-25-27 dated February 26, 2025, Economic and Development Services staff be directed to report back to the Economic and Development Services Committee in Q3 2025 concerning appropriate opportunities to advance amendments to the Delegation of Authority By-law 29-2009, as amended, to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services to enter into agreements with property owners to waive and/or extend various timelines prescribed under the Ontario Heritage Act.”

It was appropriate to extend the timeline associated with the application made under Section 33 of the Ontario Heritage Act at 827 Gordon Street given that there is also an ongoing development application (i.e. Zoning By-law Amendment) in process. Given the interconnected nature of the Section 33 application and the Zoning By-law Amendment application, it would have been premature to make a decision on one without the other.

Through review and investigation of the various processes in the Ontario Heritage Act as well as researching the delegated authority by-laws of various other municipalities, staff noted that there are various legislated timelines that may either be waived and/or extended if agreed upon by the property owner and municipality, and that some municipalities (e.g. City of Ottawa and Municipality of Clarington) have delegated to staff authority to waive and/or extend such timelines.

To ensure that these matters are processed in an efficient and timely manner, it is recommended in this Report that the authority to enter into agreements with property owners to waive and/or extend various timelines under the Ontario Heritage Act be

delegated to the Commissioner, Economic and Development Services Department, and the Director, Planning Services, or their designate.

4.2 Extending and/or Waiving Timelines associated with Various Sections of the Ontario Heritage Act

4.2.1 Section 29(1.2)

Section 29 of the Ontario Heritage Act provides the legislative framework for designating individual properties to be of cultural heritage value or interest.

As described in Section 29(1.2) of the Ontario Heritage Act, if a property that is listed under Section 27 of the Ontario Heritage Act becomes subject to an Official Plan Amendment, Zoning By-law Amendment, and/or Plan of Subdivision Application, the municipality may not issue a Notice of Intention to Designate after 90 days have elapsed from the time that the public notice has been issued with respect to any of the aforementioned Planning Act applications.

Pursuant to the exception outlined in Section 1(2) of Ontario Regulation 385/21, the municipality and the property owner can enter into an agreement to either waive or extend this timeline.

4.2.2 Section 29(8)

As described in Section 29(8) of the Ontario Heritage Act, the municipality must pass a designating by-law within 120 days of publishing their Notice of Intention to Designate.

Pursuant to the exception outlined in Section 2(1) of Ontario Regulation 385/21, the municipality and the property owner can enter into an agreement to extend this timeline.

4.2.3 Sections 33(6) and 34(4.2)

Section 33 of the Ontario Heritage Act provides the legislative framework for the processing of applications to alter properties designated under Section 29 of the Ontario Heritage Act.

Section 34 of the Ontario Heritage Act provides the legislative framework for the processing of applications to demolish properties designated under Section 29 of the Ontario Heritage Act. It also provides the framework for applications to demolish/remove heritage attributes from designated properties.

As described in Sections 33(6) and 34(4.2) of the Ontario Heritage Act, applications to either alter or demolish properties designated under Section 29 of the Ontario Heritage Act must be either approved, approved with conditions, or refused by Council within 150 days of being submitted (if staff have deemed the respective application to be complete).

Pursuant to the exceptions outlined in Sections 33(7) and 34(4.3) of the Ontario Heritage Act, the municipality and the property owner can enter into an agreement to extend this timeline.

4.2.4 Section 42(4)

Section 42 of the Ontario Heritage Act provides the legislative framework for the processing of applications to:

- Alter properties designated as part of a Heritage Conservation District (“H.C.D.”) under Section 41 of the Ontario Heritage Act. This excludes building interiors, which cannot be protected through H.C.D. designation;
- Erect any building or structure in an H.C.D.;
- Demolish/remove “heritage attributes” in an H.C.D. “Heritage attributes” in an H.C.D. are those features deemed to have cultural heritage interest or value, as listed within the Heritage Conservation District Plan (“H.C.D. Plan”); and,
- Demolish properties designated within an H.C.D.

As described in Section 42(4) of the Ontario Heritage Act, applications to alter, demolish, remove/demolish heritage attributes, or erect a new building or structure in an H.C.D. must be either approved, approved with conditions, or refused by Council within 90 days after staff have issued notice of complete application on the property owner.

Pursuant to the exception outlined in Section 42(4) of the Ontario Heritage Act, the municipality and the property can enter into an agreement to extend this timeline.

4.3 Recommended Next Steps

In order to implement the recommended amendments to the Delegation By-law to allow Economic and Development Services Department staff to enter into agreements with property owners to waive and/or extend timelines associated with the aforementioned sections of the Ontario Heritage Act, staff recommend that the following actions be undertaken:

1. Advance for Council's consideration an amendment to the Delegation By-law to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services, and/or their designate(s), to enter into agreements with property owners to waive or extend the 90-day timeline for issuance of a Notice of Intention to Designate after the occurrence of a prescribed event pursuant to Section 29(1.2) of the Ontario Heritage Act, in accordance with the exception outlined in Section 1(2) of Ontario Regulation 385/21, for properties that are listed, non-designated, on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest;
2. Advance for Council's consideration an amendment to the Delegation By-law to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services, and/or their designate(s), to enter into agreements with property owners to extend the 120-day timeline for the passage of a designating by-law pursuant to Section 29(8) of the Ontario Heritage Act, in accordance with the exception outlined in Section 2(1) of Ontario Regulation 385/21;

3. Advance for Council's consideration an amendment to the Delegation By-law to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services, and/or their designate(s), to enter into agreements with property owners to extend the 150-day timeline to consider an application submitted under Sections 33(6) or 34(4.2) of the Ontario Heritage Act, in accordance with the exceptions outlined in Sections 33(7) and 34(4.3) of the Ontario Heritage Act; and,
4. Advance for Council's consideration an amendment to the Delegation By-law to allow the Commissioner, Economic and Development Services Department, and the Director, Planning Services, and/or their designate(s), to enter into agreements with property owners to extend the 90-day timeline to consider an application submitted under Section 42(4) of the Ontario Heritage Act, in accordance with the exception outlined in Section 42(4) of the Ontario Heritage Act.

5.0 Financial Implications

There are no financial implications associated with the recommendations of this Report.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

"Innovate: Vibrant Culture and Economy" with the goal to attract and promote a vibrant artistic and cultural economy.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Summary of Delegated Authority Powers to waive and/or extend various timelines under the Ontario Heritage Act in Ontario Municipalities (2025)

Municipality	Section 29(1.2)	Section 29(8)	Sections 33(6) and 34(4.2)	Section 42(4)
Ajax	No	No	No	No
Barrie	No	No	No	No
Burlington	No	No	No	No
Clarington	Yes	Yes	Yes	Yes
Guelph	No	No	No	No
Hamilton	No	No	No	No
Kingston	No	No	No	No
Kitchener	No	No	No	No
Markham	No	No	No	No
Mississauga	No	No	No	No
Ottawa	Yes	Yes	Yes	Yes
Peterborough	No	No	No	No
Pickering	No	No	No	No
St. Catharines	No	No	No	No
Toronto	No	No	No	No
Waterloo	No	No	No	No
Whitby	No	No	No	No