

## A Message from Councillor Sandra O'Connor

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To: marydorisdor@yahoo.com

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A Message From  
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Dear Friends,

You may remember that, in my 2022 election campaign, one of my favourite tag lines was “respecting the past – planning for the future”. Well, at the very first Council Committee of the Whole Planning meeting of 2023, I was able to make good on this mantra.

I put forward a motion drawing attention to the threat posed to our Town’s historic buildings by Ontario [Bill 23 – More Homes Built Faster Act 2022](#). New amendments in the Act seriously impact the Town’s ability to protect its heritage, for which Niagara-on-the-Lake is world-renowned and upon which much of our economy is dependent. This motion passed.

I also put forward a motion asking the Town to invest in applying for historic properties in NOTL to receive provincially “designated” status. This motion has a complicated backstory, so let me explain.

The [provincial government website](#) describes provincial heritage designation as follows:

*If a property or district is designated, it gains public recognition as well as protection from demolition or unsympathetic alteration so that its heritage attributes can be conserved.*

In general, each year, the Town applies for two or three properties to receive designation.

At the municipal level, Section 27 of the [Ontario Heritage Act](#) (OHA) requires municipalities to maintain a register of its provincially-designated properties. The Municipal Register can also include *non-designated* properties of cultural heritage value or interest. The OHA allows the municipality to apply for individual properties to become designated, and also allows owners of non-designated (but municipally-registered) properties to apply for permission to demolish.

Currently, out of a total of more than 200 properties in the NOTL [Municipal Heritage Register](#), the [Ontario Heritage Trust](#) lists only eighty-four that have “designated” status. Bill 23 has radically tightened the framework for applying for OHA designation: if the municipality hasn’t made an application for designation of a property within two years of Bill 23 coming into force, it will be removed from the Municipal Register. In [an explanation about the implications of Bill 23](#), law firm Gowling WLG states that:

*a non-designated property that was included in the register on the day that the Lieutenant Governor proclaims subsection 3(4) in force, will be removed from the register where 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 date of proclamation.*

In other words, on November 28, 2024 (two years since Bill 23 was passed), buildings on the Municipal Heritage Register, for which the Council hasn’t applied for OHA Designation, will be removed from the Register. The Gowling report comments: “Significantly, where a non-designated property is removed, it cannot be included by the municipality in the register again for a period of five years.”

Unless the Town moves now to review which properties on the municipal register should be put forward for designation, over one hundred will lose any protection from demolition.

For an excellent illustration of Bill 23’s implications for NOTL’s heritage district, I recommend Brian Marshall’s article on the subject in [The Lake Report](#), January 26, 2023, p.8.

The threat to Niagara-on-the-Lake is clear. Although owners of historic properties are usually very proud of their responsibilities for preserving them, a few opportunists may use the five-year hiatus to demolish properties removed from municipal registration. My January motion in the Committee of the Whole therefore proposed:

“BE IT RESOLVED that staff provide options to prioritize the designation of the properties currently listed on the Register within the two-year timeline;

FURTHER, that consideration for additional listing of properties be given through the preparation of the plan;

FURTHER, that the plan considers staff capacity and resources, the option of hiring consultants, and other innovative means, such as assistance from students, residents with expertise at the Municipal Heritage Committee, Museum, Library, and residents at large, to assist in background research; and

FURTHER, that this plan be presented to Council for consideration as part of the 2023 Budget deliberations.”

I was greatly disappointed that the motion was defeated by 2 to 7 votes. Primarily, Council was concerned about how sufficient staff and resources could be diverted to such a big

task when so many other changes at provincial level are significantly affecting municipal affairs. These reasons are important, and I recognize councillors' concerns for financial caution.

Nevertheless, I'm pleased to report that, although the motion was defeated, the message was fully received. In the 2023 Town budget, Community & Development Services received funding to appoint an additional Heritage Planner to achieve "prioritization and strategy for heritage designations." Although it remains to be seen how many of the properties on the Municipal Register will fulfil provincial criteria, I'm delighted at this commitment to prioritize designation.

I've noticed that, whether we're dealing with the specific details of local planning applications, or the broad all-encompassing statements of government policy, individuals and community organizations in NOTL consistently demonstrate the kind of vigilance, tenacity and determination required to protect our historic places. They know that our built heritage must be protected as a unique and visible connection to Ontario's history. They also recognize it's an essential contributor to a viable future for NOTL's small-town economy, bringing visitor revenue from around the globe. In a nutshell, we're respecting the past at the same time as preserving our future.

Sometimes it may feel that the barriers to preserving our built heritage are insurmountable for ordinary citizens, and that their actions make very little impact on events. However, I believe that commitment from residents and concerned organizations is what eventually makes a difference in government at any level. It takes time, constant repetition, and persistence to find a route through the many barriers raised in opposition. Citizen engagement has been a major contributor to keeping heritage protection high in the Town's priorities. The appointment of an additional specialist planner is in no small degree thanks to the high-profile that preservation has achieved through the efforts of ordinary people like you.

Thank you for all your work and please, never give up!

Sincerely,  
Sandra O'Connor  
Town Councillor, Niagara-on-the-Lake

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