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**Subject:** Ontario Heritage Act – Alternate Notice Policy

**Report to:** Thorold City Council

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## Recommendations

1. THAT Report No. DS 34-2024, dated August 13<sup>th</sup>, 2024, regarding “Ontario Heritage Act – Alternate Notice Policy” be **RECIEVED**; AND
2. THAT Council **APPROVE** the Ontario Heritage Act – Alternate Notice Policy as presented; AND
3. THAT future legislated notices under the *Ontario Heritage Act* **BE SUBJECT** to this Alternate Notice Policy (see Appendix 1).

## Key Facts

The following are key facts for consideration with respect to this report:

- The *Ontario Heritage Act* (OHA) states that notices under the OHA (including Sections 29, 30, 31, 32, 34, 39, 40, 41, 52, 54, 55, 58) must be published in a newspaper having general circulation in a municipality.
- Following the closure of local papers in the municipality, staff have limited options for print publications in which to include these notices; the newspapers advertisements are costly and the publication process is time-consuming.
- The OHA and the *Municipal Act* (MA) permit municipalities to adopt policies relating to the publication of notices in alternative media, including on a municipal website.
- This report recommends the approval of an Alternative Notice Policy for OHA matters that adheres to best practices to inform the local community.
- An Alternate Notice Policy for matters under the OHA will provide a significant cost and time savings for the City and will ensure City-wide communications for any notices required under this legislation.

## Budgetary Status

This report is administrative in nature and does not have any financial implications. However, should Council implement the Alternate Notice Policy for actions under the *Ontario Heritage Act*, the municipality will save a significant amount of money and time

by publishing these notices electronically on the City's website and through its existing social media channels.

## **Analysis**

### **Current Requirements & Process**

The *Ontario Heritage Act* (OHA) requires that public notice be given in a local newspaper for several actions in Sections 29, 30, 31, 32, 34, 39, 40, 41, 52, 54, 55, 58, including the following most relevant to the City of Thorold:

- Part IV Designations, including Notices of Intention to Designate, Notices of Withdrawal, Notices of Passing of Bylaws, and Notices of related Ontario Land Tribunal hearings;
- Part IV Designation Amendments, including withdrawals and passing of by-laws;
- Repeals of designation by-laws under Part IV, including intents to repeal, withdrawals and passing of by-laws;
- Decisions on the demolition or removal of a property's heritage attributes or of a building or structure under Part IV; and
- Passing of by-laws designating a study area or area under Part V and adoption of heritage conservation district plans under Part V.

Historically, staff have published all required notices within a local paper, including Niagara This Week. Since the closure of the local newspaper in print, staff have been advised by legal counsel that, in lieu of an alternate notice policy, staff are required to place notices in a newspaper that offers circulation within the municipality, such as the St. Catharines Standard, to remain in accordance with the OHA.

Notices are required for each Notice of Intention to Designate, as well as notices for each by-law that is passed. Staff anticipate these notices to increase in number over time. Staff currently publish a condensed version of all notices required under the OHA within the St. Catharines Standard in order to meet legislative requirements, while also directing the public to the City's website for an expanded notice. However, these notices are becoming increasingly expensive and time-consuming for staff.

The OHA also requires additional notification to property owners and the Ontario Heritage Trust by mail. This notification process is not impacted by the proposed policy and the City's existing mailing notification process will remain in place.

## **Proposed Process**

The *Ontario Heritage Act* and *Municipal Act* together provide for municipalities to establish policies relating to required notices:

*Ontario Heritage Act*: Sections 26 (4) and 39.1 (3)

### Publication of Notice

Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the *Municipal Act*, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper. 2006, c. 32, Sched. D, s. 13 (1).

*Municipal Act*: Section 270 (1.4)

### Adoption of policies

A municipality shall adopt and maintain policies with respect to the following matters: 4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

The proposed “*Ontario Heritage Act – Alternate Notice Policy*” would allow the municipality to publish notices required under the *Ontario Heritage Act* online and through its social media channels. Should Council implement the Alternate Notice Policy for actions under the *Ontario Heritage Act*, staff are proposing that rather than being required to provide notice in the local newspaper, that the notice be made available digitally by posting on the City’s website. Staff may also post on the City’s social media platforms (such as Facebook or Instagram), through the City’s newsletter (City Hall News) and online via local media.

## **Impact on the Environment, Climate Change**

There are no known environmental or climate change related impacts to this Report.

## **Relationship to Strategic Plan**

This report identifies Service Delivery Excellence as one of the City’s Strategic Priorities, with the objective of service modernization and community engagement.

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*This report was prepared in consultation with and reviewed by Morgan Casciani,  
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**Appendices**

Appendix 1: Alternate Notice Policy