

The Heritage Conservation Toolbox

While the list provided below is not exhaustive, this information intends to highlight several tools that can help the County of Brant conserve cultural heritage resources under the legislative authority of the *Planning Act*, the *Ontario Heritage Act*, the *Building Code Act* and the *Municipal Act*. While each tool has its limitations, they each provide opportunities to create a comprehensive toolkit for heritage conservation in the County of Brant.

Legislative Tools under the *Municipal Act* to Conserve Cultural Heritage Resources

Tool	General Grants and Loans	Heritage Property Tax Relief	Business Improvement Areas	Municipal Capital Facilities Agreements
Legislative Authority	Municipal Act (s. 107)	Municipal Act (s. 365.2)	Municipal Act (s. 204 to s. 215)	Municipal Act (s. 110)
Application	Corporate Policy	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law and resolution
Intention	Support	Support	Support	Support
Scope	Municipalities have the general power to provide grants and loans as part of their municipal budgeting process. This can be done to assist specific heritage projects or provide general funds to foundations / not for profits that support heritage initiatives.	Municipalities can establish a heritage property tax relief program to provide between 10 and 40% tax relief to owners of designated properties, implemented by way of agreement between the municipality and the property owner.	Focusing on commercial properties and business areas, a municipality can deem specific areas as BIAs to allow local businesses, commercial property owners and tenants to partner with each other and with the municipality to organize, finance, and carry out physical improvement that will promote economic development of the district.	The municipality can enter into an agreement with another party to provide facilities for municipal capital purposes, including cultural recreation or tourism purposes. This allows a municipality to partner with another party and offer various financial incentives

Legislative Tools under the *Planning Act* to Conserve Cultural Heritage Resources

Tool	Official Plan	Development Applications and Review	Community Planning Permit System	Site Plan Control and Design Guidelines	Zoning	Demolition Control	Community Improvement Plan
Legislative Authority	Planning Act (s. 16)	Planning Act (s. 21, s. 34, s. 51, s. 53)	Planning Act (s)	Planning Act (s. 41)	Planning Act (s. 34)	Planning Act (s. 33) and Ontario Heritage Act (s. 27)	Planning Act (s. 28)
Application	Decision by the Minister of Municipal Affairs and Housing	As set out in the Official Plan	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law
Intention	Direction	Evaluation	Direction	Direction / Control	Regulation	Regulation	Support and Acquisition
Scope	Intended to set out the community's vision and goals for how land should be used in the municipality and how the municipality will address its forecasted population and job growth.	Policies in the Official Plan can set out requirements for the submission of information with an application for development, including requirements for heritage impact assessments, heritage evaluation reports, renderings/ elevation plans or similar.	Combines zoning, site plan, urban design, site alteration, vegetation removal, and community benefits into one review and approval process. Can provide directional and prescriptive approvals as well as the opportunity to require developments to provide community benefits. .	Creating detailed design guidelines can provide direction for the exterior design of developments including massing, character, scale, appearance, site design, sustainability but excludes control of the manner of construction	Can regulate height, bulk, location, size, floor area, spacing, character and use of properties and buildings.	Related only to residential units, requires approval of a building permit/ development application before a demolition permit can be issued	Provides opportunities for a municipality to acquire lands described within the CIP area and provide grants / loans to local property owners

Opportunity for Objection	Can be appealed to the OLT	Can be appealed to the OLT	Can be appealed to OLT	Can be appealed to the OLT	Can be appealed to the OLT	Can be appealed to the OLT	General By-law can be appealed to OLT, but not individual grant decisions
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Legislative Tools under the *Ontario Heritage Act* to Conserve Cultural Heritage Resources

Tool	Property Standards	Listed Property	Designated Heritage Property	Designated Heritage Conservation District	Heritage Easement Agreement	Purchase, Lease, and Expropriation
Legislative Authority	Ontario Heritage Act (s. 35.3) and Building Code Act (s. 15.1)	Ontario Heritage Act (s. 27)	Ontario Heritage Act (s. 29)	Ontario Heritage Act (s. 41)	Ontario Heritage Act (s. 22)	Ontario Heritage Act (s. 36)
Application	Regulated by municipal By-Law	Decision/ Resolution of Council	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law	Regulated by municipal by-law
Intention	Regulation / Control	Evaluation	Protection	Protection	Protection	Acquisition and Disposal
Scope	Maintenance standards and requirements for the repair of a designated property	Applies to require notice from a property owner who wishes to demolish or remove any structure from a listed property	Intended to protect specific attributes of cultural heritage interest or value, as described in the designating By-law but can be applied to any real property	Intended to protect geographically defined areas of a distinct and integrated character, as described in an area study that informs a district plan, guidelines, and policies to be adopted by Council.	A flexible, firm, and effective way of ensuring sympathetic care and preservation of heritage attributes through a voluntary legal agreement	Council may pass a by-law to provide for the acquisition of designated property by purchase, lease, or expropriation

<p>Level of Protection</p>	<p>General requirements for upkeep apply to all properties, while heritage-specific requirements only apply to individually designated properties</p>	<p>Interim (60 days) and application deemed approved if no decision is made within 60 days. Must be designated or removed from the register within 2 years of listing.</p>	<p>Limited to the list of attributes in designation By-Law, can be both interior and exterior attributes. Where a property is refused a development application, notice to designate must be given within 90 days from of the refused application.</p>	<p>In line with the objectives of the heritage conservation district plan, more commonly attributed exterior attributes</p>	<p>Can include interior and exterior attributes, including requirements for upkeep and opportunities for future purchase and sale</p>	<p>Supplementary to a designation, this tool can be used to acquire cultural heritage resources that may neglected.</p>
<p>Opportunity for Objection</p>	<p>An order may be appealed to a municipal committee and further to the Supreme Court</p>	<p>Any person who objects must notify the Clerk of the municipality and Council must decide whether to include the property as listed or not.</p>	<p>Any person who objects can appeal to the OLT</p>	<p>Any person who objects can appeal to the OLT</p>	<p>Private legal agreement, made mutually between the municipality and the property owner</p>	<p>Owners may request hearing by tribunal under the Expropriations Act</p>