

Ministry of Citizenship and Multiculturalism

Heritage Conservation in Ontario

Brant County – Ontario Heritage Act Training

Land Acknowledgement

This presentation has been prepared and presented within the lands known today as Ontario, the home and traditional land of diverse Indigenous peoples. The people of these communities have lived, fished, hunted, and traded throughout these lands for generations and continue to do so today. They have a deep connection to the lands within their traditional territory. This includes cultural heritage: spiritual and sacred sites, artifacts and archaeological sites, built heritage, and cultural heritage landscapes. It also includes care and protection for the Ancestors and their resting places.



Introductions

Andrew Jeanes and **Chris Lawless** from the Heritage Policy and Services Unit at the Ministry of Citizenship and Multiculturalism.

The unit is responsible for the design and development of policy initiatives and the development of legislation and regulations related to the Ontario Heritage Act.

The unit provides technical and advisory services to key partners and stakeholders in the heritage sector. It plans, leads and manages program initiatives for the heritage sector, working with municipalities, local, provincial and national heritage organizations.

Overview

1. What is Heritage?
2. Roles and Responsibilities
3. Bill 23 - Ontario Heritage Act Changes
4. Heritage Conservation Districts

IMPORTANT NOTE:

The Ministry of Citizenship and Multiculturalism has prepared this presentation as an aid to municipalities and others working with the *Ontario Heritage Act*.

The information in this presentation is not intended to take the place of legal advice.

In the event of any conflict between this presentation and any applicable legislation or regulations, including the Ontario Heritage Act and its regulations, the legislation or regulations prevails.

What is Heritage?

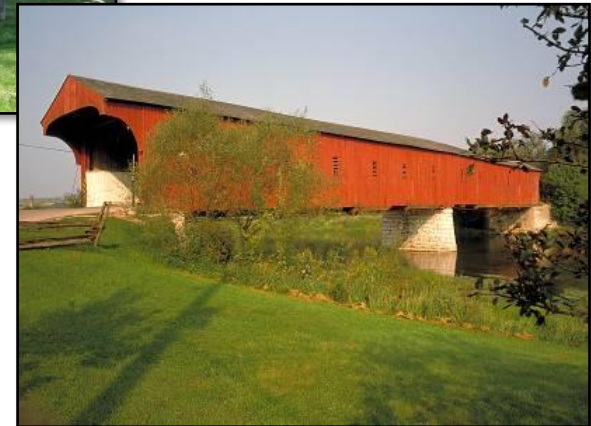


What is heritage?

Heritage is not just about the past. It is about the places, spaces and stories that we value today and saving and conserving them for tomorrow. The OHA enables conservation of:

- Buildings and monuments
- Streetscapes and landscapes
- Bridges and railway stations
- Archaeological sites
- Cemeteries
- Spiritual and sacred places
- Battlefields
- Industrial complexes
- Former villages and camp sites

It doesn't have to be "old"!



The Benefits of Heritage Conservation

- Conserving cultural heritage can be beneficial for many reasons, including:
 - **Creating public education opportunities** at museums, historic sites and heritage organizations, and through public access to archaeological records
 - **Enhancing the sense of place**, and inspiring civic pride and identity
 - **Driving economic development** by revitalizing properties and historic neighborhoods in order to:
 - create spaces for business
 - support local skilled jobs
 - increase property value
 - increase tourism
 - attract film production
 - **Fostering connections between different generations** to support a sense of belonging and collaboration
 - **Contributing to environmental sustainability** by reusing existing buildings to reduce landfill waste and protect important greenfield land



Mill Street West, Elora

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Roles and Responsibilities: Municipal Heritage Committees & Council

How is a Municipal Heritage Committee Established?

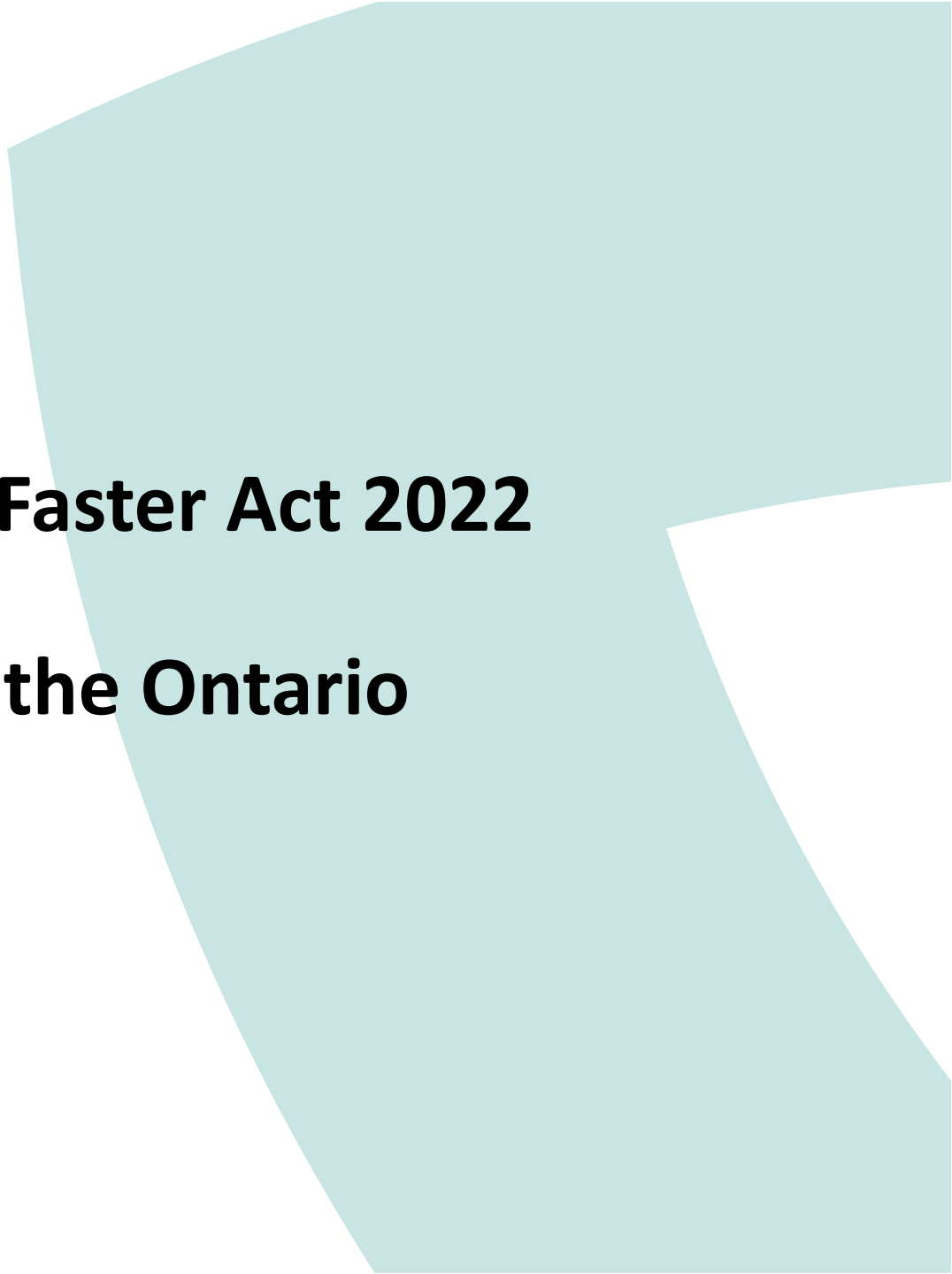
- Established by by-law under section 28.1 of the *Ontario Heritage Act*
- There are currently 154 Municipal Heritage Committees (out of a total of 414 municipalities) in Ontario
- **Municipal Council:**
 - Passes a by-law to establish the Committee
 - Appoints the members
 - Determines the ‘Terms of Reference’
 - Provides resources



What is the role of Municipal Council?

The Ontario Heritage Act gives municipalities the authority and tools to identify and protect heritage properties that are important in their communities.

- Designation of individual properties (under Part IV) and heritage conservation districts (under Part V)
- Alterations to designated property
- Demolition/removal on designated property
- Amendment to or repeal of a designation by-law
- Adding or removing non-designated properties from the municipal register
- Entering into easements or covenants
- Council must consult with the Municipal Heritage Committee (where one exists) on all heritage matters

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**More Homes Built Faster Act 2022
(Bill 23):
Recent Changes to the Ontario
Heritage Act**

Recent Changes to the Ontario Heritage Act

- The More Homes Built Faster Act, 2022 (Bill 23), aims to ensure that cities, towns, and rural communities grow with a mix of ownership and rental housing types that meet the needs of all Ontarians.
- The changes to the Ontario Heritage Act in Bill 23 were designed to help remove potential barriers to housing development and update how heritage properties are identified and conserved by municipalities and the Province of Ontario, while continuing to conserve key heritage properties that matter most to local communities.
- Key changes include:
 - how municipalities manage and update listed heritage properties;
 - when municipalities can issue a Notice of Intention to Designate a property;
 - raising the threshold for designating a heritage property, and
 - how municipalities create and manage Heritage Conservation Districts.

Accessible Municipal Heritage Registers

Increased Transparency

- Requiring municipalities to make an up-to-date version of the information on their municipal register available on a publicly-accessible municipal website.
- Municipal registers are required to be publicly accessible

KEY STATISTICS:

- Approximately 53% of Ontario municipalities have a least one property designated under the OHA

Notice of Intention to Designate: Planning Act Events

Certainty

- If a prescribed event occurs with respect to a property, a Notice of Intention to Designate (NOID) may only be issued if the property was ***already included in the municipal register as a non-designated property*** on the date of the prescribed event.
- The 90-day timeline for a municipality to issue a NOID following a prescribed event would then apply.

DID YOU KNOW:

- The Prescribed Events under the Planning Act include Official Plan Amendment, Zoning Bylaw Amendment and Plan of Subdivision.
 - 90 day timeline is triggered when all required notices are issued.
 - Municipalities and the property owner can agree to an extension of this timeline.

Non-Designated Properties: Objections to Council

Flexibility

- Allowing for property owners to use the existing process under the OHA for objecting to the inclusion of their non-designated property on the municipal register regardless of when it was added to the municipal register.

DID YOU KNOW:

- Approximately 37% of Ontario municipalities have a Municipal Heritage Committee.
 - Consultation with the MHC is required before proactively removing a non-designated property from the municipal heritage register.
 - Council's decisions on objections to inclusion of a non-designated property cannot be appealed to the OLT

Non-Designated Properties: Application of O. Reg 9/06

Consistency and Transparency

- Increasing the standard for including a non-designated property on a municipal register by requiring that the property meet prescribed criteria.
- Property must meet one or more of the criteria in O. Reg. 9/06

KEY STATISTICS:

- Approximately 27% of Ontario municipalities have a least one non-designated property on its register.

Regulation 9/06

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method
2. The property has design value or physical value it displays a high degree of craftsmanship or artistic merit, or
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area,
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings, or
9. The property has contextual value because it is a landmark.

Non-Designated Properties (cont'd)

- If council moves to designate a listed property but a designation bylaw is not passed or is repealed on appeal, the property must be removed from the municipal register.
- Non-designated properties included on a municipal register as of December 31, 2022 must be removed if council does not issue a notice of intention to designate (NOID) by January 1, 2027.
- Non-designated properties included on the register on or after January 1, 2023 must be removed if council does not issue a NOID within two years of the property being included.
- Where a property is removed under any of the above three circumstances, council is not required to consult with the MHC.
- If removed from the register under any of the above three circumstances, the property cannot be relisted for a period of five years.

Part IV Designated Properties: Application of O. Reg 9/06

Increasing Rigour

- Increasing the standard for designating a property by requiring that the property meet two or more criteria in O. Reg. 9/06.

KEY STATISTICS:

- Approximately 53% of Ontario municipalities have a least one designated property on its register

Heritage Conservation Districts



Heritage Conservation Districts

S.41(1) in Part V of the Ontario Heritage Act enables the municipality to designate the entire municipality or any defined area or areas of the municipality as a Heritage Conservation District (HCD)

- Council may pass by-laws designating areas of the municipality as heritage conservation districts. Heritage permits are required for any alterations, demolitions, removals or new construction within the HCD.
- District designation enables municipalities to manage and guide change through the adoption of a district plan with policies and guidelines
- **Designated heritage conservation districts include:**
 - market squares and commercial areas
 - villages and residential neighbourhoods
 - industrial complexes
 - rural landscapes



The HCD Designation Process

- Official Plan provisions
- Request or proposal to designate
- Consultation with Municipal Heritage Committee
- Area study bylaw and interim control (optional)
- Delineation of boundary of future HCD
- Preparation of HCD Plan & guidelines
- Public consultation (minimum of one statutory public meeting)
- Adoption of district designation bylaw

- **Appeal to the Tribunal**
- Any person who objects to a HCD study bylaw or designating bylaw may appeal to the Ontario Land Tribunal within 30 days of the date the by-law is passed.
 - For appeals of an HCD designation bylaw, the OLT may dismiss the appeal if the appellant has not participated in the public process for the adoption of the HCD plan.
- The OLT's decision is final and binding.

The Heritage Conservation District Plan

Summary of Requirements

- Statement of objectives for designation
- Statement of district's cultural heritage value or interest
- Explanation of how the district meets the prescribed criteria in section 3. of O. Reg 9/06
- Policies & guidelines
- Process for achieving defined objectives and managing future change
- Description of minor external alterations that can be carried out without a permit



Recent Changes to the OHA

Part V Heritage Conservation Districts

Consistency, Flexibility

- Increasing the standard for HCD to be designated to require it meet criteria prescribed in section 3 of O.Reg. 9/06 (i.e. 3(2)(1)i-ix):
 - At least 25% of properties within the HCD must meet two or more of the nine criteria for determining cultural heritage value or interest.
- Regulatory authority to prescribe processes for municipalities to amend or repeal existing HCD designation and HCD plan bylaws (not in force).

Key Statistics:

- 54 Ontario municipalities have a least one HCD
- Approximately 25,000 properties within 141 HCDs.
- 34 municipalities have one HCD with only Toronto (26) and Ottawa (21) having more than 10.
- Average # of properties within a typical HCD in Ontario is approximately 165.

Part V Heritage Conservation Districts: 25% Threshold

At least 25% of properties within the HCD must meet two or more of any of the criteria

Example:

- A proposed HCD includes 100 properties.
- 70 of the properties have design value because they are representative examples of a local variation of the late 19th century Arts and Crafts Bungalow architectural type (criterion i).
- Within the HCD, 85 have contextual value because they define, maintain or support the character of the district (criterion vii, also known as contributing), this includes properties with structures and buildings that date from a later period but support the character through sympathetic design.
- 15 properties are considered not to meet any of the criteria (also known as non-contributing). While these properties do not directly support or reflect the cultural heritage value or interest of the HCD, there is still an interest in managing future change proposed for these properties to support the overall CHVI of the district.
- Based on the above, 70% of the total number of properties in the district meets two or more criteria. This is a real-life example provided by the Town of Oakville. They had an area with numerous examples of a local variation of the identified architectural style. They selected the best examples as being representative.

Regulation 9/06

1. At least 25 per cent of the properties within the municipality or defined area or areas satisfy two or more of the following:

- I. The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.
- II. The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
- III. The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
- IV. The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- V. The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- VI. The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- VII. The properties have contextual value because they define, maintain or support the character of the district.
- VIII. The properties have contextual value because they are physically, functionally, visually or historically linked to each other.
- IX. The properties have contextual value because they are defined by, planned around or are themselves a landmark. O. Reg. 569/22, s. 1.

Regulation 9/06

Sample Evaluation Checklist

Property ID	Criteria									Total
	Design			Associative			Contextual			
	i	ii	iii	iv	v	vi	vii	viii	ix	
16 Main Street	✓			✓			✓	✓		4
32 First Street	✓			✓			✓	✓		4
2 Second Avenue							✓			1
30 Main Street				✓			✓	✓		3
34 First Street	✓			✓		✓	✓	✓		5
6 Second Avenue				✓			✓	✓		3
8 Second Avenue				✓			✓			2

Questions?



Thank You!

Thank you for your participation.

For assistance with all your OHA-related matters
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