



**Date:** June 26, 2018  
**To:** Mayor Mary Smith and Council Members  
**From:** Robert Lamarre Manager of Building and Planning  
**Subject:** Proposed Heritage Register  
**Status:** For Direction

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### **Recommendation:**

That the report from the Manager of Building and Planning with respect to a Proposed Heritage Register be received for information; and

That the Heritage Committee move forward with the development of a Heritage Register predicated on the methodology described in the body of this report.

### **Background:**

The Municipal Heritage Committee (MHC) has resolved to develop a Heritage Register for Council's consideration.

### **Heritage Legislation**

The *Ontario Heritage Act* states that a municipality must keep a register of property situated in the municipality that is of cultural heritage value or interest, and this list must contain properties that have been designated under Parts IV and V of the Act. The Act also states that the register may include properties that have not been designated under the Act, but that the council of the municipality believes to be of cultural heritage value or interest. The list must contain information that is sufficient to readily identify the property, ie. legal description and municipal address, and a description of the significant features of the property.

This report outlines the important distinctions between **designation** of a property under Parts IV and V of the *Ontario Heritage Act*, and **listing** on the heritage register. Council is familiar with the designation process under Parts IV and V of the Act. Under Part IV of the Ontario Heritage Act municipalities can designate individual properties as being of "cultural heritage value or interest" through the passage of municipal By-laws. The designation process strikes a balance between the freedom of individual property owners and the recognized need of the community to preserve its heritage resources. Heritage designation prohibits unwarranted demolition and controls major alterations that might otherwise harm specific heritage features. Designation also makes property owners eligible for preservation grants and our recently enacted tax relief program and provides owners access to professional expertise and advice.

Part IV Subsection 27 (1.1) of the Act regulates that the clerk keep a register of property situated in the municipality that is of cultural heritage value or interest (designated properties). Subsection 27 (1.2) provides that “in addition to the property listed in the register under Subsection (1.1), the register may include property that has not been designated in this Part but that the Council of the municipality believes to be of cultural heritage value or interest...” A listing on this register differs from the designation in that it does not result in the requirement for a Council approval when making alterations to a property and the municipality cannot indefinitely refuse a demolition permit for a listed property. However, listing properties on the heritage register is an important heritage conservation tool, which allows the municipality to delay issuance of a demolition permit for 60 days, while conservation options are considered, including proceeding to designation or removing the property from the register. Figure 1, attached to this report provides a summary of the differences between Heritage Listing and Designation.

The Ontario Heritage Act (OHA) does not define demolition. Given that the demolition of a structure requires a building permit, it's reasonable to assume that it is relying on the definition of Demolition found in the Building Code Act wherein demolish “means to do anything in the removal of a building or any material part thereof...” As a practical matter, if a building permit application is advanced which proposes to remove a building or a material part of a building which is listed on the register, the Chief Building Official (CBO) would be prohibited from issuing the demolition permit for 60 days. If only a portion of the building is proposed to be removed, the CBO would be tasked with determining whether or not what is proposed is reasonably defined to be “a material part” thereof.

Section 2.6.1 of the Provincial Policy Statement (PPS, 2014) states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” The PPS specifies that built heritage resources can be identified by designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

The County of Peterborough Official Plan contains an objective and related policies supporting the development of a comprehensive heritage inventory (i.e. register) of the built heritage and cultural heritage resources within local municipalities. The policies encourage local municipalities to prepare and maintain lists of all buildings and structures of historical, cultural or architectural merit.

## **Evaluation Procedure**

The priorities for evaluating heritage registry candidate properties (properties that have been identified as being important to the community) were established through a review of the following existing documents which identify heritage structures:

- Selwyn Township Cultural Mapping document – Built Heritage Inventory.
- Nelson’s Falls to Lakefield - A History of the Village
- The Holy Land – A History of Ennismore Township.
- At the Edge of the Shield – A History of Smith Township 1818-1980.

An evaluation template (property survey) has been developed to guide the process (attached to this report).

The Committee has been compiling the list of structures which are prime candidates for listing on the heritage register and are proposing to bring the list forward to Council for formal adoption.

Before moving forward with a request for Council to adopt a Heritage Register, the MHC wanted to formally introduce the notion by way of this report and to provide Council with a summary of the legislation, purpose and approval process.

The MHC proposes to bring forward a report to be considered by Council on September 25, 2018 which will include a draft of the properties we consider appropriate for inclusion on a heritage registry. The report would recommend moving forward with a public information process which would invite all owners of properties proposed for inclusion on the Heritage Register to a public open house. The open house would also be open to the public and would be structured to provide detailed information to affected land owners of the purpose and implications related to inclusion on the list. We would gather and summarise any comments received for Council's consideration.

Subsequent to the public information session, staff would report back to Council with a final draft of the Heritage Register, including the summary of comments received during the open house.

Listing properties that have been identified as being important to the community on a heritage register is an important tool which provides the following benefits:

- It recognizes properties of cultural heritage value.
- It promotes knowledge and enhances an understanding of the community's cultural heritage.
- It is a planning document that should be consulted when evaluating the merits of a development proposal or permit application.
- It provides easily accessible information about cultural heritage properties to land use planners, property owners, developers, the tourism industry and the general public.
- It provides interim protection for listed properties.

The adoption of the heritage register aligns with the policies of the Provincial Policy Statement and is consistent with the policies of the upper tier Official Plan.

## **Strategic Plan Reference**

Foster a healthy, engaged and connected community.

**Financial Impact:**

There is no financial impact associated with this report.

**Attachments:**

- **Below** - Figure 1 Comparison of the effects of heritage register listing vs. heritage property designation.
- **Attached** - Heritage Register Property Survey document.

**Robert Lamarre**

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Prepared By: Robert Lamarre, Manager of Building and Planning

***Janice Lavalley***

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Reviewed By: Janice Lavalley, CAO

Figure 1

Heritage Register	Listed Cultural Heritage Properties (Heritage Register)	Designated Heritage Property (Township By-law)
<b>Legislation</b>	<b>Ontario Heritage Act (OHA)</b> Sections 27 (Part IV) and 39.2 (Part V)  <b>Building Code Act</b>	<b>Ontario Heritage Act</b> Sections 29 (Part IV) and 41 (Part V)  <b>Building Code Act</b>
<b>Requirement for Council Approval to Alter the Structure</b>	<b>No</b>	<b>Yes</b>  Permits required for alterations to property designated under Parts IV and V of the OHA – Sections 33 and 42
<b>Information Required for Heritage Register</b>	<b>Property Description</b>	<ul style="list-style-type: none"> <li>• Property Legal Description</li> <li>• Ownership</li> <li>• Statement of Cultural Heritage Value or Interest</li> <li>• Description of Heritage Attributes</li> </ul>
<b>Criteria for determining cultural heritage value or interest</b>	<b>Established by the Municipal Heritage Committee using relevant standards and guidelines</b>	Criteria prescribed by regulation under Section 29(1) of the OHA
<b>Demolition Permit Application</b>	<b>Delay</b>  The Township must be provided with 60 days notice of intent to demolish, providing time for consideration of options with respect to heritage conservation (e.g. designation) – Section 27.3 of the OHA	<b>Refusal</b> (with right of appeal)  Township can refuse to issue permit to demolish and this decision can be appealed to the Local Planning Appeals Tribunal – Section 34 of the OHA
<b>Development Application</b>	Property “flagged” for consideration of Provincial Policy Statement heritage conservation policies	Requirement for Heritage Permit under Sections 33 and 42 of OHA;  Application of Provincial Policy Statement heritage conservation policies
<b>Registration</b>	No Registration on Title	Designation By-law Registered on Title

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