Bert Duclos

Ministry of Tourism, Culture and Sport

Heritage Conservation in Ontario:

Fundamentals for Municipal Heritage Committees

Wellington County Museum and Archives, Fergus

June 25, 2015



# **Municipal Heritage Committees** Establishing and sustaining an effective municipal heritage committee







Municipal Heritage Committees: An Introduction

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- Established by by-law under section 28.1 of the Ontario Heritage Act
- · Advise and assist council on the designation of individual properties and heritage conservation districts



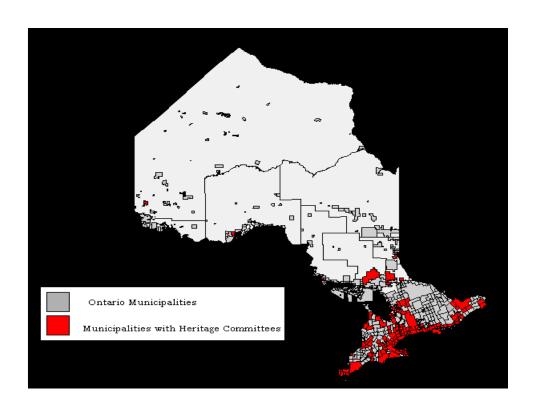


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## Municipal Heritage Committees (MHCs) - Background

- First MHC established in the late 1960's in Kingston (City of Kingston Act)
- Ontario Heritage Act (the legislative framework for heritage conservation in Ontario) proclaimed in 1975
- There are currently 151
   Municipal Heritage
   Committees (out of a total of 414 municipalities)
   in Ontario





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#### What is the role of a Municipal Heritage Committee?

# To advise and assist Council on:

- Designation of individual properties (under Part IV) and heritage conservation districts (under Part V)
- Alterations to designated property
- Demolition/removal of designated property
- Repeal of a designation by-law
- Municipal register of cultural heritage properties
- · Easement or covenants
- Other heritage matters

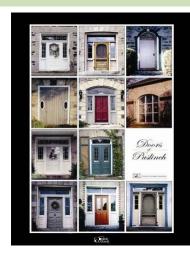


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#### Other Responsibilities

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- · Survey, inventory, research
- Community involvement and liaison
- · Information and education
- Heritage-related municipal planning
- · Keeping council informed
- Other duties as assigned by Council



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## **Examples of Committee Projects**

- Inventories/Register
- Property designation
- Cemetery conservation
- District designation
- Mapping
- Official plan policies
- Conservation Easements

- Grant programmes
- Newsletters
- · Books, videos
- Plaques
- Walking tours
- School programmes
- Heritage Week
- Tourism initiatives

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# How is a Municipal Heritage Committee Established?

# Municipal council:

- Passes a by-law to establish the Committee
- Appoints the members
- · Determines the 'Terms of Reference'
- Provides resources





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#### The Terms of Reference

Terms of Reference are the guiding posts for the work of a Municipal Heritage Committee.

They should include:

- · A mission statement
- The mandate of the committee
- Municipal Polices Conflict of Interest & Procedural
- · Resources required
- · Powers of the committee
- · Size and potential membership
- · Recruitment and membership vacancies
- Communication process
- · Evaluation format, and
- · Reporting relationship to council

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# The Committee Budget

Municipal Council is responsible for providing its heritage advisory committee with a budget.

The budget should include:

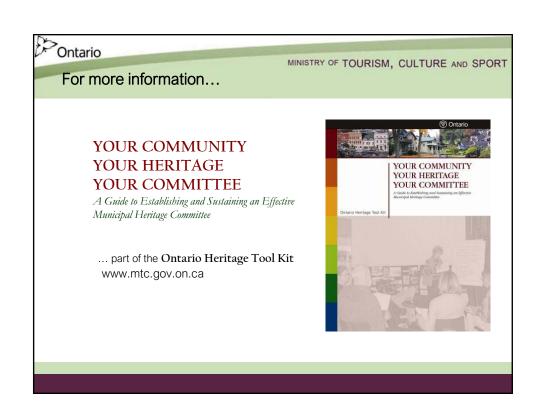
- Publication costs (e.g. newsletters)
- Advertising costs (for posting notices)
- Program costs (e.g. plaques)
- Office supplies
- Mileage for transportation needs
- · Expenses for training and seminars

## The Benefits of Establishing Municipal Heritage Committee

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Municipal Heritage Committees:

- Identify and protect properties of cultural heritage value
- Celebrate stories, places and events of the people that have shaped our communities
- · Harness local talent and expertise
- Build relationships with, and recognize the efforts of heritage property owners
- Enable municipalities to take advantage of the powers afforded to them by the Ontario Heritage Act



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# What is Cultural Heritage Value?







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Everton Community Chu Guelph-Eramosa Towns

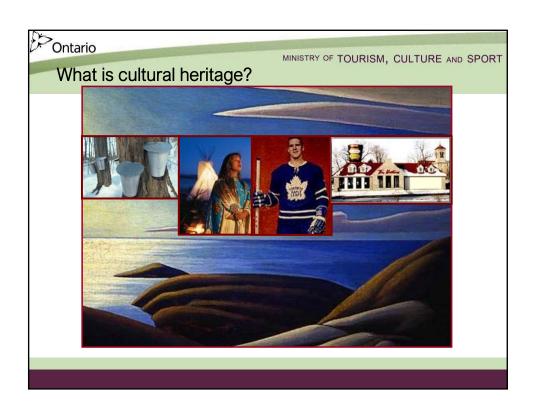
## Ontario

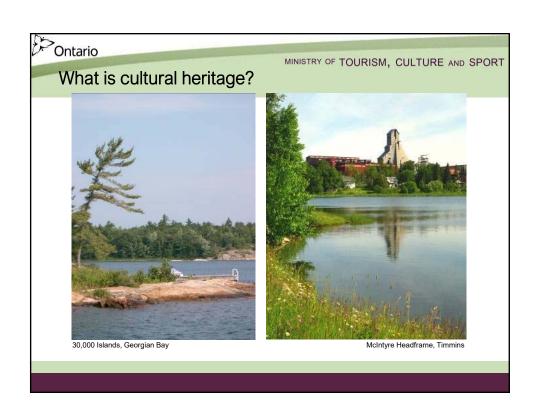
#### Overview

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The Ontario Heritage Act provides a framework for the <u>conservation</u> of properties that have <u>cultural heritage value or interest</u> to a community

- · What is cultural heritage?
- How do we determine cultural heritage value?







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## Cultural heritage value and conservation

Value has always been the reason underlying heritage conservation.

Value comes from the Latin VALERE which means

"to be worth, to be strong, to signify"

#### Ontario

# What is cultural heritage? Definitions

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- Cultural heritage is the entire spirit of a people in terms of its values, actions, works, institutions, monuments, and sites. (UNESCO)
- Heritage value refers to the aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present or future generations. (Canadian Register of Historic Places)
- Cultural heritage is everything from the past that a community values in the present and wishes to pass on to the future. (Ministry of Tourism, Culture and Sport)

# What is cultural heritage? As a Resource

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 Our heritage tells us who we are, where we have come from and what we have accomplished.
 Heritage is a source of strength and confidence that puts the changes of society into perspective and helps us to build a better future.

(Ministry of Tourism, Culture and Sport *Ontario's Heritage*)





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# Intangible & tangible cultural heritage

- Intangible cultural heritage includes non-material resources such as:
  - traditions, ceremonies, attitudes, beliefs, family histories, stories, dances, games, names, language
- Tangible cultural heritage includes material resources such as:
  - property, family and land records, photographs, maps, tools, household utensils, farm and industrial equipment, furniture, artwork, artifacts and other documentation recovered from archaeological sites
- Under the Ontario Heritage Act, it is only real property and all the buildings and structures thereon that are subject to designation for their cultural heritage value
- Real property excludes chattels
  - movable items of property not permanently attached to land or a building

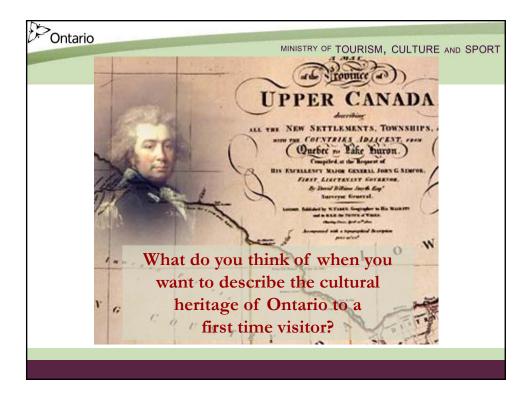


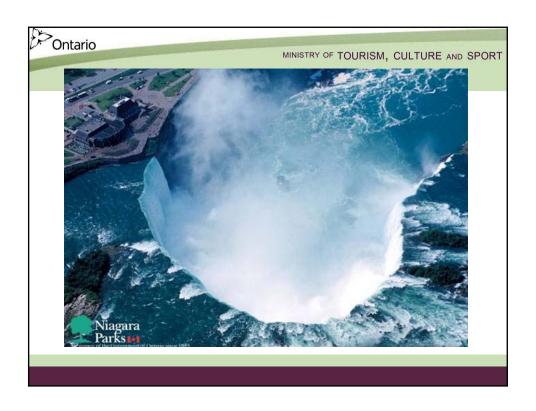
Building a canoe at

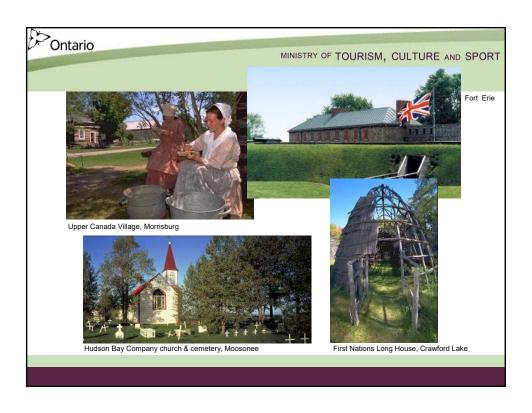
# Ontario What is cultural heritage? Understanding its Value

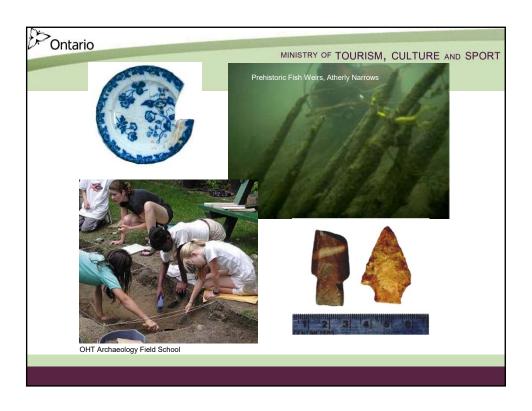
MINISTRY OF TOURISM, CULTURE AND SPORT

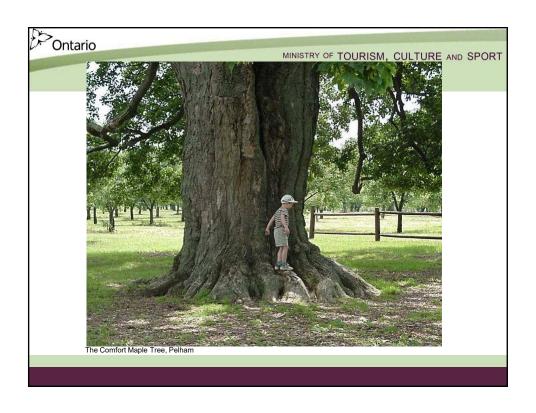
- May have more than one heritage value
- May be valued for different reasons by different communities of people
- May change over time as the understanding of its history develops and the needs and context of the community change













# Ontario MINISTRY OF TOURISM, CULTURE AND SPORT Group Activity

- Consider the Wellington County area
- Think of a special place of cultural heritage value (building, site or cultural landscape
- Describe to us the value(s) of your special place

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## **OHA Regulation 9/06:**

Criteria for Determining Cultural Heritage Value or Interest.

- A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest
- 1) The property has design value or physical value because it,
- i) is a rare, unique, representative or early example of a style, type, expression, material or construction method
- ii) displays a high degree of craftsmanship or artistic merit, or
- iii) demonstrates a high degree of technical or scientific achievement.
- 2) The property has historical value or associative value because it,
- i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
- ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
- iii) demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 3) The property has contextual value because it,
- i) is important in defining, maintaining or supporting the character of an area,
- ii) is physically, functionally, visually or historically linked to its surroundings, or
- iii) is a landmark.

# Ontario

# Cultural heritage properties might include:

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- Residential, industrial, commercial, institutional or agricultural buildings
- Monuments, such as a cenotaph, public art or a statue
- Natural features that have cultural heritage value or interest
- Structures, such as a water tower, culvert, fence or bridge
- Spiritual sites

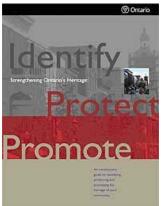
- Cemeteries, gravestones or cemetery markers
- Cultural heritage landscapes
- Building interiors
- Ruins
- Archaeological sites, including marine archaeology
- Areas of archaeological potential
- Any other built/immoveable fixture or chattel attached to real property





Strengthening Ontario's Heritage

 An introductory guide to identifying, protecting and promoting the heritage of our communities



Bert Duclos

Ministry of Tourism, Culture and Sport

Heritage Conservation in Ontario:

Fundamentals for Municipal Heritage Committees

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## Inventory, Evaluation and Designation: From Survey to Protection







# Ontario

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## Overview

- · The framework for heritage conservation in Ontario
- The values-based approach to heritage conservation
- The steps in the heritage property evaluation process
- · The tools for protection

The Framework for MINISTRY OF TOURISM, CULTURE AND SPORT

# Heritage Conservation in Ontario

- Every community has its own unique culture and heritage
- Each city, town, township or county has places, spaces and stories that enrich it, inspire it, enlighten it and guide it in its growth and development

The *Ontario Heritage Act* provides a framework for the conservation of properties that have "cultural heritage value or interest" to a community ... that tell its stories.



Auld Kirk, Bradford-West Gwillimbury

#### Ontario

# The Values-Based Approach Tourism, CULTURE AND SPORT to Heritage Conservation

- For many years, heritage conservation was focused on the preservation of historic fabric as a way of preserving the stories of the past
- The values-based approach differs in that it focuses on preserving values and meanings
- Preserving fabric continues to be important, but now in so far as it expresses those values and meanings

eseronto United Church

# The Values-Based Approach Tourism, Culture and Sport to Heritage Conservation

- If we look for values and meanings, rather than fabric, we may find heritage in places we wouldn't expect to find it
- The approach will also help us to set priorities about what should be conserved – we're not just conserving fabric for fabric's sake but for the values and meanings that it holds

Comfort Maple Tree, Pelham

#### Ontario

# The Values-Based Approach Tourism, Culture and Sport to Property Evaluation

- The values-based approach first identifies the values that make a property significant, and then describes the features of the place
- It allows property owners, architects, municipal staff and municipal heritage committee members charged with responsibility for the property to know why a place is important, and which features are important to preserving that importance

he Penetanguishene Angels

Cultural Heritage Properties: MINISTRY OF TOURISM, CULTURE AND SPORT From Survey to Protection

**Steps** in the heritage property conservation process:

- Identification
- Listing
- Research
- Site Analysis
- Evaluation
- Protection



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## Identification

**Identification** is the first step in the conservation of a cultural heritage property

#### Identification involves:

- Learning about the community's history and activities
- Consulting with community members about what is important to them
- Surveying properties in the community by carrying out preliminary site visits
- Screening the surveyed properties



The Municipal Register

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# A Provision of the Ontario Heritage Act

#### The Municipal Register includes:

- Properties and Heritage Conservation Districts (HCDs) designated under Part IV and V of the OHA (required)
- Other properties that Council believes to be of cultural heritage value or interest can also be "listed" (recommended)
- Properties protected by heritage conservation easements, and/or recognized by provincial or federal jurisdictions (recommended)

Ontario

Listing on the Municipal Register

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**Listing** is an interim measure that provides some protection against demolition and flags property for municipal officials

## Listing involves:

- Inclusion of non-designated properties on the municipal register that may have cultural heritage value or interest
- Council approval (normally by resolution)
- Consultation with the municipal heritage committee (where one exists)
- Notification of property owners (recommended)



Tara Hall, North Middlesex

# Ontario Listing on the **Municipal Register**

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## The Register is a work-in-progress

- Properties can be added or removed from the Register by Council, in consultation with the Municipal Heritage Committee (OHA, ss. 27 1.3)
- Register must include "description of the property that is sufficient to readily ascertain that property"
- Properties on the Register can be mapped easy identification by municipal staff public

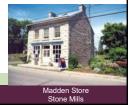


### Ontario

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#### Listing on the Municipal Register Why list property on the register?

- Recognizes properties of cultural heritage value in the community
- Promotes knowledge and enhances an understanding of the community's cultural heritage
- A planning document for:
  - · municipal decision makers
  - · land-use planners and practitioners
  - property owners
  - public or private developers
  - tourism industry
  - educators
  - general public
- Provides interim protection for listed property





# Listing on the Municipal Register of TOURISM, CULTURE AND SPORT Interim protection for listed properties

- Under the revised *Ontario Building Code Act*, accelerated permit review timeframes (10 to 20 days) took effect on January 1, 2006
- In June 2006, the Ontario Heritage Act was amended to provide interim protection for non-designated properties included on the Municipal Register
- Owners of non-designated properties listed on the Register are now required to give council at least 60 days notice of their intention to demolish or remove a building or structure on the property
  - Notice requirement applies only if non-designated property is placed on the municipal register before a demolition permit application is made

## Ontario

# Listing on the Municipal Register of Tourism, CULTURE AND SPORT Interim protection for listed properties

- Subsection 27 does not govern demolition permits but rather the property owner's requirement to notify council
- Subsection 8.(2) of Building Code Act instructs the Chief Building Official to issue a demolition permit unless the proposed demolition will contravene the Act or other applicable law
- Ontario Regulation 350/06, the Building Code, defines applicable law and includes subsection 27 of the Ontario Heritage Act
- A demolition permit issued contrary to subsection 8.(2) does not allow demolition unless requirements of subsection 27 are fulfilled
- Buildings or structures on properties not subject to demolition permits are not exempt from subsection 27 of the OHA (buildings on farm property)
- Consider council approved process facilitating property owner's notice requirement and definition of what constitutes 60 days notice to council

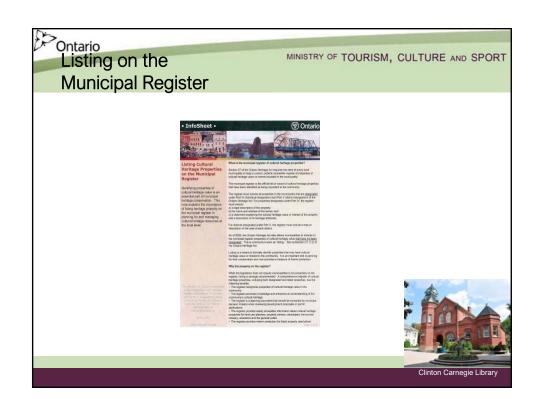
# Ontario Listing on the Municipal Register

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- Is there an existing municipal inventory or list of properties of cultural heritage value or interest?
- Does the inventory include the full range of properties of cultural heritage value, including landscapes?
- Have the properties been evaluated for their cultural heritage value or interest?
- Has the MHC (where one exists) been consulted on the listing of non-designated property on the municipal register?
- Have property owners been consulted or notified? (optional)
- Has council approved the listing of these properties on the municipal register?



Buxton Schoolhouse Museum, Buxton



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#### Research

**Research** is the process of consulting records and other documents to learn the history of the property and any cultural associations it may have

#### Research involves:

- Searching land records and property assessment rolls
- Reviewing sources such as census records, directories, photographs, maps, newspapers, insurance plans, archival records, etc.
- Understanding the overall context of a community's heritage and how the property being evaluated fits within this context

1875 Dunlop Street Fire, Barrie

#### Ontario

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# Site Analysis

Site Analysis is the recording and analysis of the physical characteristics of the property

## Site Analysis involves:

- Taking photographs, measurements and observations of the physical characteristics of the property
- Developing an understanding of the property's construction, materials, architectural style, etc.
- Examining the property in detail for further evidence of past use of cultural associations



Elam Martin Farmstead, Waterloo

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## **Evaluation**

**Evaluation** is the identification of any cultural heritage values that the property may have

#### **Evaluation** involves:

- Applying the criteria for determining "cultural heritage value or interest" established in Ontario Regulation 9/06
- Developing a statement of cultural heritage value
- Identifying the attributes of the property that support the values that were identified



St. Raphael's Ruins, South Glengarry

## Ontario

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# **Evaluation**

To be designated under section 29 a property must meet "one or more" of the standard designation criteria prescribed in *Regulation 9/06*:

- Design / Physical Value
- Historical / Associative Value
- Contextual Value



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# Standard Designation Criteria

# Design or Physical Value:



Hambly House, Nobleton

- Is a rare, unique, representative or early example of a style, type, expression, material, or construction method; or
- Displays a high degree of craftsmanship or artistic merit; or
- Demonstrates a high degree of technical or scientific achievement.

# Ontario

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#### Criteria

# Historical or Associative Value:



Carhagouha, Tiny Township

- Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community; or
- Yields, or has the potential to yield, information that contributes to an understanding of a community or a culture; or
- Demonstrates or reflects the work or ideas of an architect, artist builder, designer or theorist who is significant to a community.



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#### Criteria

#### Contextual Value:



Chippewa Park Carousel, Thunder Bay

- Is important in defining, maintaining or supporting the character of an area; or
- Is physically, functionally, visually or historically linked to its surroundings; or
- · Is a landmark.

#### Ontario

# Cultural heritage properties might include:

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- Residential, industrial, commercial, institutional or agricultural buildings
- Monuments, such as a cenotaph, public art or a statue
- Natural features that have cultural heritage value or interest
- Structures, such as a water tower, culvert, fence or bridge
- Spiritual sites

- Cemeteries, gravestones or cemetery markers
- Cultural heritage landscapes
- Building interiors
- Ruins
- Archaeological sites, including marine archaeology
- Areas of archaeological potential
- Any other built/immoveable fixture or chattel attached to real property



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#### Protection

**Protection** is putting in place permanent legislative measures that will protect the cultural heritage property

 Depending on the evaluation results, the property may warrant long-term protection under section 29 or other heritage conservation and land-use planning measures



#### Ontario

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# What is designation?

- Designation applies to properties, allowing Council to recognize and protect significant features of a designated property
- Designation is not limited to buildings or structures but can include groups of buildings, cemeteries, natural features, cultural landscapes or landscape features, ruins, archaeological sites or areas of archaeological potential
- Properties are usually identified by a Municipal Heritage Committee or through a community process such as an inventory or planning study

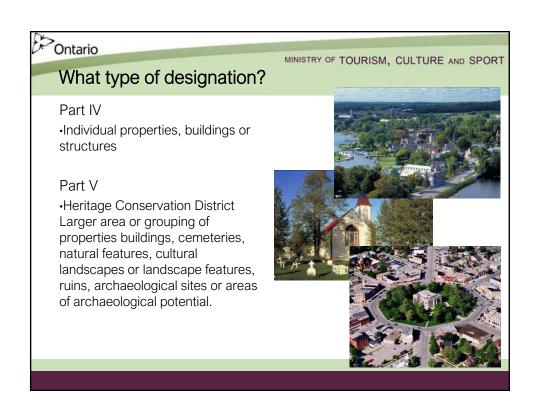
horeau MacDonald House, Vaughan

# Ontario Why designate a heritage property?

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- Designation celebrates the heritage value of the property to the community
- The property cannot be demolished without approval from council
- Alterations that may affect the heritage attributes of the property must receive approval
- Owners can become eligible for grant, loan or tax relief programs to assist in the conservation of their property

The Norleigh, Ingersoll



Ontario
Designation of a Heritage
MINISTRY OF TOURISM, CULTURE AND SPORT
Conservation District - Part V Section 41(1), O.H.A.

## Key Steps:

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

# Ontario Designation under the Ontario Heritage Act

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- Under Part IV of the Ontario Heritage Act, municipalities can designate properties for their "cultural heritage value or interest"
- Designation provides:
  - Formal recognition of the importance of the property through a municipal by-law
  - A measure of protection for the into the future



Carleton Place Town Hall

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# The designation process

- There are six key steps required to designate an individual property under section 29 of the Ontario Heritage Act:
  - Identifying the property as a candidate for designation;
  - · Researching and evaluating the property;
  - Serving the Notice of Intention to Designate;
  - Passing and registering the Designation Bylaw;
  - · Listing the property on the municipal register; and
  - · Listing on the provincial register.



#### Ontario

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# What are the key components?

- · An adequate Description of Property
  - Clearly identifying the property "so it may be readily ascertained"
- Statement of Cultural Heritage Value or Interest
  - WHY is the property being designated?
  - A summary of why the property is being designated (its cultural heritage value/interest)
- Description of heritage attributes
  - · WHAT attributes are significant?
  - A description of the property's attributes that are linked to its cultural heritage value and should be protected and conserved



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# **Description of Property**

- Clearly identify the location of the property and what is being conserved on it
- Consider need for:
  - · Municipal address
  - Assessment roll number
  - · Registered plan/lot number or rural lot/concession number
  - · Plan of Survey
- Identify the general character and aspects of the property intended for designation
- · What on the property is being identified for conservation?
- Are there one or more structures including outbuildings?
- Are there landscape elements to be conserved such as pathways, a garden or orchard or a combination of all of these landscape elements?
- Is it clear what is and is not being designated?
- Define a structure in terms of its name, type, and relation to the property for further clarity

# Ontario Statement of the Cultural Heritage Value or Interest:

 The Ontario Heritage Act requires a "statement of heritage value or interest" (formerly known as a reason for designation), including a description of heritage attributes, be researched and written when the property is being designated.



# Ontario Statement of the Cultural Heritage Value or Interest:

- Statement of <u>value</u> not just of <u>fact</u>
- Should focus on what is truly important, not items of general interest
- Should relate to OHA Regulation 9/06
   Criteria for Determining Cultural Heritage
   Value or Interest
  - · Design or Physical Value, or
  - · Historical or Associative Value, or
  - · Contextual Value



Ontario

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#### When is it used?

- Prior to designation, s. 29(3) of OHA
  - It is included in the "Notice of Intention to Designate" provided to the owner, the province and published (without the specific heritage attributes) in the newspaper or other medium
- In the designation by-law, s. 29(6) of OHA
  - It is included (usually as a schedule) in the by-law and registered on the title of the property so that future owners will be informed of the property's significance
- Once designated
  - · In reviewing alterations to the property, s. 33 of OHA
  - · In association with funding programs



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# Why is it required?

- To inform the property owner and the public of the significance of the property
- To explain the heritage value of the property in question if someone was to object to the designation (to the Conservation Review Board and the Ontario Municipal Board)
- To guide future alterations to the property by clearly identifying the heritage attributes that should be protected and conserved

Oon Valley Brickworks, Toronto

# Ontario

# Description of Heritage Attributes:

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- Definition of heritage attributes:
   "the attributes of the property, building and structures, that contribute to their cultural heritage value or interest"
- Should identify the attributes that relate to the reason for the designation
- The relationship between the attributes and the property's significance should be made explicit
- The level of detail should reflect what would be required to consider an alteration request



Light Post, Chatham-Kent



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# **Designation By-law Checklist**

#### 1) Description of Property

- Has the general character and extent of what is being designated been briefly outlined, including the
  principal resources (i.e. buildings, structures, landscapes, remains, etc.) that form part of the
  designation?
- Has enough information been provided so that the property can be readily ascertained?
- Has the description been kept short two or three sentences long?

#### 2) Statement of Cultural Heritage Value or Interest

- Have all the core values of the property been clearly conveyed?
- Have the standard evaluation criteria for determining cultural heritage value or interest been reflected?
- · Has the statement been kept concise and to the point two or three paragraphs long?

#### 3) Description of Heritage Attributes

- Have the key heritage attributes of the property, those that need to be retained for the cultural heritage value of the property to be conserved, been clearly identified?
- Has the relationship between the individual attributes and the heritage values identified in the Statement of Cultural Heritage Value or Interest been clearly demonstrated?
- Has the description kept to the property's existing attributes, not ones that could or should be added?



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# Why this format?

- To meet the requirements of the Ontario Heritage Act
- To help the owner, Council, the Municipal Heritage Committee and others make good decisions about alterations to the property
- To facilitate the nomination of the property to the Canadian Register of Historic www.historicplaces.ca

Niagara-on-the-Lake

MINISTRY OF TOURISM, CULTURE AND SPORT

# Heritage designation:

- Recognizes the importance of the property to the local community;
- Promotes knowledge and understanding about the property;
- Encourages good stewardship and conservation; and
- **Protects** the property's cultural heritage value.



istillery District, Toronto

# Ontario

# Protection for a threatened property

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- Sometimes, it is only when a property is threatened that a community recognizes its value
- Municipal councils can use the designation process as a way of preventing the demolition or alteration of a threatened property that may be worthy of designation
- Once Council issues notice of its intent to designate, any existing permit for the property becomes void

Petch House Aurora

# Ontario MINISTRY OF TOURISM, CULTURE AND SPORT Beyond protection

- Once a property is designated, it can then be nominated to the Canadian Register of Historic Places – an online register of locally, provincially and federally recognized heritage properties from across Canada
- The Canadian Register helps to build awareness, understanding and support for cultural heritage resources

