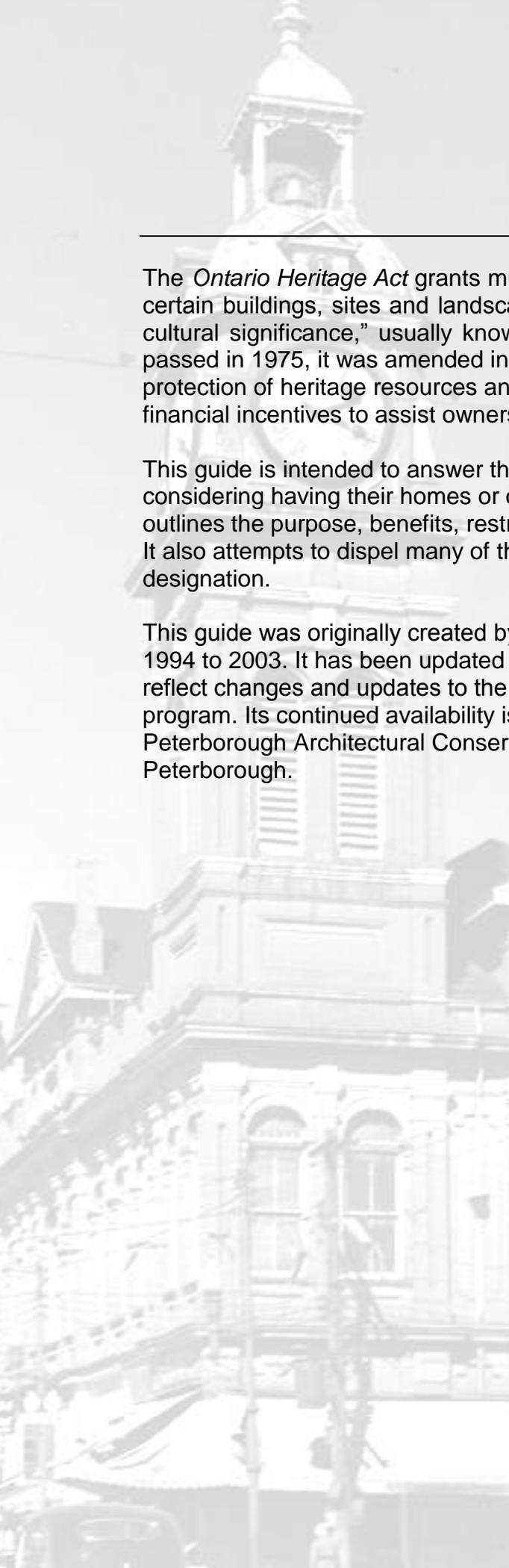




A Property Owner's Guide to Heritage Designation

City of Peterborough
Updated 2018



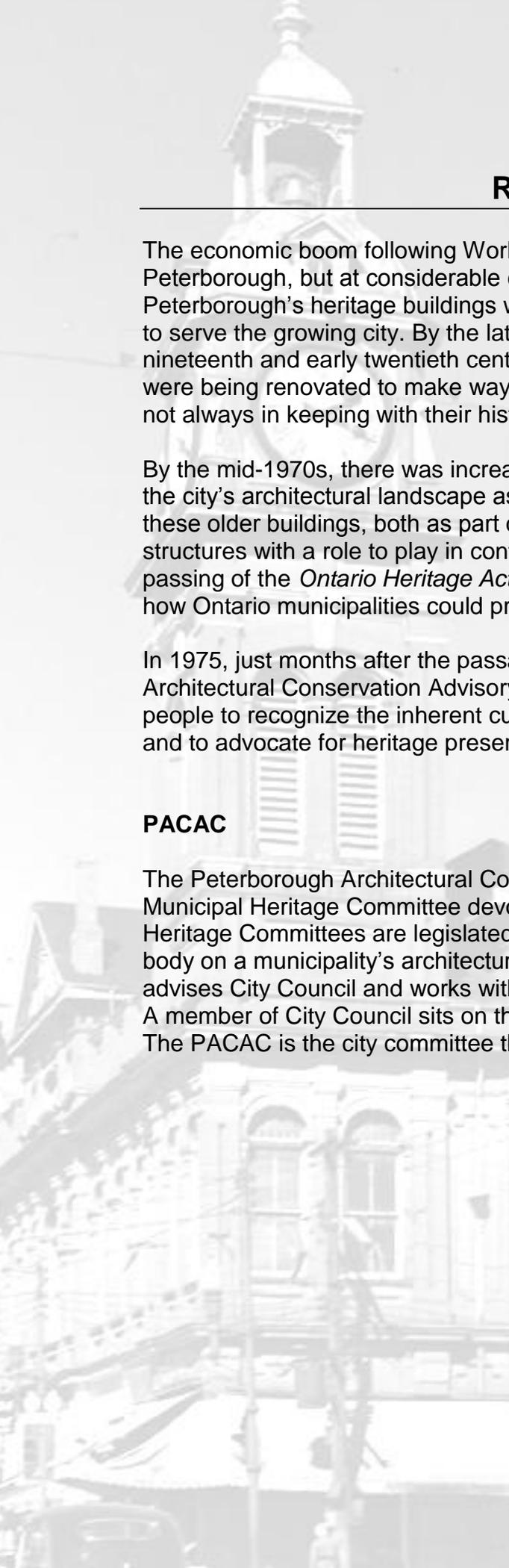


Introduction

The *Ontario Heritage Act* grants municipalities the authority to pass by-laws designating certain buildings, sites and landscapes along with their historic attributes as “places of cultural significance,” usually known as designated properties. Although the Act was passed in 1975, it was amended in 2005 to give municipalities a much greater say in the protection of heritage resources and to provide tools for municipalities to provide greater financial incentives to assist owners in maintaining heritage sites.

This guide is intended to answer the general questions posed by people who are considering having their homes or other buildings designated as heritage properties. It outlines the purpose, benefits, restrictions, and scope of heritage designation in Ontario. It also attempts to dispel many of the myths and misconceptions about heritage designation.

This guide was originally created by Jim Leonard who served as the City’s archivist from 1994 to 2003. It has been updated several times since its first publication in 2003 to reflect changes and updates to the Ontario Heritage Act and the City’s heritage program. Its continued availability is made possible through the support of the Peterborough Architectural Conservation Advisory Committee and the City of Peterborough.



Roots of the Local Heritage Movement

The economic boom following World War Two brought tremendous benefit to the city of Peterborough, but at considerable cost to the community's heritage. Many of Peterborough's heritage buildings were demolished to make way for modern buildings to serve the growing city. By the late 1970s, Peterborough had lost many of its landmark nineteenth and early twentieth century buildings. At the same time, many old buildings were being renovated to make way for new uses, but some of these renovations were not always in keeping with their historic character.

By the mid-1970s, there was increasing concern in the community around changes in the city's architectural landscape as many people began to recognize the important of these older buildings, both as part of the community's history and as interesting, usable structures with a role to play in contemporary Peterborough. This corresponded with the passing of the *Ontario Heritage Act* in 1975 which established in legislation a framework how Ontario municipalities could preserve their built heritage.

In 1975, just months after the passage of the Ontario Heritage Act, the Peterborough Architectural Conservation Advisory Committee (PACAC) was formed to encourage people to recognize the inherent cultural and economic value of preserving old buildings and to advocate for heritage preservation in the wider Peterborough community.

PACAC

The Peterborough Architectural Conservation Advisory Committee, or the PACAC, is a Municipal Heritage Committee devoted to the conservation of built heritage. Municipal Heritage Committees are legislated as part of the Ontario Heritage Act as an advisory body on a municipality's architectural heritage. The Committee is a volunteer body that advises City Council and works with municipal staff on architectural preservation issues. A member of City Council sits on the committee and City staff provide on-going support. The PACAC is the city committee that oversees the heritage designation process.

Heritage Designation

Under Part IV of the *Ontario Heritage Act*, municipalities can, through the passage of by-laws, designate individual properties. The *Act* tries to strike a delicate balance between the freedom of individual property owners and the need of the community to preserve its heritage resources. Properties can also be designated as part of a Heritage Conservation District under Part V of the *Act* which recognizes areas or neighbourhoods of a community that have historical, cultural or architectural significance as a whole. In addition to designation, the City of Peterborough also maintains a Heritage Register, which includes properties of cultural heritage value or interest to the community but which are not designated. While not subject to the same controls as designated properties, inclusion on the register does require an owner to provide 60 days notice of intention to demolish a structure.

The heritage designation of individual properties can be used to stop demolition and to control major alterations that might otherwise harm specific heritage features. The goal of heritage designation is to manage change on heritage properties to ensure they retain the historic characteristics that make them special. Designation also makes property owners eligible for preservation grants and tax relief. Since 1975, Peterborough City Council has passed over 125 heritage designation by-laws, representing only a fraction of all the buildings in the city which are actually worthy of designation.

The PACAC administers the designation program in partnership with the Arts, Culture and Heritage Division – through the Heritage Preservation Office – and the City Clerk's office at City Hall.

THE DESIGNATION PROCESS

Heritage designation (under Part IV of the *Act*) usually begins when a property owner submits a letter or email to the City's Heritage Preservation Office requesting that the PACAC consider a property for heritage designation. Alternatively, properties are sometimes identified by city staff or the Municipal Heritage Committee as being of historic interest.

There are currently no fees or other costs associated with the designation process assigned to the owner.

CRITERIA FOR HERITAGE DESIGNATION

All properties being considered for heritage designation must first be researched and evaluated. Properties are evaluated based on provincial guidelines established by

Regulation 9/06 of the *Ontario Heritage Act*, a standard system of evaluation used by municipalities across Ontario to determine if properties are of cultural heritage value.

There are nine criteria established in the *Act* which determine whether or not a property is of cultural heritage value or interest and, therefore, eligible for designation. In order to be eligible, properties must meet one of the provincial criteria. However, most designated properties fulfill more than one. Properties are evaluated by staff to determine which of the criteria they fulfil to ensure that they are eligible for designation.

The criteria are as follows:

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
 - 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 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 an landmark.

Architectural integrity plays an important part in the evaluation of a property. Properties being considered for heritage designation should retain many original architectural elements as these assist in demonstrating the historic and design value of the structure.

The size of the property has no bearing on designation eligibility. Humble cottages and outhouses are just as eligible for designation as mansions, grand estates, and public landmarks.

The age of the property is also not a major factor. Modern buildings, including office towers, drive-in theatres and mid-century houses, are also eligible for heritage designation, provided they meet the criteria as culturally significant properties.

RESEARCH ON THE PROPERTY IS COMPLETED

Requests for designation are reviewed by the Heritage Preservation Office (HPO) and a formal evaluation is completed. This evaluation includes the completion of historical research on the property and a site visit where photographs are taken. The property owner is encouraged to share any information relating to the property.

From this research, a designation brief is written that outlines the history of the property, its architectural features and how it fulfills the criteria for designation. A list of heritage attributes, or the specific elements of the structure or site that demonstrate its historical significance, is also included.

The designation brief is a critically important document because it forms the basis for the legal interpretation of what is and is not protected by the municipal by-law. If an architectural feature is not cited in the brief, it may not be subject to the provisions outlined in the Ontario Heritage Act, if the property is eventually designated. Most designation briefs take anywhere from a few weeks to a few months to prepare. Any real property can be designated as long as it is of “cultural heritage value or interest.” Real property includes: houses, commercial buildings, cemeteries, parks, monuments, landscapes, bridges, barns and churches and other immovable structures.

CITY COUNCIL RECEIVES THE DESIGNATION BRIEF

When the designation brief is completed, it is submitted to the PACAC’s Designation Sub-Committee for review and, which, in turn, submits a recommendations to the whole Committee. If the Committee approves the brief, it is sent back to the HPO to be presented to Council under cover of a staff report recommending designation. If the property is found ineligible for designation, a letter is sent to the owner explaining the reasons for the Committee’s decision.

Council usually receives the report sitting as the General Committee. If Council approves the designation brief in Committee and ratifies their decision at the subsequent Council meeting, a Notice of Intention to Designate is circulated according to requirements of the *Ontario Heritage Act*. This includes the publication of a notice in a local newspaper and a letter to the owner. There follows a 30-day commenting period in which parties may object to the designation. If anyone objects, the matter is referred to

the provincial Conservation Review Board (CRB) which hears arguments and then renders a determination supporting or not supporting designation. Council is not obligated to abide by the decision of the Board and can uphold the decision to designate a property. It usually only includes the exterior of a building unless the interior is especially significant.

The designation brief forms the basis of a municipal by-law. If there are no objections to the intention to designate, or Council chooses to designate after a Conservation Review Board decision, the City Clerk will submit the proposed by-law to City Council for passage at the next meeting following the end of the objection period.

After Council passes the designation by-law, the City Clerk arranges to have it registered on title. A copy of the by-law is then mailed to both the property owner and the Ontario Heritage Trust in Toronto, which maintains a database of all designated properties in the province. The City Clerk also keeps a register of all designated properties within the city limits. Files on designated properties, including designation briefs and background research, is maintained at the Heritage Preservation Office.

What Heritage Designation Does

ALTERATIONS APPROVALS PROCESS

One of the important outcomes of heritage designation is that it introduces a review process for changes to a heritage property. The Act does not prohibit alterations or redevelopment of designated properties but it ensures that, through the introduction of a review and approval process, any changes are sympathetic to the heritage attributes of a building or property. Any alterations or renovations that might affect the heritage characteristics of a building must go through the City's approval process. The goal of this process is to guide changes and offer support to owners of designated properties to ensure that any changes are consistent with the heritage attributes of a property. These changes are all reviews by the Heritage Preservation Office and, depending on the scope of the work, the PACAC and City Council.

The review process starts when an owner submits a Heritage Alteration Permit Application to the Heritage Preservation Office for the proposed work. This application should include photographs of the property, a full description of the proposed project, and any plans or other supporting documents as applicable. After the application is submitted, staff will review it for completeness and may request additional materials if needed to fully assess the scope of the proposed work. In most cases, staff will approve the work or approve the work with certain conditions to allow a property owner to proceed. In the case of major changes, such as an addition, redevelopment or partial demolition, the matter will be referred to the PACAC. Any application which involves the de-designation and demolition of a property will be referred to Council as the by-law must be rescinded for demolition to occur. The Act stipulates that the entire process can take no longer than 90 days.

Applications can either be approved, approved with conditions, or refused. If a property owner is not satisfied with the outcome of the process, they may appeal to the CRB. Even after a CRB hearing however, the final decision still rests with City Council. In the matter of a demolition, an owner may have recourse through the Local Planning Appeal Tribunal. Projects may also require planning permission or building permits; these must be obtained separately from the appropriate City departments.

The kind of work owners will require approvals for include:

- Construction of additions and outbuildings
- Replacement of or alteration to siding, fascia, soffit, trim or other original details
- Removing, altering or replacing original windows or doors
- Removing, altering or replacing original chimneys
- Removing, altering or replacing original decorative elements
- Removing, altering or replacing verandahs, porches, or exterior stairs
- Partial demolition
- Hard landscaping

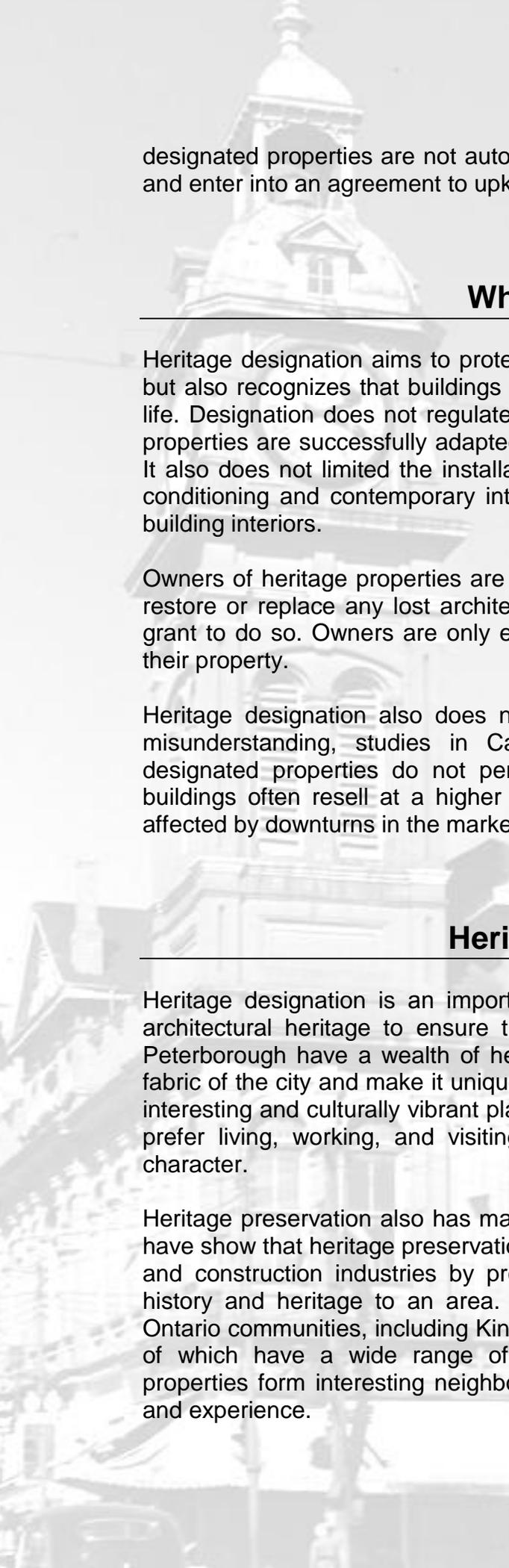
When thinking about a change or alteration to the heritage attributes a property, the preferred option is always restoration of existing elements. However, this is not always possible and staff are happy to work with property owners to come up with the best solutions for their heritage property.

FINANCIAL INCENTIVES

Owners of designated properties are eligible for grants, tax rebates, and other financial incentives that become available from time to time. Financial incentives are generally intended to assist property owners with maintenance and restoration projects. In Peterborough, the main incentive program is the Heritage Property Tax Rebate Program.

In 2001, the Government of Ontario granted municipalities the means to provide property tax reductions from 10% up to a maximum of 40% per year for owners of designated properties. The intent of this program is to ensure the long term preservation of heritage properties by assisting owners with annual maintenance costs because it recognizes that there is a premium to maintaining a historic property to a high standard. In Peterborough, the program is aimed at designated properties in the city's historic core, but other properties can be entered into the program at Council's discretion. Currently, the City offers a 20% tax rebate for designated commercial properties and 40% for designated residential properties.

In order to participate in the program, owners must enter into a heritage easement agreement with the City and agreed to adhere to a maintenance plan for their property. Annual inspections are carried out by city staff to ensure compliance. Owners of



designated properties are not automatically entered into the program. They must apply and enter into an agreement to upkeep the heritage attributes of their property.

What Heritage Designation Does Not Do

Heritage designation aims to protect historic properties and manage changes to them, but also recognizes that buildings and their uses do undergo changes throughout their life. Designation does not regulate the use or zoning of a property and many heritage properties are successfully adapted to uses other than what they were constructed for. It also does not limited the installation of modern features on a property, including air conditioning and contemporary interior features, as most designations do not include building interiors.

Owners of heritage properties are also not required to restore a property in anyway or restore or replace any lost architectural elements unless, for example, they receive a grant to do so. Owners are only expected to care for the existing heritage features of their property.

Heritage designation also does not lower property values. While this is a common misunderstanding, studies in Canada and the United States have shown that designated properties do not perform poorly on the marketplace. In fact, heritage buildings often resell at a higher rate than comparable properties and are often not affected by downturns in the market.

Heritage Designation and the Community

Heritage designation is an important tool for preserving a community's cultural and architectural heritage to ensure that it is not lost for future generations. Cities like Peterborough have a wealth of heritage properties that form an important part of the fabric of the city and make it unique. These properties assist in making a community an interesting and culturally vibrant place to live and studies have shown that many people prefer living, working, and visiting established communities with interesting historic character.

Heritage preservation also has many positive economic benefits and spin offs. Studies have show that heritage preservation can revitalize downtowns, stimulate the renovation and construction industries by providing local jobs, and attract people interested in history and heritage to an area. Heritage tourism is an important industry in many Ontario communities, including Kingston, Port Hope, Perth, and Niagara-on-the-Lake all of which have a wide range of heritage designated buildings. These designated properties form interesting neighbourhoods and streetscapes that visitors want to see and experience.

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