

# A GUIDE TO HERITAGE DESIGNATION

## ***What is Heritage Designation?***

Heritage designation is the formal recognition by Council of the heritage value of a property and its significance to the Municipality. Designation fosters pride of ownership and strengthens a community's identity. It can also prevent unsympathetic changes to a property and provide inspiration to neighbouring property owners to maintain their structures in their original form.

## ***How do I apply to have a building designated as a heritage building?***

A property owner makes a request to a Clarington Heritage Committee (CHC) member through the CHC liaison. The owner should consider which exterior and/or interior features they would like to have designated and should gather as much information as possible on the history of the property.

Once the owner makes a decision on whether or not the property should be designated they are asked to provide a written request to the Committee listing the architectural features they would like to have designated. The submission should be accompanied with photographs.

## ***What happens next?***

The information is reviewed by the CHC. The Committee will visit the site, the owner is invited to attend the CHC meeting where the request is discussed. The CHC will vote on the proposal. If denied the property owner will be sent a letter thanking them for their request along with a justification of denial. Should the request be approved, the Committee will make a written submission to the Planning Services Department and will include any background research and the submission from the property owner. The CHC Liaison will review the submission and prepare a report to Council.

Council will give consideration to the proposed designation. If there are concerns the report will be referred back to Planning Services Staff who will address any matters with the property owners and inform the CHC. Once all issues have been resolved, Staff will report back to Council with a recommendation.

If Council approves proceeding with the designation the Municipal Clerk will prepare a "Notice of Intention to Designate". The Notice will be served upon the property owner and the Ontario Heritage Trust, in accordance with the Ontario Heritage Act. It will also be published in a local paper. The Notice advises that any person has the right to serve on the Municipal Clerk an objection to the designation of the property within 30 days of the publication.

If there are no objections to the proposed designation, the Municipal Clerk prepares a by-law citing the reasons for designating the property, along with a list of the interior and/or exterior features to be designated. The by-law is presented to Council for approval.

Once approved a copy of the by-law is served on the property owner and the Ontario Heritage Trust. The by-law is also published in a local paper as a courtesy to the public. There is no appeal period attached to this by-law as appeals only apply to the Notice of Intention to Designate. The Municipal Solicitor also registers the by-law on the title to the property to inform all future owners of its heritage status. Lastly, the property is recorded in the Municipal Register.

At the end of this process the property owner is presented with a bronze heritage designation plaque containing the Municipal crest and date of construction.

## ***What are the fees?***

There are no fees.

## ***Can I appeal this decision to designate my property?***

If the “Notice of Intention to Designate” sparks a public concern the CHC liaison is notified and the concern addressed. Should a formal objection be received the Clerk notifies Council and the matter is referred to the provincial Conservation Review Board.

The Board will hold a hearing and make a recommendation back to Council on the proposed designation. Council will review the Board’s report but is not obligated to follow their recommendation. Council has the final authority regarding designation of the property and can choose to proceed with the designation by-law or withdraw the Notice of Intention. Notice of Council’s decision is served on the property owner, the Ontario Heritage Trust, and is published in a local newspaper.

## ***What happens after designation?***

Designation of a structure does not make it a museum. The purpose of designation is to conserve architectural features which have heritage value to the owner and the Municipality.

Having a structure designated under the Ontario Heritage Act does not restrict the use of or the sale of the property. It does not impose obligations or expenses beyond that experienced by any property owner and it does not mean that the property cannot be altered.

## ***Can I make alterations to a designated building?***

Designation gives a measure of protection to the heritage attributes of a structure. The Ontario Heritage Act states that a designated structure cannot be altered where the alteration is likely to affect the reason for designation without the prior approval of Council. This policy works to protect the reasons why the structure was designated in the first place. If a property owner wishes to alter one of the designated features, application can be made to Council for permission. Part of the CHC’s role is to work with the owner to ensure that alterations are in keeping with the rest of the structure and the neighbourhood and make recommendations to Council.

## ***What is the Heritage Incentive Grant Program?***

The intention of the Heritage Incentive Grant Program is to assist owners with properties designated under Part IV and V of the Ontario Heritage Act (2005) with the financing the cost of repairs and restoration of a designated heritage property. The program allows the Municipality of Clarington to provide a grant for up to 50% of the costs for eligible work per building to a maximum of \$2,000 for exterior work, or \$1,000 for interior work, up to a maximum of \$3,000 per property owner.

## ***Can a Heritage Designation be removed from my property?***

Yes, if a property owner wishes to remove the designation, the by-law can be repealed.

The owner can apply to Council and Council will consult with the CHC on the request within 90 days. Council can repeal the by-law or deny the request. If approved, the Clerk will prepare a “Notice of Intention to Repeal” by-law which is served on the owner and the Ontario Heritage Trust. It is also published in the local newspaper.

If Council denies the owner’s request to repeal the by-law the owner has 30 days from receiving the notice of Councils’ decision to refer the matter to the Conservation Review Board. After a hearing is held on the request to repeal the designation a report will be provided to Council and Council will make the final decision.

## ***What about demolition?***

The Ontario Heritage Act does not prohibit a property owner from demolishing a designated heritage building. The owner is to apply to Council for permission and receive consent in writing. Council has 90 days to review the request. This period can be extended upon agreement between the owner and Council. Council is to consult with the CHC and may consent to the application, consent subject to terms and conditions, or refuse the application. Notice of Council’s decision is served on the owner and the Ontario Heritage Trust, and is published in the local newspaper.

If Council refuses the application to demolish or remove a building, or approves the application subject to terms and conditions, the property owner can appeal Council's decision within 30 days of receiving notification. Appeals are filed with the Municipal Clerk and the Ontario Municipal Board. The OMB will hold a hearing and may order that the appeal be dismissed, or that the Municipality consent to the demolition without terms and conditions, or with the terms and conditions set by the OMB. The decision of the Ontario Municipal Board is final.

Once a structure is demolished the by-law is to be repealed and the repealing by-law is served on the property owner and the Ontario Heritage Trust. Notice is published in the local paper; reference to the property is deleted from the Municipal Register, and a copy of the repealing by-law is registered against the property in the land registry office.

### ***What is the Municipal Register of properties of cultural heritage value or interest?***

The Municipal Clerk keeps a Register of all properties that have been designated by by-law within the Municipality, under Part IV of the Ontario Heritage Act. The Register may also include properties that have not been designated but that the Council believes to be of cultural heritage value or interest. Council consults with its heritage committee prior to adding a property to the Register or removing a property from the Register.

If a non-designated property is listed on the Register the owner of the property cannot demolish or remove a building or structure unless they give Council at least 60 days notice in writing of their intentions. The notice is to include such plans and information as Council may require. The 60 day period allows Council to consider whether a demolition permit should be issued or whether the property should be designated.

### ***CHC Liaison:***

Brandon Weiler

Planner, Special Projects

905 623 3379

[bweiler@clarington.net](mailto:bweiler@clarington.net)