



## The Heritage Designation Process

In the Town of Erin

### Property Designations: A Celebration of our homes!

One of the most important tools The Town of Erin uses to protect places of heritage significance is through designation under Part IV of the Ontario Heritage Act (the Act). Part IV of the Act provides for municipal designation of individual properties identified as having cultural heritage value. Properties are designated by a municipal by-law, which contains the location of the property and defines its cultural heritage value or significance through a list of heritage attributes.

#### *What are some examples of heritage attributes?*

- Building style, massing, scale, or composition;
- Building materials;
- Craftsmanship;
- Features related to a property's historical association;
- Features of a property related to its function or design; and/or
- Relationship between a property and its broader setting.

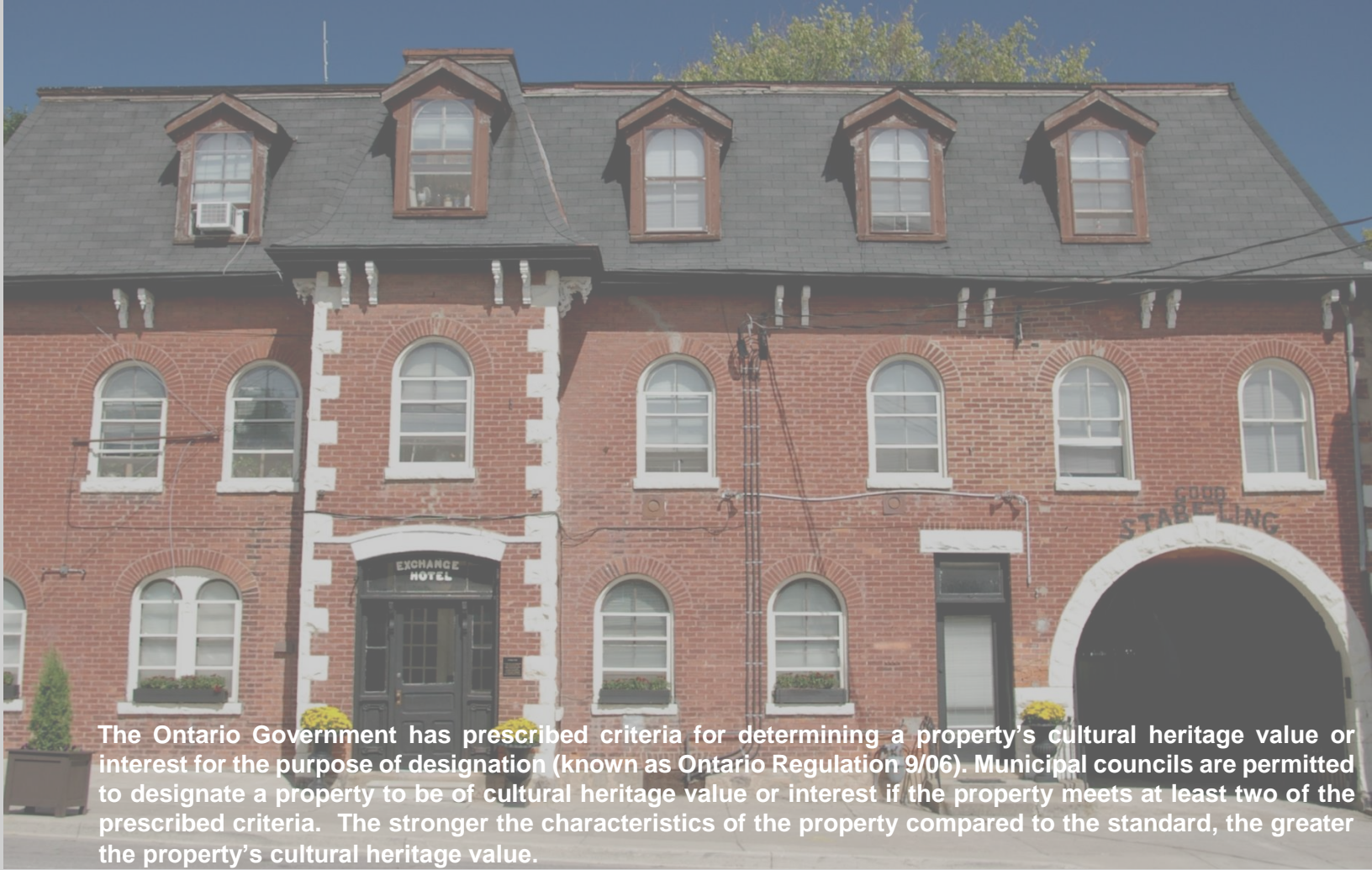
#### *What type of properties can be designated?*

A variety of properties can be designated including:

- Buildings and structures;
- Archaeological sites and ruins;
- Cultural heritage landscapes (e.g. parks, gardens and/or natural landscapes);
- Cemeteries and monuments.







The Ontario Government has prescribed criteria for determining a property's cultural heritage value or interest for the purpose of designation (known as Ontario Regulation 9/06). Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets at least two of the prescribed criteria. The stronger the characteristics of the property compared to the standard, the greater the property's cultural heritage value.

### **Criteria:**

- 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 because it displays a high degree of craftsmanship or artistic merit.*
- 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.*
- 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.*
- 9. The property has contextual value because it is a landmark.*

## Key FAQs about designation

### A designation **DOES NOT**:

- Increase insurance premiums
- Obligate a property owner to restore lost features
- Prevent the introduction of modern home elements
- Restrict the choice of paint colours
- Restrict the use of a property
- Prevent the redevelopment of a property
- Require the owner to open the property to the public

### A designation **DOES**:

- Provides clarity on the cultural importance of a given property, serving as a formal, public recognition that a property has heritage value and is worthy of protection
  - Make a property eligible for tax rebates that may be approved by Council<sup>1</sup>
  - Require the owner to obtain approval through a Heritage Permit for any exterior alterations or additions.
    - Interior alterations can be made without heritage review unless they impact an identified heritage attribute (this is rare).
  - May require the owner to receive approval from Council for the demolition or removal of a building or structure on a designated property
1. *The Town of Erin is considering the implementation of a tax rebate program as part of the designation process.*



### How are designated properties identified?

To **celebrate** the designation of an individual property, plaques are typically provided to property owners to mount on their property. The plaque indicates the name of the building's first occupant and the date of construction. The designation by-law is also registered on title to the property and is included on the Town of Erin's Register of Property of Cultural Heritage Value or Interest.







## How Are Designations Processed?

### 1. Designation is requested

- Requests can be made by Council, TEHC, Property Owners or a 3<sup>rd</sup> Party

### 2. Preliminary evaluation of property is prepared

- Evaluations are prepared by Heritage Staff and/or Heritage Consultants, using O.Reg 9/06

### 3. Consultation with TEHC

### 4. Council makes a motion requesting Staff to initiate the designation process

### 5. Notice of Intention to Designate (NOID) is issued

- Notice of Intention to Designate is issued in the local newspaper, issued to the property owner, and issued to the Ontario Heritage Trust

### 6. 30 day appeal period for NOID

- The property owner, or a 3<sup>rd</sup> party, has 30 days after the date of publication to appeal the NOID

### 7. By-law is passed

- If there are no appeals, a designation by-law is passed by Council

### 8. 30 day appeal period for By-law

- The property owner, or a 3<sup>rd</sup> party, has 30 days after the date of the passing of the by-law to appeal the by-law

### 9. By-law is registered on title

- If there are no appeals, a formal Notice of Passing will be issued and the designation by-law will be registered on title

### ***Can a designation be appealed?***

A property owner has appeal rights should they wish to object to Council's intention to designate their property under Part IV of the Ontario Heritage Act. In the event of an appeal, the final decision rests with the Ontario Land Tribunal (OLT).

The following is an outline of the designation process and the points in which objection to designation can formally be made:

- Council supports an intention to designate a property under Part IV of the Ontario Heritage Act and is to include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property;
- Notice must be provided to the owner and the Ontario Heritage Trust that includes a description of the cultural heritage value of the property. A notice, either published in a local newspaper or posted digitally in a location that can be readily accessed, must be provided with the same details;
- Following the publication of the notice, there is a 30-day period in which interested parties, including the property owner, can object to the designation. This notice in opposition to designation must set out the reason for the objection. If a notice of objection has been served to the municipality, Council is required to consider the objection and make a decision whether or not to withdraw the notice of intention to designate;
- Should Council wish to proceed with designation, it must pass a by-law to that effect within 120 days of the date in which the notice was published. There is a 30-day appeal period following Council adoption of the by-law in which interested parties can serve notice to the municipality and the OLT of their objection to the designation. Should no objection be received within the 30-day time period, the designation by-law comes into force. Should an objection be received, an OLT hearing date is set to examine the merits of the objection.

### ***How to obtain additional information***

Should you have any questions or require further clarification, please contact:

Town of Erin  
Planning & Development Department  
5684 Trafalgar Rd.  
Hillsburgh, ON N0B 1Z0  
Telephone: (519) 855-4407  
[planning@erin.ca](mailto:planning@erin.ca)