Heritage Committee Workshop



CHO - PCO Community Herítage Ontarío Patrimoine communautaire de l'Ontario

King Township, November 23, 2021

Introductions & Thanks

- King Township
 - Colin Pang
- CHO
 - Association of municipal heritage committees (MHCs)
 - Promote good heritage conservation practice among MHCs
 - We are volunteers
 - Annual conference Brockville June 16 – 18, 2021
 - Encourage you to attend
 - Learn from others
 - Effect of OHA amendments



Presenter – Wayne Morgan

- 40 years experience in heritage conservation
 - Chair, MHC for 20 years
 - Owner designated property
 - Community Planner, Toronto
 - Senior Co-ordinator Heritage Preservation Services, Toronto
 - Consultant
 - Registered Professional Planner
 - Member, Canadian Association of Heritage Professionals
 - President, CHO







You may interrupt me

- Questions are welcome
 - I will not spear you
- You will be provided with access to a copy of my presentation



Scope of Today's Workshop:

- 1. Demolition by neglect / property standards
- 2. recent Ontario Heritage Act (OHA) changes
 - Amendments to the OHA (Bill 108) proclaimed July 1, 2021 and accompanying regulation (385/21)
 - Recent changes are on a 'go forward' basis; not retroactive
- 3. Relationship of heritage conservation and planning
- 4. Establishing a HCD

Background



The role of a MHC:

- To <u>advise</u> Council on heritage conservation matters
- Heritage Act requires Council to consult its MHC on:
 - Listing in the Register;
 - Council's intent to designate (Part IV);
 - Council's intent to amend or repeal a designation (Part IV);
 - Proposed alteration of a designated property (Part IV);
 - Proposed demolition or removal of a building or structure on a designated property (Parts IV of V);
 - Heritage Conservation District studies (Part V): and
 - Heritage Easement Agreements.
- Other matters in the municipal by-law and planning documents

MHC members should be aware of:

- Municipal By-law establishing the MHC
- Ontario Heritage Act
 - Regulation 9/06 Criteria for Designation
 - Regulation 385/21
- Municipal Planning documents e.g. Official Plan
- Provincial guidelines & policies Ontario Heritage Toolkit & Provincial Policy Statement
 - Toolkit currently being updated
- Standards and Guidelines
- Municipal protocols re: heritage



1. Demolition by Neglect -Heritage Property Standards

Objective: Ensure maintenance of heritage property



Demolition by Neglect

- Objective:
 - Prevent heritage property buildings and landscapes deteriorating such that you are faced with demolition or removal



216 Farr Avenue, East Gwillimbury built c 1834 vertical plank structure - Listed property



Demolition by Neglect



216 Farr Avenue





Demolition by Neglect

- Extensive water damage:
 - Rot in main structural elements:
 - roof
 - ceiling joists
 - Wall elements vertical planks
 - Plaster work
 - decorative elements
- Lack of heat building vacant
 - Frost heaves compromising structural integrity of the foundation
 - Failing paint and paster
 - Damp and mould on-going
- Vandalism heritage fabric damaged/removed
- These properties are worthy of designation

- 1623 Wellington St W, Aurora
 - built c 1882
 - vertical plank structure
- Listed property





Dealing with Demolition by Neglect – Heritage Property Standards

- Legislation OHA Sections 35.3 & 45(1):
 - Council may pass & enforce by-laws for <u>designated properties (Parts IV & V)</u>:
 - Prescribing minimum standards for maintenance of property's heritage attributes;
 - Require that property which does not comply with the standards be repaired
 - Municipality must have a general standards by-law under the Building Code in place
 - Municipality does not have to consult with its MHC on this but MHC can suggest examples where municipalities have such standards
- Even with heritage property standards <u>monitoring</u> required
 - Work with CBO

Dealing with Demolition by Neglect – Heritage Property Standards

- Example:
 - City of Toronto Minimum standards. Municipal Code 629-44
 - In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this chapter, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:
 - A. Maintain, preserve and protect the <u>heritage attributes</u> so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.
 - B. Maintain the property in a manner that will ensure the protection and preservation of the heritage values and <u>attributes</u>.
 - The by-law then addresses repair and replacing of heritage attributes.
 - <u>Enforcement</u> if owner does not repair / replace heritage attributes to the satisfaction of the City, the City may enter the property, make the changes and charge the property owner on the property tax bill

Dealing with Demolition by Neglect – Securing Vacant Heritage Properties

• Municipality should ensure that, in Property Standards By-law, it can deal appropriately with vacant heritage buildings:









ALARM SYSTEM (battery operated if necessary)

to building envelope

2. Ontario Heritage Act - recent amendments & regulations



2. OHA & recent amendments & regulation

- Recent amendments to the OHA and corresponding regulation
 - Placed within context:
 - Listing
 - Part IV Designations Individual properties
 - Part V Designation Heritage Districts
 - Heritage Easement Agreements
- Evaluation of heritage properties
 - Brief discussion woven into listing and designation

The Heritage Register

The Heritage Register

- Legislation OHA Section 27
- Clerk keeps a Heritage Register
- Register shall include all **DESIGNATED** properties
- Register <u>may include</u> property not designated but <u>Council</u> "believes to be of cultural heritage value or interest" – LISTED

Listing a Property in the Register

Reason to List Property in the Heritage Register:

- *EFFECT* of a property in Register as LISTED
 - **DELAY IN DEMOLITION** 60 days notice to Council of a municipality
 - If not listed Chief Building Official (CBO) must issue a demolition permit within 10 business days of receipt of application unless CBO believes there are safety issues
 - FLAG to municipality & other government agencies that Council's considers the property may have heritage value

Listing a Property in the Heritage Register

• **Legislation** – OHA Section 27:

- <u>CONTENT</u> of Listing:
 - must include a location description of the property
 - NEW Cultural heritage value or interest of property see notification
- CONSIDER:
 - NEW 'prescribed principles' in Act not defined in regulation not required at this time
- CONSULT WITH MHC:
 - Council must consult with its MHC prior to listing a property in the Register
- NEW NOTIFICATION:
 - Council must notify owner of listing within 30 days <u>after</u> inclusion in Register
 - Previous no notification
 - Notice to property owner must include:
 - Why property of cultural heritage value or interest
 - Statement of effect of listing delay in demolition
- <u>NEW OBJECTION BY OWNER</u>:
 - Owner may object to listing to Council with reasons for objection; no time limit for objection
- <u>NEW</u> COUNCIL DECISION AFTER OBJECTION:
 - After filing objection, Council must decide (no time limit) on continued inclusion in Register
 - Provide notice to owner within 90 days of Council's decision

Why a Property has Cultural Heritage Value:

• *Evaluation* - Regulation 09/06

(2) 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 pecause 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. O. Reg. 9/06, s. 1 (2).

Criteria Group 1 – Design or Physical Value

i. Is a rare, unique, representative or early example of a style, type, expression or construction method

Representative example of style:



Caledon - Vernacular interpretation of Gothic Revival



Criteria Group 1 – Design or Physical Value

i. Is a rare, unique, representative or early example of a style, type, expression or construction method

Unique example of

type:



Modern architecture - Roy Thomson Hall – Toronto

type & construction method



Deconstructivism architecture – OCAD - Toronto

Criteria Group 2 – Historical or Associative Value

i. Association – theme, event, belief, person, activity, organization or institution significant to community:

themes:



Residential Schools – Sault Ste. Marie



Early European settlement of land – log dwelling - Georgina - 1837

Criteria Group 2 – Historical or Associative Value

i. Association – theme, event, belief, person, activity, organization or institution significant to community:

belief:

Landscape feature – part of the aboriginal belief system, Alice Springs, Australia



Criteria Group 2 – Historical or Associative Value

iii. Work of architect, artist, builder, designer or theorist significant to a community

Artist:





R. York Wilson, Toronto – Toronto – O'Keefe Centre – 'the seven lively arts'

Criteria Group 2 – Historical or Associative Value

i. Association – theme, event, belief, person, activity, organization or institution significant to community:

activity / institution:



Education - King George School – Newmarket – 1911 – adaptive reuse



Land Registry – Newmarket – 1880s

Evaluation – Criteria Group 3 – Contextual Value

ii. Physically, functionally, visually or historically linked to surroundings



1890

2018



Evaluation - A Final Word or Two

- Do not rely solely on Contextual Values to justify listing or designation;
- The more values the better;
- Be certain you can defend the values selected; and
- Do your research your conclusions about values could be contested.

Listing a Property in the Heritage Register

• Municipal Experience:

- Who researches listed properties MHC, staff, consultants?
- Who initiates listing MHC, Council, public, planning application?
- Notify property owners? Who? When? Now required after Listing
 - Any additional municipal requirements?
 - **<u>SUGGESTION</u>** notify prior to taking to heritage committee and/or Council
- Handling objections?
- Scope of information in Register? Heritage values Reg 9/06?
- How do you put it forward to your Council?
- Removal from Register- process? Nothing in OHA Council resolution
- Emergencies how handled? Strategy / Protocol suggested

Listing - Ajax – Heritage Register Experience

Ontario Regulation 9/06: Criteria for determining cultural

heritage value or interest

Non-designated properties being considered for listing on the Town's heritage register are evaluated using a set of provincially regulated criteria. If a property is deemed to satisfy one or more of the nine criteria below, listing on the heritage register is warranted.

1. Design or Physical Value

The property:

- 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. Historical or Associative Value

The property:

- 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. Contextual Value

The property:

- 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.

Where can I get more information?

For more information, contact the Town of Ajax's Heritage Planner at 905-619-2529 x3200 or heritage@ajax.ca. The Heritage Planner can also provide general information on heritage conservation and land use planning. Additional information can be found on the Town's website at ajax.ca.

Frequently Asked Questions from Property Owners

Is special approval required to renovate or make changes to my listed property?

There are no special requirements for a listed property over and above those applicable to all properties in the Town. However, if a building permit is required for any renovation work, the Town's Heritage Planner may contact you to provide suggestions on how to ensure that the heritage value of the property is protected through the renovation process.

Will being listed prevent future development on my property?

Listing on the heritage register will not prevent future development on your property. However, if the Town receives a development application for your listed property, it may decide to proceed with a heritage designation which could influence the form and level of development that is permitted. There are many good examples in Ajax of new developments that incorporate heritage properties. It is the goal of the Town to balance the benefits of heritage conservation with those of new development.

Will being listed impact the real estate value of my property?

Listing on the heritage register should not impact your property's real estate value since the process of listing is purely an administrative one with no legal implications. Interestingly, however, studies conducted in Ontario involving designated heritage properties have demonstrated a positive relationship between designation and real estate value. These studies have shown that real estate values for designated properties are more resilient in times of market fluctuation and can increase at a faster rate than non-designated properties.

Will being listed affect my property insurance?

The cost of your insurance is based primarily on two principles: the level of risk and the type of coverage. Older properties may be subject to higher risk due to antiquated systems and materials, so risk is likely to be higher regardless of whether they have been listed on a heritage register. Similarly, some types of insurance, such as full replacement cost insurance, which provides for replac or replacement with "like kind and quality," can be more expensive than others. Since listing has no bearing on the type of coverage required, it should not have an impact on your insurance rate.

How can I get my property listed on the heritage register?

The first step is to complete and submit the required application form. Once the application is received by the Town of Ajax Heritage Planner, a summary report will be written that provides a recommendation to the Town's Heritage Advisory Committee. The matter will then be forwarded to Town Council for a final decision.

How can I get my property removed from the heritage register?

To initiate this process, the applicant must complete and submit the required application form along with any required reports. Once the application package is received by the Town of Alax Heritage Planner, a summary report will be written that provides a recommendation to the Town's Heritage Advisory Committee. The matter will then be forwarded to Town Council for a final decision. Applications for removal must be supported by a Cultural Heritage consultant. The Town will only support the removal and a property from the heritage register if it is demonstrated that the property does not possess heritage value.

How do I go about demolishing a building on my listed property?

Anyone wishing to demolish a building on a liated property must complete and submit a Notice of Intention to Demolish application to the Town along with any required reports. Once this application package is received, the Town has 60 days to determine whether or not to proceed with heritage designation under the OHA. If the Town does not pursue heritage designation, a demolition permit can be submitted to the Town following the expiration of the 60-day period. In the event that the Town does pursue heritage designation, the applicant will be bound by the requirements of the OHA.



Town of Ajax Non-Designated ("Listed") Heritage Properties



Listing - Ajax – Heritage Register Experience

34 Arnold Estate Lane

Name: The Arnold Estate Year Built: 1867 Historic Use Category: Residence Historic Use Type: Single Dwelling Style: Georgian Structure Type: Masonry - Stone Cladding: Stone - Dressed Heritage Status: Heritage Inventory

Design/Physical Value:

- 2-storey, 5-bay rectangular-plan main house with single-storey rear and west wings, all constructed of dressed fieldstone
- Original single-storey house was modified in 1924 with the addition of a second storey to give a traditional Georgian appearance
- Gabled roof is clad in imitation slate, includes bell-cast eaves and reveals stone chimneys at both ends
- Main entrance includes half-sidelights and a brick lintel under a gabled portico with columns executed in the Doric order
- Value exists in craftsmanship and as a rare two-storey stone dwelling Historical/Associative Value:
- Built by wealthy Irish businessman William Wright in 1867 on lands purchased from Major John Smith in 1829
- Sold to John Fothergill in 1908 and Harry & Irene Arnold in 1924 (\$25k) Contextual Value:
- The property originally fronted on Kingston Road but is now located within a condominium development with a small parkette to the west
- Front entrance is located on a cul-de-sac and is marked by a plaque
- Layout of Arnold Estates preserves visual connection to Kingston Road





View of northwest corner (2016

34 Arnold Estate Lane



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.

an area,

surroundings, or

iii, is a landmark.



Listing - Ajax Experience – Removal from Register

Planning and Developm 65 Harwood Avenue South Ajax ON L1S 2H9	Inder Section 27 (1.2) of the Ontario ent Services			Tel. 905-683- Fax. 905-686-	0360
AJax ON L1S 2H9	FOR	TOWN USE ONL	Y	www.aj	ax.ca
ile Number		Date of R			
Property Identifi	cation				
unicipal Address (or desc	cription of location)				
Contact Informa	tion				
	Mailing Address	Telephone	e Facsimile	E-mali	
olicant					
operty Owner					
Property Informa	ation				
	ation				
Property Informa roperty Name listing of all relevant uliding/structures on le property	ation				
roperty Name lating of all relevant ulidings/structures on le property	ation		Known	Speculated	
roperty Name Isting of all relevant ulidings/structures on le property ear Bullt			C Known	Speculated	
eroperty Name sting of all relevant uiklings/structures on e property ear Built cohitectural Style			Known	Speculated Speculated Speculated	
roperty Name					
operty Name sting of all relevant alloings/structures on er Built chiltectural Style ructural System					
roperty Name Isting of all relevant Undingsetructures on e property ear Built rchitectural Style tructural System	ation			Speculated	21 of 2

Provide a descri	iption of why you believe that this p	property should be ren	move	d from the Heritage	Register. Please refer	ence any information i
1) design value	itage Register property profile that or physical value, 2) historical valu	e or associative value	e, and	/or 3) contextual va	lue, as per Ontario Re	gulation 9/06.
5. Supp	orting Information					
Required			Optio	onal		
Cultural	I Heritage Evaluation Report (by quali	fied consultant)		Historical photograp	ohs	
Chain o	of ownership (dating to before the con	struction date)		Plan of Survey		
6. Affida	photographs (all elevations of relevant avit and Sworn Declaration of nformation submitted in support of the rotection of Physics (A. Breby ce	of Applicant		e avallable for public		
6. Affida agree that all information and P	avit and Sworn Declaration of Information submitted in support of the	of Applicant his application may be tilly that all statements of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affida I agree that all li Information and F Declared before i	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cel	of Applicant his application may be tify that all statements o	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affida I agree that all II Information and F Declared before I In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cer me at the	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affida I agree that all II Information and F Declared before I In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affida I agree that all II Information and F Declared before I In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affid. I agree that all li Information and P Declared before in In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the of day of	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affid. I agree that all li Information and P Declared before in In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the of day of	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affida I agree that all II Information and F Declared before I In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the of day of	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affid. I agree that all li Information and P Declared before in In the	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the of day of	of Applicant his application may be tity that all statements of of	contai	e available for public ined within this applic	c review, pursuant to th	
6. Affidi agree that all in information and E Declared before r in the Commissioner of Signature of Appp	avit and Sworn Declaration of nformation submitted in support of the restection of Privacy Act. I hereby bee me at theof of	of Applicant Its application may be intry that all statements of of	, 20	e available for public ined within this applic	c review, pursuant to trator	e Municipai Freedom :
6. Affidi i agree that all il information and f Declared before i in the this Commissioner of Signature of App Personal Informa	avit and Sworn Declaration of nformation submitted in support of the restection of Privacy Act. I hereby one me at the of _d	of Applicant Is application may be tify that all statements o of of under the authority of e used to evaluate the a	, 20	e available for public ined within this applic	c review, pursuant to the attract to	e <u>Municipal Freedom</u> (
6. Affidi i agree that all il information and F Declared before i in the this Commissioner of Signature of Appi Personal inform applicable important information of personal inform	avit and Sworn Declaration of nformation submitted in support of the <u>Protection of Privacy Act</u> . I hereby cere me at the of of	of Applicant Is application may be intry that all statements o of	, 20	e available for public ined within this applic 	c review, pursuant to the attorn are true.	ie <u>Municipal Freedom</u> of mended, and the fors about the collector
6. Affidi i agree that all il information and F Declared before i in the this Commissioner of Signature of Appi Personal inform applicable important information of personal inform	avit and Sworn Declaration of nformation submitted in support of the Protection of Privacy Act. I hereby cere me at the of of of of of of day of of of for a state of the second se	of Applicant Is application may be intry that all statements o of	, 20	e available for public ined within this applic 	c review, pursuant to the attorn are true.	ie <u>Municipal Freedom</u> of mended, and the fors about the collector
6. Affidi i agree that all il information and F Declared before i in the this Commissioner of Signature of Appi Personal inform applicable important information of personal inform	avit and Sworn Declaration of nformation submitted in support of the <u>Protection of Privacy Act</u> . I hereby cere me at the of of	of Applicant Is application may be intry that all statements o of	, 20	e available for public ined within this applic 	c review, pursuant to the attorn are true.	ie <u>Municipal Freedom</u> of mended, and the fors about the collector
Affidial agree that all lim information and FA Declared before i in the this Signature of Appi Personal inform applicable implicible or personal inform or personal inform	avit and Sworn Declaration of nformation submitted in support of the <u>Protection of Privacy Act</u> . I hereby cere me at the of of	of Applicant Is application may be intry that all statements o of	, 20	e available for public ined within this applic 	c review, pursuant to the attorn are true.	In Municipal Freedom (amended, and the fors about the collection for a
6. Affidi i agree that all il information and F Declared before i in the this Commissioner of Signature of Appi Personal inform applicable important information of personal inform	avit and Sworn Declaration of nformation submitted in support of the <u>Protection of Privacy Act</u> . I hereby cere me at the of of	of Applicant Is application may be tify that all statements o of	, 20	e available for public ined within this applic 	c review, pursuant to the attorn are true.	ie <u>Municipal Freedom</u> of mended, and the fors about the collector

Listing - Milton




Listing - St Marys – Heritage Register Experience

Address/common identifier	Photograph	Significant owners/ date / brief description
Church Street North		
Street Address: 112 Church North	11 12	1905 Queen Anne, two storey red brick villa; built for local quarry owner, James Sclater,
112 Church North		then owned for many years by his daughter,
		Vera Sclater; longtime home of former St. Marys mayor, Jamie Hahn, and his family.

No longer adequate - heritage values not specifid

Listing – Toronto & Cautions

• Cautions: - City of Toronto



Toronto developers accused of carrying out 'stealth' demolitions amid heritage-designation backlog





Not necessary at this stage: -

STATEMENT OF SIGNIFICANCE: 181 and 183 COLLEGE STREET (REASONS FOR INCLUSION)

The properties at 181 and 183 College Street are worthy of inclusion on the City of Toronto's Heritage Register for their cultural heritage value, and meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation, which the City also applies for inclusion on its Heritage Register. This assessment indicates that the properties meet the criteria under design and contextual values, and further research may identify additional values, including associations with communities, individuals and architects.

Description

The properties at 181 and 183 College Street were identified for their potential cultural heritage value in the College Street Study Official Plan Amendment adopted by the City of Toronto in 2017.

Located on the south side of the street between McCaul and Henry streets, the properties at 181 and 183 College Street contain a pair of semi-detached house form buildings that were first recorded as "unfinished" in 1886 in the City Directory. Occupied the following year, the dwellings were later converted for mixed residential and commercial uses.

Statement of Significance

The properties at 181 and 183 College Street have design value as surviving examples of late 19th century house form buildings on College Street, west of McCaul Street, with detailing from the popular architectural styles of the Victorian era, including the Italianate and Gothic Revival. Placed in the centre of a trio of semi-detached house form buildings that were constructed together, the pair is further distinguished by the surviving decorative wood detailing in the gables.

Contextually, the properties at 181 and 183 College Street are valued for their role in defining, supporting and maintaining the historical character of College Street, west of McCaul Street, which originally developed as a residential neighbourhood. With their later conversion for mixed commercial and residential uses, the buildings reflect the ongoing evolution of the thoroughfare.

The buildings at 181 and 183 College Street are historically, visually and physically linked to their setting where they are part of a series of complementary late 19th century house form buildings adjoining both sides of the intersection with Henry Street.

Heritage Attributes

The heritage attributes of the building at 181 and 183 College Street are:

- The setback, placement and orientation of the buildings on the south side of the street between McCaul and Henry streets
- The scale, form and massing of the 2½-storey plans above the raised stone bases Inclusion on Heritage Register - College Street Properties

Demolition on a Listed Property

• OHA Section 27 (9)

- "the owner of the property shall not demolish or remove a building or structure on the property ... unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intent to demolish..."
- 60 days starts from when Council is advised (as per OHA above)
- Define <u>complete notice</u> of intent to demolish (Council resolution)
 - Cultural heritage evaluation by a qualified heritage professional
- Determine if the building or structure warrants conservation

- Identify strategy for preparing report recommending:
 - Deny demolition or
 - Express Council's intent to designate the property

Designating a Property – OHA Part IV

Reason to designate Property - OHA Part IV:

- <u>EFFECT</u> Council may manage change to a property's <u>heritage</u> <u>attributes</u>:
 - Starting from notice of intent to designate:
 - Voids prior permits permitting alterations or demolition
 - No alteration or demolition affecting <u>heritage attributes</u> without Council approval
 - Council may delegate authority for alterations to staff

Heritage Attributes – What are they?

• OHA – Section 1 Definitions:

 "means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest."

• Examples of attributes:

- Buildings exterior location on the property, massing, height, roof type, foundation type, cladding; windows and doors and their placement on the facades; verandas, chimneys; and architectural details such as type of sash, brackets, eaves, facia, soffits and ornamental brick, wood and plaster works; and interior staircases, door & window casings, doors, baseboards, flooring, plaster work, fireplaces.
- Landscape grading or terracing, walkways, driveways, fencing, grassed areas, plantings, groves of trees and landscape ornaments such as fountains & statues.

Designating a Property - Part IV

- Legislation OHA Sections 29, 30 & 33:
 - **<u>REQUIREMENTS</u>**:
 - Property must meet at least one of the prescribed criteria Regulation 9/06
 - **NEW** Council must consider 'prescribed principles' not in regulation not required at this time
 - **NEW** Council may not designate 90 days after 'prescribed event'; receipt of <u>complete</u> planning application
 - If planning application involves a listed property, require a cultural heritage assessment can still require a HEA
 - <u>CONTENT</u> of by-law and notice now prescribed:
 - must include a location of the property description and/or map
 - Must include statement of cultural heritage value or interest and **NEW** how the property meets those values
 - Description of the <u>heritage attributes</u> of the property; **NEW** each attribute must relate to heritage values
 - <u>CONSULTATION</u>:
 - Council must consult with MHC prior to expressing intent to designate
 - <u>NOTIFICATION</u>:
 - intent to designate sent to Owner, Trust & published in newspaper
 - Property location; statement of value & heritage attributes;
 - Objection within 30 days after date of publication of notice
 - <u>COUNCIL PASSES BY-LAW</u>

Designating a Property - Part IV – West Grey



Carnegie Free Library 240 Garafraxa Road North, Durham





Designating a Property - Part IV – West Grey By-law Schedule, pre July 1, 2021

REASONS FOR DESGIANTION: 240 GARAFRAXA STREET NORTH (STATEMENT OF SIGNFIICANCE)

ATTACHMENT NO 3

Durham Carnegie Free Library

Description

Criteria met →

Associative

values

Contextual

values

Heritage

Attributes

The property at 240 Garafraxa Street North is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, association and contextual values. Located on the west side of Garafraxa Street North, north of George Street West immediately north of the Knox United Church in the community of Durham, the Durham Carnegie Free Library, built 1911 to 1912, is a 1 storey institutional building constructed as an area library and meeting room.

Statement of Cultural Heritage Value

The Durham Carnegie Free Library is a well preserved, representative example of a stone and brick, Design values 🛏 Beaux-Arts Classical Revival style, institutional building in the community of Durham. It was constructed for the municipality of the Town of Durham in response to a \$8,000 grant from the Carnegie Foundation for the construction of a free, public library. The Foundation, founded in 1905, is a philanthropic organization established by the American industrialist, Andrew Carnegie, which, in the early twentieth century, provided grants to municipalities in the English speaking world for the construction of free public libraries to further Carnegie's belief of a society governed by meritocracy through self-education. The Building was designed by the Gueloh Architect William Austin Mahoney (1871 – 1952). It was constructed by Hugh McDonald (masonry) and George Kress (carpentry) on land that had been donated to the Town by a mayor, David Jackson Jr. The Library, Jn its original location facing east, retains the architectural features required by the Foundation and in particular, James Bertram, Carnegie's secretary. The Library, located immediately north of the Knox United (originally Presbyterian) Church, contributes to, and has a strong visual presence on, the streetscape of this predominantly residential area just north of the commercial core of Durham. The Building was used as the community library from its opening until 2017.

Heritage Attributes

The heritage attributes of the property 240 Garafraxa Street North are:

On the Exterior:

- The 1-storey institutional building on a raised basement
- The scale, form, height and massing of this square building on a rectangular-shaped lot.
- The broken coursed, cut limestone basement and the red brick clad first floor: the latter with banding on the principal (east) elevation
- The low pitched, black asphalt shingled, hip roof with its projecting, plain wood clad eaves on the main building on the portico

- The symmetrical arrangement of the principal (east) elevation with the central entrance, positioned mid-way between the basement and the first floor, flanked on either side by pairs of window openings on the first floor and the basement
- The central portico on the principal (east) elevation, which shelters the front entrance, with arched openings with stepped concrete voussoirs on the three sides, Ionic columns and pilasters on red brick piers supporting the portico and key-stone cartouche in the east opening
- The straight staircase and plain concrete balustrade leading to the portico and the front entrance
- · The first floor large rectangular window openings with one over one wooden sash and transom above and concrete lug sills on all elevations
- The concrete lintels over all window openings except those on the first floor of the principal elevation where there are large stepped voussoirs over the semi-circular window openings
- The shorter window openings on the basement with one over one wood sash
- The wide front entrance opening with its semi-circular head, door leafed door and semi-circular transom

On the Interior on the first floor:

- The high ceilings
- On all windows wood casings and sills
- Around all door openings wood casings
- The wood framed, glass paneled swinging doors from the vestibule to the first floor
- . All baseboards and chair rails
- The pair of tapered, square, paneled wood columns immediately west of the entrance vestibule
- . The moulded wood casing at the base of the arched and straight openings, that latter supported by the pair of square columns,
- The paneled doors to the office and to the basement staircase

On the interior in the basement:

- The staircase leading from the first floor to the basement, including newel posts, balusters, hand rail, string course, treads and risers
- The door and wall of the basement entrance vestibule
- On all remaining windows wood casings and sills

Heritage **Attributes**

Designating a Property - Part IV – West Grey NEW - By-law Schedule, since July 1, 2021

Statement about how criteria met REASONS FOR DESGIANTION: 240 GARAFRAXA STREET NORTH (STATEMENT OF SIGNFIICANCE) ATTACHMENT NO. 3

Durham Carnegie Free Library

Description

The property at 240 Garafraxa Street North is worthy of designation under Part IV, Section 29 of the Ontario Heritage Act for its cultural heritage value, and meets the criteria for municipal designation prescribed by the Province of Ontario under the three categories of design, association and contextual values *as described in the Statement of Cultural Heritage Value below*. Located on the west side of Garafraxa Street North, north of George Street West immediately north of the Knox United Church in the community of Durham, the Durham Carnegie Free Library, built 1911 to 1912, is a 1 storey institutional building constructed as an area library and meeting room.

Statement of Cultural Heritage Value

Design Value: The Durham Carnegie Free Library is a well preserved, representative example of a stone and brick, Beaux-Arts Classical Revival style, institutional building in the community of Durham.

Associative Value: Association with international organization - It was constructed for the municipality of the Town of Durham in response to a \$8,000 grant from the Carnegie Foundation for the construction of a free, public library. The Foundation, founded in 1905, is a philanthropic organization established by the American industrialist, Andrew Carnegie, which, in the early twentieth century, provided grants to municipalities in the English-speaking world for the construction of free public libraries to further Carnegie's belief of a society governed by meritocracy through self-education.

Association with architect - The Building was designed by the Guelph Architect William Austin Mahoney (1871 – 1952). It was constructed by Hugh McDonald (masonry) and George Kress (carpentry) on land that had been donated to the Town by a mayor, David Jackson Jr. The Library, in its original location facing east, retains the architectural features required by the Foundation and in particular, James Bertram, Carnegie's secretary.

Association with community - The Building was used as the community library from its opening until 2017.

Contextual Value: Supporting area character - The Library, located immediately north of the Knox United (originally Presbyterian) Church, contributes to, and has a strong visual presence on, the streetscape of this predominantly residential area just north of the commercial core of Durham.

Heritage Attributes

Each exterior heritage attribute of the property 240 Garafraxa Street North listed below is indicative of the design value (architectural style) and are associated with the original design of the architect W. A. Mahoney who had to meet the requirements of the Carnegie Foundation:

- The 1-storey institutional building on a raised basement
- The scale, form, height and massing of this square building on a rectangular-shaped lot
- The broken coursed, cut limestone basement and the red brick clad first floor; the latter with banding on the principal (east) elevation
- The low pitched, black asphalt shingled, hip roof with its projecting, plain wood clad eaves on the main building on the portico
- The symmetrical arrangement of the principal (east) elevation with the central entrance, positioned mid-way between the basement and the first floor, flanked on either side by pairs of window openings on the first floor and the basement
- The central portico on the principal (east) elevation, which shelters the front entrance, with
 arched openings with stepped concrete voussoirs on the three sides, lonic columns and pilasters
 on red brick piers supporting the portico and key-stone cartouche in the east opening
- The straight staircase and plain concrete balustrade leading to the portico and the front
 entrance
- The first floor large rectangular window openings with one over one wooden sash and transom above and concrete lug sills on all elevations
- The concrete lintels over all window openings except those on the first floor of the principal elevation where there are large stepped voussoirs over the semi-circular window openings
- · The shorter window openings on the basement with one over one wood sash
- The wide front entrance opening with its semi-circular head, door leafed door and semi-circular transom

Each interior heritage attribute listed below is associated with the designs of the architect W. A. Mahoney and the requirements of the Carnegie Foundation: On the fist floor:

- The high ceilings
- On all windows wood casings and sills
- Around all door openings wood casings
- The wood framed, glass paneled swinging doors from the vestibule to the first floor
- All baseboards and chair rails
- The pair of tapered, square, paneled wood columns immediately west of the entrance vestibule
- The moulded wood casing at the base of the arched and straight openings, that latter supported by the pair of square columns,
- The paneled doors to the office and to the basement staircase

In the basement:

- The staircase leading from the first floor to the basement, including newel posts, balusters, hand rail, string course, treads and risers
- The door and wall of the basement entrance vestibule
- On all remaining windows wood casings and sills

Statement - how attributes relate to values

Des

how criteria met to establish heritage values

Details about

Statement - how attributes relate to values

Designating a Property - Part IV

- Legislation OHA Sections 29, 30 & 33:
 - NEW TWO STAGE OBJECTION PROCESS
 - 1. to Council on notice of intent to designate:
 - Within 30 days of publication of notice of intent to designate
 - If objection, Council must decide whether to continue with designation
 - Within 90 days of notice of intent to designate
 - If Council designates:
 - Must designate within 120 days of notice of intent to designate unless emergency; agreement with owner to extend; new information (Council resolution)
 - 2. to Ontario Land Tribunal (OLT) after designation:
 - Must object to OLT within 30 days of publication of notice that by-law has been passed
 - OLT holds a hearing and issues a 'FINAL DECISION' NEW
 - Dismisses appeal or
 - Orders Council to repeal by-law in whole or part as determined by OLT

Designating a Property - Part IV

• Municipal Experience:

- Who researches properties for designation MHC, staff, consultants?
- Who initiates designation MHC, Council, public, applicant for development?
- Does the municipality have additional property notification requirements?
- Who prepares designation By-law?
 - Legal description of property
 - Statement of heritage value and list of heritage attributes
 - Meet legislative requirements & provide guidance to property owner & future staff/MHC
- How do you put it forward to your Council?
- Emergencies how handled?
- Appeals who goes to OLT?

Altering a Designated Property – OHA Part IV

Protection – Managing change to property's heritage attributes

- Legislation OHA Section 33:
 - Council approval required to alter a Part IV designated property
 - Scope of alterations:
 - Alteration limited to <u>heritage attributes</u>
 - **NEW** if alteration compromises integrity of resource, alteration deemed a demolition.
 - Apply to Council for a Heritage Permit to alter:
 - with plans as required by Council and (NEW) Regulation 385/21
 - Name of applicant
 - Name of municipality
 - Description of property
 - Photographs
- required in Site plan

Now

- Drawings & written specification
 Reasons for the proposed alteration or demolition
 Technical cultural heritage studies relevant to the proposal
- Affidavit as to accuracy

• Legislation – OHA Section 33:

- Council issues notice:
 - NEW receipt of complete application issues receipt within 60 days application commenced
- Decision Time:
 - Council, after consulting with its MHC, must make a decision:
 - within 90 days of notice of complete application; or
 - NEW Within 150 days after application commenced if not a complete application;
 - Can be a refusal because it is not a complete application
 - if Council fails to meet time lines alteration deemed approved.
- Council may:
 - Approve
 - Approve with conditions
 - Refuse

- Council may delegate its <u>approval</u> authority to municipal employee
 - Refusal remains with Council
- Council issues notice of its decision
- Owner may appeal Council's decision to OLT
 - Appeal must be within 30 days of Council's notice of its decision
- Appeal referred to OLT which holds hearing & issues DECISION (NEW)
 - Dismiss appeal
 - Approval appeal in whole or part and so direct municipal council
- After alteration or demolition occurred, Council, in consult with MHC, must:
 - Retain or amend designating by-law; or
 - if property still has cultural heritage value:
 - Repeal designating by-law
 - if property no longer has cultural heritage value
 - Each decision has notification requirements under Reg 385/21

• Municipal Experience:

- Who deals with the applicant in preliminary meetings MHC, staff?
- What does your Council require to accompany an application to alter?
 - Major projects heritage impact assessment
- Do you have a formal heritage permit process?
- Has your Council delegated approval of alterations to staff?
 - Do you have heritage staff to deal with alterations?
 - What does staff/MHC use as a guide in approving alterations? Standards & Guidelines?
- Who prepares the report to Council on the application?
- Have you negotiated conditions on past approvals to alter?
- Appeals who goes to OLT?

• Things to consider:

- Are the alterations:
 - ADVERSELY AFFECTING the property's heritage values?
 - SUBORDINATE to the property's heritage?
 - COMPATIBLE to the property's heritage values?
- Are there options which would achieve the owner's objectives but be better for the property's heritage values?
- Are the alterations reversible?
- Do the alterations restore documented heritage features?
- Are there CONDITIONS which should be attached to the approval that would mitigate any adverse heritage impacts?

Altering a Part IV Designated Property -Georgina





Proposal – Rear Addition on a farm property

Altering a Part IV Designated Property -Georgina

- Conditions of Approval
 - Heritage Easement Agreement
 - Amend designation by-law to include landscape features
 - Resolve condition issues on heritage building
 - Maintain views of house from main road landscaping
 - Financial guarantees



Demolition on a Designated Property – OHA Part IV

Protection – Council can prevent demolition but owner can appeal to OLT

Demolition on a Part IV Designated Property

- Legislation OHA Section 34:
 - Council approval required for demolition or removal on a Part IV designated property of:
 - Heritage attributes
 - A building or structure whether or not it affects the heritage attributes
 - Apply to Council for a Heritage Permit to demolish:
 - **NEW** with plans as required by Council and as prescribed by regulation (see list for alterations)
 - Council issues notice:
 - receipt of complete application issues receipt within 60 days application commenced
 - Decision Time:
 - Council, after consulting with its MHC, must make a decision:
 - within 90 days of notice of complete application; or
 - **NEW** Within 150 days application commenced if not a complete application;
 - if Council fails to meet time lines demolition deemed approved;
 - Council may:
 - Approve
 - Approve with conditions
 - Refuse

Demolition on a Part IV Designated Property

- Legislation OHA Section 34:
 - Council <u>cannot</u> delegate its approval authority for demolition to municipal employee
 - Owner may appeal Council's decision within 30 days of notice of Council's decision
 - Appeal referred to OLT:
 - holds hearing;
 - makes final decision in an order to municipal council
 - If demolition approved, Council, in consult with its MHC, amend or repeal all or part of designation by-law
 - Notification requirements under Reg 385/21

Demolition on a Part IV Designated Property

• Municipal Experience:

- Who deals with the applicant in preliminary meeting MHC, staff?
- What does your Council require to accompany an application to demolish?
 - Anything beyond what is required in Reg 385/21?
- Do you have a formal heritage permit application?
- Who prepares the report to Council on the application?
- Have you negotiated conditions on past approvals to demolish?
- Appeals who goes to OLT?

Amending or Repealing an individual Heritage Property By-law – OHA Part IV

Outcome – Heritage protection removed

Amending or Repealing a Part IV Designation

- Legislation OHA Section 30.1 (Amending), 31 (Repeal):
 - Council approval required for amend or repeal a Part IV designated by-law
 - Amendment process not required:
 - To clarify or correct statement of cultural heritage value or list of attributes
 - Amendment process: with time limits
 - Notice to property owner
 - Consult with MHC
 - Owner may object; if Council does not withdraw, appeal to OLT
 - Repeal process: with time limits
 - Notice to property owner & publish in newspaper
 - Consult with MHC
 - Anyone may object; if Council does not withdraw, appeal to OLT
 - OLT
 - Holds hearing
 - NEW Renders final decision and orders Council as appropriate

3. Heritage Conservation & Planning



Planning – PPS 2014 / 2020

- Provincial Policy Statement
 - Guides municipal decision making on Planning Act applications
 - Section 2.6 Cultural Heritage
 - Italics defined terms
 - 'significant built heritage resources' designated properties or included in Register & meet Reg. 09/06
 - 'conserved' managed so as to retain cultural heritage values
 - 'Protected Heritage property' generally designated only
 - No heritage change 2014 to 2019
 - PPS policies considered together
 - Section 2.6 not considered in isolation

Proposed Provincial Policy Statement – July 2019

2.6 Cultural Heritage and Archaeology

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Planning – Municipal Policy

- Official Plan & other Planning Instruments
 - Policies apply to municipal actions, including Planning Act applications
 - OP has heritage policies which include:
 - Permitting heritage conservation districts
 - Protecting heritage resources
 - Reference to Heritage Impact Assessment
 - When OP reviews are undertaken, MHC should seek input into planning documents that may have heritage implications
 - MHC can recommend amendments to existing policies



Planning - Application

- Planning Development Applications
 - Monitor applications affecting properties on heritage register
 - Some municipalities require heritage impact assessments with application
 - Assesses impact on heritage values
 - measures to address adverse impacts
 - If MHC involved, respond quickly
 - Can include recommendations for:
 - modifications
 - Conditions
 - Must be based on heritage issues





Heritage Conservation Districts (HCDs) – OHA Part V



Reason to designate a HCD - OHA Part V:

- <u>EFFECT</u> Council may manage change to all properties within a heritage area so as to preserve the area's heritage character:
 - Includes all private and public properties within the HCD
 - <u>Ex</u>cludes building interiors
 - No owner may alter or demolish affecting <u>heritage attributes</u> of the property or area without Council approval
 - Must have guidelines for managing change in the HCD

Designating a Heritage Conservation District (HCD)

- Legislation OHA Part V, Sections 39 41
- Municipal decisions under Part V comply with prescribed principles not in regulation, not required at this time
- Municipality may undertake study of area for HCD
 - Section 40 (2) defines scope of study:
 - Area character
 - Boundary
 - Objectives of designation and context of HCD Plan
 - Changes to municipal official plan and by-law
 - MHC must be consulted on HCD study
- Municipality may restrict alterations, demolition and new buildings in study area for up to 1 year
 - Subject to appeal to OLT
 - Not recommended unless there is an emergency

Designating a Heritage Conservation District (HCD)

- Legislation OHA Part V, Sections 39 41
- Municipality may designate an area as a HCD
 - Must inform the public and have at least one public meeting
 - MHC must be consulted on HCD designation
 - Subject to appeal OLT
- Municipality must have policies in its Official Plan permitting HCDs
- In designating a HCD, the municipality must also adopt a HCD Plan
 - Plan content defined by OHA 41.1 (5)
 - Statement of HCD objectives
 - Statement of cultural heritage value of interest
 - Heritage attributes of the HCD and properties in the HCD
 - Policy statements, guidelines and procedures for managing change
 - List of minor alterations that do not require a heritage permit
- **EFFECT** Once the HCD established, a heritage permit required for:
 - Exterior alterations;
 - Erection, demolition or removal of any heritage attribute of a property
 - Municipality may not pass by-laws or undertake works contrary to HCD plan

Designating a Heritage Conservation District (HCD)

- HCDs do not have to be large areas For example:
 - Brock Avenue in Centre Wellington Township (Fergus) 6 properties & street
 - Buildings, front yard landscaping, street





Suggested approach to Designating a HCD

- 1. Start small- where most owners are likely to support a HCD
- 2. Have an informal information meeting with community
 - Inform Council
 - Have printed information takeaways
 - Have property owner(s) who are in another HCD speak
 - Gage support

3. Determine a study area

- If you can:
 - do property research heritage values & attributes; identify heritage & non-heritage properties;
 - determine the heritage value of the area as a whole including public spaces
- 4. Approach Council to formally initiate a study

Suggested approach to Designating a HCD

5. Council hires consults, consider:

- Consultant's heritage conservation planning experience,
- Prior work concise plans that are easy to understand
- Ability to work with residents
- Understanding of the issues of the area
- 6. Consultant drafts plan
- 7. Hold information meeting with residents/owners in plan area
- 8. Revise plan as required
- 9. Submit to Council
 - Statutory public meeting

Altering a Property in a Heritage District – OHA Part V

Protection – Manage change consistent with the District Plan

- Legislation OHA Section 42:
 - Council approval required to alter a Part V designated property
 - Application for a Heritage Permit to alter
 - with plans as required by Council and as prescribed by regulation (unknown at this time)
 - Council issues notice receipt of complete application
 - Council must decide within 90 days of notice or alteration deemed approved;
 - No consultation with MHC required
 - Consultation with local advisory committee if one specified in the HCD Plan
 - Strategy for consultation
 - Council may:
 - Approve
 - Approve with conditions
 - Refuse
 - Owner may appeal Council's decision to OLT, which renders final decision

Protection – Strongest tool for protecting a heritage resource

- Legislation OHA Section 37:
 - Council may pass by-laws for heritage easements
 - Enter into with the consent of the owner usually in connection with:
 - A planning application
 - A grant
 - Property tax relief
 - Sale of surplus municipal heritage property
 - Placed on title
 - Runs in perpetuity
 - Municipal enforcement
 - Decision of council final; no appeal
 - Municipality must consult with its MHC

• Content:

- Reasons for identification
- Photographs
- Requires maintenance & repair by owner
- Permitted alterations
- Property be insured
 - Municipality a named party
 - Proceeds used to restore/reconstruct
- Municipality may reconstruct if owner fails; charge to owner
- Control signage
- Possible plaques on property

• Examples:



Maple Leaf Gardens, City of Toronto



Farm house, Town of Georgina

Thank you



CHO - PCO Community Heritage Ontario Patrimoine communautaire de l'Ontario