

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES
DATE: FEBRUARY 14, 2011
RE: MUNICIPAL HERITAGE ADVISORY COMMITTEE

AIM:

To provide information on the establishment of a Municipal Heritage Advisory Committee.

BACKGROUND:

Section 28(1) of the Ontario Heritage Act authorizes a municipality to establish a municipal heritage committee. This is not mandatory legislation.

Council has been requested by some of its residents to form a Municipal Heritage Advisory Committee. At one time, Leamington had a similar committee, the Local Architectural Conservation Advisory Committee (LACAC), but it was disbanded approximately twenty-five years ago. While the committee was in existence, the municipality designated three properties; 13 Russell Street, the Selkirk House at 34 Clark Street, and the Wigle Coach House and Motel at 135 Talbot Street East. The committee also developed a pamphlet which provided a walking tour of historical buildings in the Uptown Area.

The information contained in this report was collected from a number of sources. The Town of Kingsville established a heritage committee in June 2004 and Kingsville municipal staff were extremely helpful in providing information about the establishment and activities of their committee. The Kingsville heritage committee has created a website which also provides helpful information and can be viewed at www.kingsvilleheritage.ca

Why Establish a Municipal Heritage Committee?

A municipal heritage committee can help a municipality preserve its history. In its information brochure on municipal heritage committees, the Province states that every community has its own unique culture and heritage. Each city, town, township or county has places, spaces and stories that enrich it, inspire it, enlighten it and guide it in its growth and development. Heritage committees assist with the conservation of properties that helps a community tell its stories.

Once a committee is established, Council also has the authority to provide owners of designated property with the opportunity for tax relief which is designed to help the owner preserve the designated property.

Most municipalities proceed on the basis that no property will be designated without the owner's consent. There is also a process for repealing a designation by-law if a property owner no longer wants his property designated.

CL/03/11-Municipal Heritage Advisory Committee

The Role of the Municipal Heritage Committee

The two primary roles of a municipal heritage committee is to provide advice to council and to do research.

The committee has no authority to designate properties. Only Council has the authority to pass a by-law to designate a property, amend the designation or to repeal a designation by-law.

If created, it is suggested the mandate of the committee should be:

- a) To establish criteria for the evaluation of properties of cultural heritage value or interest;
- b) To prepare, evaluate and maintain a list of properties and areas worthy of conservation;
- c) To advise Council on means of conserving heritage properties and available funding sources;
- d) To advise Council on current heritage conservation legislation and assist Council in the preparation of municipal legislation to conserve heritage properties and areas;
- e) To implement programs and activities to increase public awareness and knowledge of heritage conservation issues;
- f) To advise and assist Council on all matters relating to Parts IV and V of the Ontario Heritage Act;
- g) To advise and assist Council on any other matters relating to properties and areas of cultural heritage value or interest.

Heritage Committee is Different Than Local Historical Society

A commonly asked question is, "What is the difference between a municipal heritage advisory committee and a local historical society?" There are areas of common interest but a heritage committee focuses on preserving an area's history and culture through the preservation of significant buildings and places (i.e cemeteries). A local historical society's role is to protect and preserve the history of an area through the collection of artifacts, such as documents, articles, books, photographs, maps and tapes.

Further a local historical society is independent of the municipal council. A heritage committee is an advisory committee to a municipal council pursuant to the Ontario Heritage Act and a municipality cannot designate any buildings for historical purposes or provide any tax relief to property owners unless Council has first created a heritage committee.

Many municipalities have both a local historical society and a municipal heritage advisory committee.

Composition of the Committee

The Act requires that if Council creates a committee then the committee must be comprised of a minimum of five members. It is recommended that one member of Council be appointed to the committee and that all appointments be for the term of Council. It is also suggested that a representative of Development Services be appointed as a resource person to the committee.

CL/03/11-Municipal Heritage Advisory Committee

FINANCIAL IMPACT:

If Council creates a committee, then the committee must receive some funding if it is to be effective.

The Town of Kingsville established a municipal heritage committee in June of 2004. Since that time the Kingsville committee has spent approximately ten thousand dollars per year. Expenses included such items as research, purchase of plaques, creation and maintenance of a website, preparation of information and attendance at workshops.

Further, after a heritage committee is created, the municipality may enact a further by-law to establish a program where the owner of a designated property can qualify for a rebate of a portion of the property tax for the property. The purpose of the rebate program is to assist property owners with the restoration of the property. Based upon information received from other municipalities, the financial impact upon the municipality of the rebate program is normally not onerous. In 2010, for example, the total amount of heritage rebates to property owners in the Town of Kingville was under five thousand (\$5,000.00) dollars.

If the heritage committee is created, then the committee may bring forward the request in the future for Council to enact such a by-law and a more detailed report will be presented explaining how the rebate program will work and the financial impact such a program will have on the municipality.

A further cost to the municipality, which is not quantified, is the time spent by Corporate Services staff providing clerical support to the committee, Finance and Business Services staff for processing expenses and applications for tax rebates and Development Services for providing a resource person to assist the committee.

This is an advisory committee so it is suggested there will be no compensation provided to members.

COMMENTS:

Next Step

If Council creates a municipal heritage advisory committee, then the committee members will have to develop a work plan and budget for 2011.

A draft by-law for the creation of a municipal heritage advisory committee is attached to this report as Schedule "A".

Also attached, as Schedule "B" to this report, is a copy of the Ontario Regulation 9/06 which establishes the criteria for determining if a property is of cultural heritage value or interest.

CL/03/11-Municipal Heritage Advisory Committee

RECOMMENDATION:

That administration forward a by-law to Council for consideration to establish a Municipal Heritage Advisory Committee;

And that administration be directed to advertise for Committee members;

And that administration include appropriate funds in the proposed 2011 budget for Council's consideration. (Report CL/03/10)

Respectfully submitted,

BRS/ka

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SCHEDULE "A"**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON****BY-LAW XX-11**

Being a by-law to establish a Municipal
Heritage Committee pursuant to the *Ontario*
Heritage Act

WHEREAS Section 28 of the *Ontario Heritage Act*, R.S.O. 1990 c. O18 (the "*Act*"), provides that the Council of a Municipality may, by by-law, establish a Municipal Heritage Committee to advise and assist the Council with matters relating to Parts IV and V of the *Act*, and such other heritage matters Council may specify by by-law;

AND WHEREAS the Council of The Corporation of the Municipality of Leamington deems it advisable to establish such a committee and provide for the appointment of members thereto,

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:

1. A Municipal Heritage Committee is hereby established, to be known as the "Leamington Municipal Heritage Advisory Committee" (the "Committee").
2. The Committee shall consist of a minimum of five members to be appointed by Council resolution for the term of Council.
3. Council may, by resolution, appoint from time to time such further members as it considers desirable.
4. The Committee shall, at its first meeting of each year, elect a Chair from its membership.
5. The mandate of the Committee shall be:
 - a) to establish criteria for the evaluation of properties of cultural heritage value or interest;
 - b) to prepare, evaluate and maintain a list of properties and areas worthy of conservation;
 - c) to advise Council on means of conserving heritage properties and areas and available funding sources;
 - d) to advise Council on current heritage conservation legislation and to assist Council in the preparation of municipal legislation to conserve heritage properties and areas;
 - e) to implement programs and activities to increase public awareness and knowledge of heritage conservation issues, and
 - f) to advise and assist Council on all matters relating to Parts IV and V of the *Ontario Act*;
6. The Committee shall, prior to the 15th day of February of each year, provide a written report to Council on the previous year's activities and expenses.
7. This by-law shall come into force and take effect on the date of its passing

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS ___ DAY OF _____, 2011.

SCHEDULE "B"

Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Consolidation Period: From January 25, 2006 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(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 because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.