



Heritage Permit Application Guide

Attn: Planning Services
planning@leamington.ca
111 Erie Street North
Leamington, Ontario N8H 2Z9
Phone: (519) 326-5761 ext. 1407
Fax: (519) 326-2481

The following requirements are designed to assist applicants in submitting sufficient information with a Heritage Permit Application to ensure it is complete and processed as quickly and efficiently as possible. If further assistance or explanation is required, please contact: Planning Services Department at 519-326-5761.

Heritage Permits

There are two types of Heritage Permit Applications which may be considered by Council. The first permit is to add or remove references of properties listed on Leamington's Register of Heritage Properties. The second permit is for alterations, new construction, demolitions, or changes to the bylaws for heritage properties designated under Part IV (individual designation) or Part V (Heritage Conservation District designation) of the Ontario Heritage Act.

Heritage permit applications are reviewed to ensure that the proposed alterations do not negatively affect the property's heritage attributes. Proper materials, acceptable heritage conservation methods, context and overall design are considered.

There is no fee for a Heritage Permit.

Designated Properties

The Register must include all properties that have been designated under Part IV and Part V of the Ontario Heritage Act by the municipality. Section 29 of the Ontario Heritage Act enables municipalities to pass bylaws for the protection (designation) of individual properties that have cultural heritage value or interest to the municipality. Heritage designation is a protection mechanism with long-term implications for the alteration and demolition of a cultural heritage property. A designated property cannot be demolished or altered in such a way as to affect the heritage attributes of the property, without the approval from Council.

Types of Heritage Permits - Designated

A heritage permit is required for:

1. Alteration or addition to a property designated under the Ontario Heritage Act

According to the Ontario Heritage Act (Section 33, Subsection 1):

- “alter” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning
- (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property’s heritage attributes, as set out in the description of the property’s heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2002, c. 18, Sched. F, s. 2 (16); 2005, c. 6, s. 21 (1).

2. Demolition or removal of a property designated under the Ontario Heritage Act

According to the Ontario Heritage Act (Section 34, Subsection 1):

- (1) No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).

3. New construction

- Includes new additions, introducing new exterior architectural detailing and finishes, along with new garages, fences, barns, outbuildings, porches, verandahs, steps and decks that may affect the overall heritage value of the structure.

4. Repeal of a heritage designation by-law

According to the Ontario Heritage Act (Section 32, Subsection 1):

- An owner of property designated under this Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property. R.S.O. 1990, c. O.18, s. 32 (1).

5. Amendment of a heritage designation by-law

According to the Ontario Heritage Act (Section 30.1, Subsection 1):

- The council of a municipality may, by by-law, amend a by-law designating property made under section 29 and section 29 applies with necessary modifications to an amending by-law as though it were a by-law to designate property under that section. 2005, c. 6, s. 19.

6. Request to designate a property under the Ontario Heritage Act

- A property can also be recommended for designation by a property owner, or through the suggestion of an individual or group in the community. In some cases, this can occur because a property is threatened with demolition. Initiating a designation is one way of protecting a threatened heritage property to allow more time for considering alternatives.
- The property owner is a key player in a designation under the Ontario Heritage Act. As early as possible in the process, designation should be discussed with owners to ensure that they are actively engaged in the process. Once they understand the process, many owners are interested in designation as a way of expressing pride in their property and ensuring it is protected for the future.

Listed Properties

The **Ontario Heritage Act** also permits a property that has not been designated, but that Council believes to be of cultural heritage value or interest, to be placed on the Register. This is commonly referred to as 'Listing'. Non-designated properties listed on the Register may be candidates for heritage conservation, protection and future designation.

Demolition requests for non-designated (also known as "listed") properties on the Register can be delayed for up to 60 days to allow the time for the municipality to evaluate the property and decide whether further protection is warranted. The purpose is to provide protection against the issuance of a demolition permit without careful review of the heritage significance before an irreversible decision is made.

Types of Heritage Permits - Listed

A heritage permit is required for:

1. Addition to the Register of Heritage Properties
2. Removal from the Register of Heritage Properties

According to the Ontario Heritage Act (Section 27, Subsection 1.3):

- (1.3) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee. 2005, c. 6, s. 15.

3. Removal from the Register of Heritage Properties with Intention to Demolish the Property

According to the Ontario Heritage Act (Section 27, Subsection 3):

- (3) If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to

demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2006, c. 11, Sched. B, s. 11 (2).

Heritage Attributes

In general terms heritage attributes are the materials, details, forms, spatial configurations, uses, historical and cultural associations and character defining elements that collectively contribute to the cultural heritage value or interest of the designated property. A heritage designation by-law includes a Description of Heritage Attributes which describes the key attributes or elements of the property that must be given special consideration and retained to conserve its cultural heritage value or interest.

According to the Ontario Heritage Act, “heritage attributes” 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.

Heritage attributes include, but are not limited to:

- Style, massing, scale or composition;
- Features of a property related to its function or design;
- Features related to a property’s historical associations;
- Interior spatial configurations, or exterior layout;
- Materials and craftsmanship; or
- Relationship between a property and its broader setting.

The following values are used to determine whether a property merits heritage significance:

1. Design or Physical Value

- Rare, unique representative or early example of a style, type, expression, material or construction method
- Displays a high degree of craftsmanship or artistic merit
- Demonstrates a high degree of technical or scientific achievement

2. Historical or Associative Value

- Direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community
- Yields information that contributes to an understanding of a community or a culture
- Demonstrates or reflects the work or ideas of an architect, artist builder, designer or theorist who is significant to a community

3. Contextual Value

- Is important in defining, maintaining or supporting the character of an area
- Is physically, functionally, visually, or historically linked to its surroundings
- Is a landmark

Supporting Documents

In order to describe the intent and scope of a proposed project certain documents and supporting materials should be included with a heritage permit application. Applicants may be required to submit some or all of the following supporting documentation:

- Drawings / Plans: Should be folded to 8.5" x 11" paper size, if possible, and should be measured in metric scale.
- Photographs: May be colour or black and white and labelled. A general view of the street showing the building and adjacent properties (streetscape), as well as a frontal view of the existing building and a photograph of each elevation are recommended. Historical photographs may be beneficial if available.
- Registered Survey: Should be up to date with no construction since time of survey. The survey should be a copy of the original survey that has been prepared by an Ontario Land Surveyor. All existing easements and right-of-ways should be shown.
- Site Plans: Showing existing and proposed structure(s)/addition(s) on the lot, setbacks from front, rear and side lot lines, demolition of existing site features, and location of proposed site features such as parking spaces, driveways, walls, gates, fences, trees, hydro poles, retaining walls, fire hydrants, and accessory buildings.
- Floor Plans: Depicting the arrangement of interior spaces, including the existing and proposed location of walls, windows and doors. All rooms should be labelled as to use, with dimensions on each floor plan in metric scale.
- Building Elevations: Showing all elevations of the proposed addition/alteration. Suggested details to include consist of: building height, existing/proposed grade, finished floor elevations, window and door openings, roof slopes, building materials, location and type of outdoor lighting fixtures, railings, design/location of signage, down spouts, porches, landings, stairs and balconies.
- Outline Material Specifications: Samples, brochures, etc. of all exterior materials, finishes and colours will assist the Committee, Board and Municipality's staff in making their recommendations.

Timing

Heritage permits for the demolition of a property designated under the Ontario Heritage Act and for the repeal of a heritage designation bylaw are discouraged. However, Council has 90 days to respond to such requests. Heritage permits for the demolition of a property listed on Leamington's Register of Heritage Properties take a minimum of 60 days from the time that a satisfactory application is received.