

Levels of Heritage Protection Available to Municipalities Under the Ontario Heritage Act

HIGHEST

Heritage Designation

Under Part IV of the Ontario Heritage Act, the council of a municipality may pass by-laws designating individual properties within the municipality to be of cultural heritage value or interest. Heritage designation can provide long-term protection to a single property, a portion of a property (exterior, interior, landscape features), or more than one property. Owners of designated properties must obtain council's approval for:

1. Alterations that affect the identified heritage attributes (exterior, interior, and/or landscaping);
2. New construction or additions, and;
3. Demolitions



HIGH

Heritage Conservation Districts/Area

Under Part V of the Ontario Heritage Act, municipalities with designated heritage conservation districts undertake studies and develop plans to guide change in these areas. Municipalities can now incorporate heritage district plans into their official plan (or a secondary plan) to integrate heritage conservation into mainstream planning. Owners of property in designated heritage conservation districts must also obtain council's approval for alterations, new construction or demolition.

MODERATE

Heritage Easements

Under the Ontario Heritage Act, council can pass by-laws entering into easements or covenants – voluntary legal agreements – with heritage property owners. Easement agreements set out requirements for maintaining a property or specific heritage features of a property. To protect heritage features that are important to the community, easement agreements can in some circumstances be required in return for granting municipal planning approvals or exemptions, such as density bonuses. The agreement is registered on the title to the property and is binding on future owners. Entering into an easement agreement assures owners that their heritage properties will be protected over the long term.

LOW

Heritage Register

Following the amendments to the Ontario Heritage Act in 2005, municipalities must keep a Register of Heritage Properties in the municipality that are of cultural heritage value or interest. A heritage register is an official list of heritage properties that have heritage value or character for a community. The register has legal status and can provide short-term protection to listed heritage resources.

The owner of a listed 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.

NONE

Heritage Inventory

A heritage inventory is a list of heritage resources that may have heritage value or character for a community. Although an inventory is often used as a planning aid, it does not have legal status until it, or a portion of it, is adopted as a heritage register by a resolution of the local government. A heritage inventory cannot be used to delay or deny a demolition or alteration permit.