



MUNICIPAL, PLANNING & DEVELOPMENT LAW

Ontario Heritage Act: Heritage Conservation Districts

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Heritage Conservation Study Area: Scope of the Study [S.40(1)]



**The council of a municipality may
undertake a study
of any area of the municipality
for the purpose of designating
one or more heritage conservation districts.**

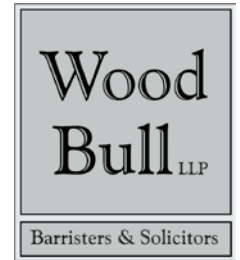
Heritage Conservation Study Area: Area of the Study [S.40(2)]



A study under subsection (1) shall,

- (a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;**
- (b) examine and make recommendations as to the geographic boundaries of the area to be designated;**
- (c) consider and make recommendations as to the *objectives* of the designation and the content of the heritage conservation district plan required under section 41.1;**
- (d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws.**

Heritage Conservation Study Area: Consultation [S.40(3)]



**If the council of a municipality has
established a municipal heritage committee under section 28,
the council shall consult with the committee with respect to the study.**

Heritage Conservation Study Area: Designation of Heritage Conservation Study Area

[S.40.1(1)]



**If the council of a municipality undertakes a study under section 40,
the council may by by-law
designate the area specified in the by-law
as a heritage conservation study area
for a period of up to one year.**

Heritage Conservation Study Area: Consequences of Designation as a Heritage Conservation Study Area [40.1(2)]



A by-law made under subsection (1) may prohibit or set limitations with respect to,

(a) the alteration of property situated in the heritage conservation study area; and

(b) the erection, demolition or removal of buildings or structures, or classes of buildings or structures, in the heritage conservation study area.

Heritage Conservation District: Designation of District [41(1)]



Where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts,

the council of the municipality may by by-law

designate the municipality or any defined area or areas thereof

as a heritage conservation district.

Heritage Conservation District: Adoption of a Plan for a District [41.1(1)]



A by-law under section 41

designating one or more heritage conservation districts in a municipality

shall adopt a heritage conservation district plan

for each district

that is designated in the by-law.

Heritage Conservation District: Content of a Plan for a District [41.1(5)]



A heritage conservation district plan shall include,

- (a) a statement of the *objectives* to be achieved in designating the area as a heritage conservation district;
- (b) a statement explaining the *cultural heritage value or interest* of the heritage conservation district;
- (c) a description of the *heritage attributes* of the heritage conservation district and of properties in the district;
- (d) policy statements, guidelines and procedures for achieving the stated *objectives* and managing change in the heritage conservation district; and
- (e) a description of the *alterations or classes of alterations* that are minor in nature and that the owner of property in the heritage conservation district may carry out or permit to be carried out on any part of the property, other than the interior of any structure or building on the property, without obtaining a permit under section 42.

Heritage Conservation District: Consequences of a Plan for a District [41.2(1)]



Consistency with heritage conservation district plan

Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,

(a) carry out any public work in the district that is contrary to the *objectives* set out in the plan; or

(b) pass a by-law for any purpose that is contrary to the *objectives* set out in the plan.

Heritage Conservation District: Consequences of a Plan for a District [41.2(2)]



Conflict

In the event of a conflict

**between a heritage conservation district plan and a municipal by-law
that affects the designated district,**

the plan prevails to the extent of the conflict,

but in all other respects the by-law remains in full force.

Heritage Conservation District: Alterations Requiring Permit [42(1)]



No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

- 1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.**
- 2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure.**

Heritage Conservation District: Alterations Allowed Without Permit

[42(2)]



Despite subsection (1), the owner of a property situated in a designated heritage conservation district may,

without obtaining a permit from the municipality,

carry out

such minor alterations or classes of alterations

as are described in the heritage conservation district plan in accordance with clause 41.1 (5) (e)

to any part of the property in respect of which a permit would otherwise be required under subsection (1).

Heritage Conservation District: Right to Apply for Permit [42(2.1)]



The owner of property situated in a designated heritage conservation district may apply to the municipality for a permit

to alter any part of the property (other than the interior of a building or structure on the property) or

to erect a building or structure on the property or

demolish or remove a building or structure on the property

Heritage Conservation District: Alterations Allowed Without Permit

[42(2)]



Despite subsection (1), the owner of a property situated in a designated heritage conservation district may,

without obtaining a permit from the municipality,

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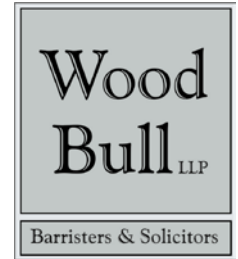
such minor alterations or classes of alterations

as are described in the heritage conservation district plan in accordance with clause 41.1 (5) (e)

to any part of the property

in respect of which a permit would otherwise be required under subsection (1).

Heritage Conservation District: Application for Permit: Time Limits [42(4)]



Within 90 days after the notice of receipt is served on the applicant under subsection (3) or

within such longer period as is agreed upon by the applicant and the council,

the council may give the applicant,

(a) the permit applied for;

(b) notice that the council is refusing the application for the permit;or

(c) the permit applied for, with terms and conditions attached.

Heritage Conservation District: Application to Demolish or Remove: Consultation with Heritage Committee [42(4.1)]



If the council of a municipality has established a municipal heritage committee under section 28,

the council shall,

before taking any action under subsection (4) with respect to an application to demolish or remove any building or structure on property in a heritage conservation district,

consult with its municipal heritage committee.

Heritage Conservation District: Application for Permit: Deemed Issued [42(5)]



**If the council fails to do any of the things mentioned in subsection (4)
within the time period mentioned in subsection (4),
the council shall be deemed to have given the applicant the permit
applied for.**

Heritage Conservation District: Application for Permit: Right of Appeal [42(6)]



If the council

refuses the permit applied for or

gives the permit with terms and conditions attached,

the owner of the property may appeal to the Board.

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



103-21. Application for permit; permits deemed to be issued.

A. Any person wishing to erect, demolish, or remove a building or structure located in a heritage conservation district, or to alter the external portions of such a building or structure, shall submit an application in writing on a form prescribed by the General Manager and shall supply any other information relating to the application as required by the General Manager.

B. Despite Subsection A, an application shall be deemed to have been made for work described in Subsection C.

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



C. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a heritage conservation district:

(1) Painting of wood, stucco or metal finishes.

(2) Repair of existing features, including roofs, wall cladding, dormers, cresting, cupolas, cornices, brackets, columns, balustrades, porches and steps, entrances, windows, foundations, and decorative wood, metal, stone or terra cotta, provided that the same type of materials are used.

(3) Installation of eavestroughs.

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



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(3) Installation of eavestroughs.

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



C. A heritage permit is deemed to be issued for the following alterations to the external portions of a building or structure located in a heritage conservation district (cont'd):

(4) Weatherproofing, including installation of removable storm windows and doors, caulking, and weatherstripping.

(5) Installation of exterior lights.

(6) An alteration that is not visible from a street.

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



103-22. Compatibility with guidelines.

- A. The General Manager shall issue a heritage permit on behalf of Council if the work proposed in an application received under S.103-21A is compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken.**

- B. Despite Subsection A, Council shall retain all powers and authority under Part V of the *Ontario Heritage Act*,¹⁵ and at any time prior to the issuance of a heritage permit, the ward councillor may, in writing, request the General Manager to submit a permit application to the appropriate community council and to Council for consideration.**

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



103-22. Compatibility with guidelines (cont'd).

C. A permit issued under Subsection A shall be issued subject to the following conditions:

- (1) That the permit holder not make any material change to a plan, specification, document or other information that forms the basis on which the permit was issued without making a further application under S.103-21A.**
- (2) That the permit holder carry out the work in accordance with the plans, specifications, documents and any other information that form the basis on which the permit was issued.**

Toronto Municipal Code, Article V: Heritage Permits in Heritage Conservation Districts



103-22. Compatibility with guidelines (cont'd)

- D. If the work proposed in an application is not compatible with the guidelines that apply in the heritage conservation district in which the work is proposed to be undertaken, the General Manager shall submit the application to the appropriate community council and to Council for consideration.**

- E. This section shall not apply to alterations for which a heritage permit is deemed to be issued under S.103-21C**

Toronto Official Plan: Heritage Resources (S. 3.1.5)



1. Significant heritage resources, will be conserved by:
 - a) listing properties of architectural and/or historic interest on the City's *Inventory of Heritage Properties*, designating them and entering into conservation agreements with owners of designated heritage properties; and
 - b) designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character.

2. Heritage resources on properties listed on the City's *Inventory of Heritage Properties* will be conserved. A Heritage Impact Statement may be requested for development proposals on a property on the City's *Inventory of Heritage Properties*, and will be required where the development entails an amendment to the Official Plan and/or Zoning By-law. Development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes.

Toronto Official Plan: Heritage Resources (S. 3.1.5)



3. Public incentives to encourage the conservation and long-term protection of heritage resources will be created.
4. All City owned heritage resources will be conserved and maintained in a state of good repair.
5. The impacts of public works projects that may be in the vicinity of heritage resources, including archaeological sites, will be assessed and appropriate mitigation measures to minimize the impact upon the heritage resource will be used.
6. When a City owned heritage property is sold, leased or transferred to another owner, a heritage easement agreement will be secured and public access maintained to areas with heritage value.

Toronto Official Plan: Heritage Resources (S. 3.1.5)



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6. When a City owned heritage property is sold, leased or transferred to another owner, a heritage easement agreement will be secured and public access maintained to areas with heritage value.
7. The re-use of buildings with architectural or historic importance will be considered when selecting buildings to accommodate public functions.

Toronto Official Plan: Heritage Resources (S. 3.1.5)

8. Additional gross floor area may be permitted in excess of what is permitted in the Zoning By-law for lands designated *Mixed Use Areas, Regeneration Areas, Employment Areas, Institutional Areas* or *Apartment Neighbourhoods* for a lot containing a conserved heritage building and new development provided that:
- a) the application includes the conservation of a building or structure designated under the *Ontario Heritage Act*;
 - b) additional floor area does not exceed the floor area of the designated heritage building or structure being retained;
 - c) the by-laws are enacted at the same time as the approval of the site plan for the entire development;
 - d) where only a portion of the conserved building or structure is kept, that portion contains the features of historic and/or architectural value or interest for which the building was designated;
 - e) the quality, character and three-dimensional integrity of the conserved building or structure is maintained and additional density will not be granted for the incorporation of facades or historic building elements into new development; and
 - f) where the property is within a Heritage Conservation District, the proposed development conforms to any guidelines for that district.

Toronto Official Plan: Heritage Resources (S. 3.1.5)

9. Heritage landscapes and historic cemeteries will be inventoried and conserved.
10.
 - a) An Archaeological Master Plan will inventory known archaeological sites, establish procedures for their protection and interpretation, and identify areas of archaeological potential.
 - b) If development occurs on archaeological sites, or areas with archaeological potential, significant archaeological deposits should be conserved by on-site preservation. Where on-site preservation is not ultimately secured, scientific investigation and documentation will still be undertaken. Where archaeological features are preserved on-site, any development or site alteration will maintain the heritage integrity of the site.
 - c) All indigenous persons' cultural sites, including burial sites, have importance. Indigenous cultural remains should be identified, recorded, protected and preserved. On properties where indigenous settlement sites have been previously destroyed and contemporary structures have been built, these indigenous settlement sites should be commemorated.

Toronto Official Plan: Heritage Resources (S. 3.1.5)

11. Lost historical sites should be commemorated whenever a new private development or public work is undertaken in the vicinity, including sites where:
 - a) major events occurred;
 - b) landscape features, such as rivers, streams and shorelines, have disappeared from the cityscape; and
 - c) important institutions, residences, industries, landmark buildings or settlements once existed.
12. When all or a significant part of a heritage resource on the City's *Inventory of Heritage Properties* is to be removed, thorough documentation of the resource should be deposited in the City of Toronto Archives by the owner prior to any demolition.
13. A Heritage Management Plan will be prepared and adopted. The Heritage Management Plan will be a comprehensive and evolving strategy for the conservation and management of Toronto's heritage resources.