

Guide to Heritage Designation for Individual Properties (Part IV OHA)



U.S Consulate, sketch by Craig Curtis

Preamble:

The City's Official Plan, 2021 (OP), is consistent with Provincial Policy Statement, 2020 (PPS) policies for the conservation of significant built heritage resources and cultural heritage landscapes.

The OP identifies that cultural heritage resources provide social, economic, environmental and educational value that contribute to the City's identity and character (sec.7.1).

Cultural Heritage policies in the OP provide that the City will take action to conserve and protect built heritage resources and significant cultural landscapes within the City (Section 7). Heritage Designation under the Ontario Heritage Act supports the City's plan for the identification, conservation and protection of cultural heritage resources within the municipality.

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A. Context

Under the provisions of the [Ontario Heritage Act, R.S.O. 1990](#), (Section 29(4)), Council may designate by by-law any property in the City that is considered to have significant cultural heritage value or interest for architectural, historical or contextual reasons.

Any real property, building, feature, structure, work, sculpture, or site can be designated. Designation of a property formally recognizes the unique architectural or historic characteristics of the property.

Heritage Designation:

- Recognizes the importance of a property to the local community;
- Protects the property's cultural heritage value;
- Encourages good stewardship and conservation; and
- Promotes knowledge and understanding of the property.



Black History Cairn at Harrison Park

B. Heritage Designation Criteria

Types of Heritage Designations

There are two (2) types of designation under The Ontario Heritage Act (OHA).

- Individual properties are designated under **Part IV** of the OHA; and
- Heritage Conservation Districts, which are geographically defined areas within a municipality that is noted for its distinct heritage character, are designated under **Part V** of the OHA.

This Guide focuses on the designation of an individual property under Part IV of the OHA.

Criteria for Designation

The OHA provides that an individual property must meet at least two (2) of the Criteria for Determining Cultural Heritage Value as described in [Ontario Regulation 9/06](#).

There are three (3) types of criteria for designation of a property, including:

1. Design or Physical Value

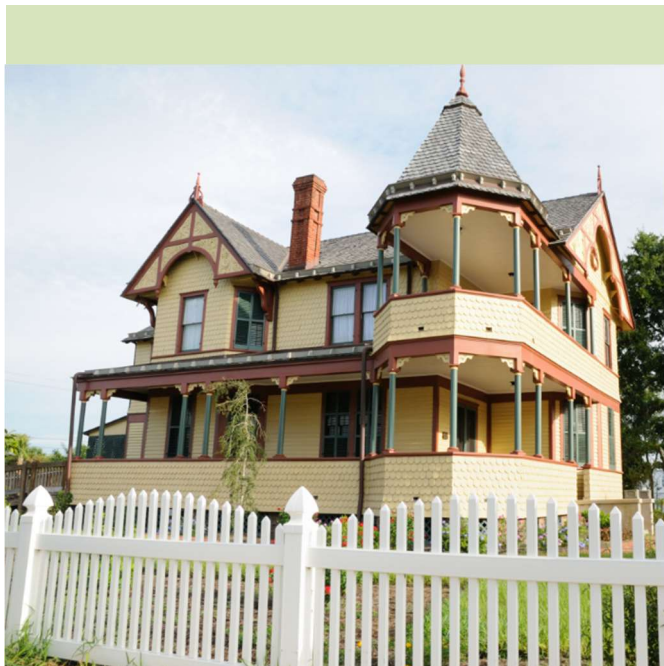
- Is a rare, unique, representative or early example of a style, type, expression, material or construction method.
- Displays a high degree of craftsmanship or artistic merit.
- Demonstrates a high degree of technical or scientific achievement.

2. Historical or Associative Value

- Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- Yields, or has the potential to yield, information that contributes to an understanding of a community or 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

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



Example of Victorian style house

C. Heritage

Designation Process

This section aims to outline the steps an individual property goes through to be designated under Part IV of the OHA. The City of Owen Sound recognizes that the property owner has a key role in heritage designation and encourages opportunities to involve the property owner in the designation process.

City Planning & Heritage staff would encourage anyone interested in protecting an individual property or district through designation under the OHA to first consult with the City's Planning & Heritage staff.

Please note that Heritage Designation is a public process and follows timelines prescribed by the OHA as well as City Council and Committee meeting timelines.

Step-by-step process for Heritage Designation:

1. Consultation with Planning & Heritage Staff

The first step in the process of designating a property is to meet with Planning & Heritage Staff to discuss requirements for a complete Heritage Designation Application. Planning & Heritage staff can be contacted by email at heritage@owensound.ca.

Please note that Planning Act Applications, such as an Official Plan Amendment, Zoning By-law Amendment, or Plan of Subdivision, may affect the timing and application requirements for designation.

2. Submission of a Heritage Designation Application

A complete Heritage Designation Application must be submitted to the City's Planning & Heritage Division. A Heritage Designation Application form can be found on the City's Heritage Webpage.

There is no fee associated with applying for Heritage Designation.

In some cases, where there is limited information on a property, or significant research is required, an applicant may be required to obtain a qualified heritage professional to assist in the heritage designation process.

A qualified heritage professional can be found on the [Canadian Association of Heritage Professionals website](#).

3. Research & Evaluation

Next, research into a candidate property must be completed. Planning & Heritage staff may lead the research; property owners are highly encouraged to take part in this portion of the designation process. Please note the time required to research a property varies based on the availability of information and may take several months.

As research is gathered, Planning & Heritage staff may begin the evaluation of a candidate property to determine whether a property satisfies the criteria for designation (O.Reg. 9/06).

Planning & Heritage staff will confirm with the property owner whether a property appears to meet the criteria for designation and if a request to designate can be supported by staff.

Input from property owners may be required to determine the property's heritage attributes and in the development of the Statement of Cultural Heritage Value or Interest.

The Ontario Heritage Toolkit is an excellent resource for information on how to research and evaluate heritage properties.



Mudtown Station & Brewery (Former CPP Railway Station)

4. Consultation with Municipal Heritage Committee

Where the designation of a property is proposed, consultation with the City’s Municipal Heritage Committee is required. The City’s Community Services Committee (CSC) is authorized to act as the Municipal Heritage Committee.

If a property meets the criteria for designation, Planning & Heritage staff will prepare a report recommending designation for consideration by both the City’s Municipal Heritage Committee (CSC) and Council to meet the consultation requirements of the OHA.

The designation report includes an analysis of the criteria for designation per O.Reg. 9/06, written statements and descriptions required to support the designation.

5. Serving Notice of Intention to Designate

After Council has consulted with the Municipal Heritage Committee and has approved the recommendation to proceed with designation. Staff will issue a Notice of Intention to Designate (NOID) to the property owner and the Ontario Heritage Trust.

A NOID will be published in a local newspaper.

Objections

A person may object to a proposed designation. An objection to the designation of a property must be filed with the City Clerk within 30 days

following the publication of a NOID in a local newspaper.

Council must consider all objections to NOIDs that are filed within 30 days of the NOID being published in a local newspaper.

6. Passing The Heritage Designation By-law

If there are no objections filed within the required time period, or Council decides not to withdraw the NOID following such an objection, Council must pass a Designation By-law within 120 days of the NOID being published.

A designation by-law contains:

- A description of the property
- Statement of Cultural Heritage Value or Interest
- Description of the property’s heritage attributes



Owen Sound Farmers' Market

7. Providing Notice of the By-law

Once a Designation By-law is passed, Council will serve a copy of the By-law to the property owner, the Ontario Heritage Trust, and anyone who objected to the NOID.

Notice that the Designation By-law has passed will also be published in the local newspaper.

A person may appeal the passing of a Designation By-law to the Ontario Land Tribunal by submitting a written objection to the City Clerk within 30 days of the By-law passing.

8. Registration of the Designation By-law on Title, and Including the Property on the Municipal Heritage Register and the Ontario Heritage Trust Register

If no appeal is received, the Designation By-law will be registered on title of the property.

The OHA requires that designated properties must be included on the Municipal Heritage Register. The City's Heritage Register is required to be publicly available on the City's website.

In accordance with the OHA, the City's Heritage Register will contain the following information for each designated property:

- a legal description of the property;
- the name and address of the owner;
- a Statement of Cultural Heritage Value or Interest; and
- Description of the property's heritage attributes

The Ontario Heritage Trust lists designated properties on the [Provincial Register of Heritage Properties](#).

D. Amending a Designation By-law

Council may amend an existing Designation By-law.

A Designation By-law may need to be amended to correct a legal description that has changed, up date the property's Statement of Cultural Heritage Value, or, more information is required to guide and manage alterations to the property.

The OHA requires the City to notify the owner of amendments and consult with the Municipal Heritage Committee to amend a Designation By-law.

E. Repeal of a Designation By-law

The purpose of designating properties is to protect and conserve the properties for all generations, and therefore, the repeal of a Designation By-law should be given careful consideration.

An owner may request a repeal of a Designation By-law. Staff would encourage property owners who are considering submitting a request to repeal a designation By-law to first contact the City's Planning & Heritage Division to discuss the matter.

The City may require a Heritage Impact Assessment in support of a request to repeal a Designation By-law.

F. Considerations for Property Owners

There are several important factors for property owners to consider as part of exploring whether Heritage Designation is right for them, such as:

General Maintenance of a Designated Heritage Property

General maintenance work does **not usually** require heritage approvals. This may include:

- repainting exterior trim
- replacing or repairing an asphalt shingle roof
- altering and repairing property features not covered by the designation by-law.

An owner may still need a Building Permit and should check with the City's Building Division. To contact the City's Building Division, please email building@owensound.ca or call 519-376-1440

Making Alterations to a Designated Heritage Property

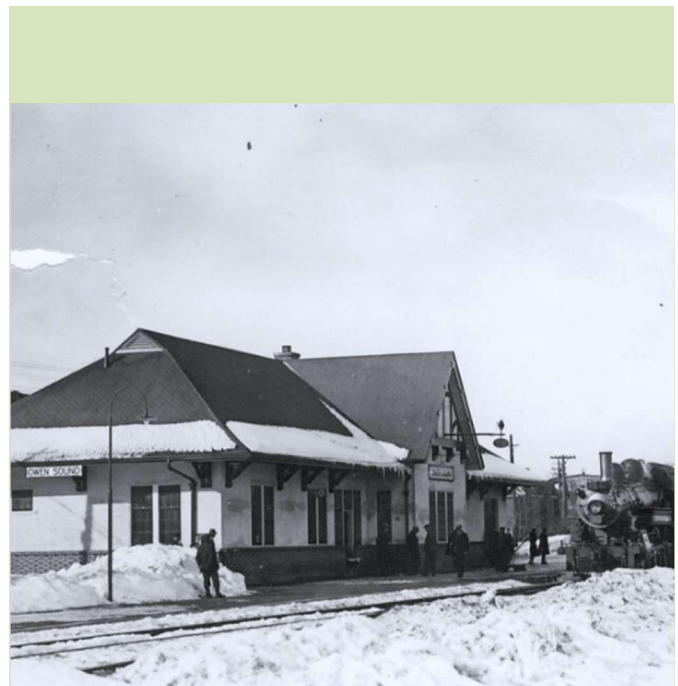
The Ontario Heritage Act (OHA) protects designated properties from unsympathetic alterations which may decrease their historic, architectural or contextual value.

The OHA requires that the owner of a designated heritage property apply to the municipality to receive permission for any alterations which is likely to affect the property's heritage attributes.

Property owners of designated heritage properties in the City must submit a Heritage Permit Application and obtain a Heritage Permit prior to commencing any alteration work that is likely to affect the property's heritage attributes, which are described in the heritage property's designation by-law. The Heritage Permit Application review process is delegated to City Planning & Heritage Staff, where sympathetic alterations are proposed.

There is no Heritage Permit Application Fee.

For more information on Heritage Permits, please see the City's [Heritage Permit Guidelines & Application Form](#).



Marine-Rail Museum (Former CNR Station)

Restore a Designated Property to its Original Appearance

Heritage designation does not require an owner to restore their building to its original appearance.

The designation by-law identifies the heritage attributes considered important, and council approval is required for changes that will affect those attributes.

If an owner wants to restore any lost or missing features, they should first discuss the project with the City's Planning & Heritage Division for advice on:

- the proposed work
- the work's impact on the property (especially if it involves removing an important feature from a later period)

Demolition of a Designated Heritage Property

Designation under the Ontario Heritage Act provides a property with protection from demolition. A property owner must receive written consent from Council to remove or demolish a heritage attribute, or demolish or remove a building or structure that would affect a property's heritage attribute.

G. Insurance

The Province of Ontario provides guidance for property owners on how they may insure a heritage property. The information provided in this section is found on the province's webpage for [Heritage Properties and Insurance](#).

Property Insurance Premiums

The province of Ontario states that insurance premiums should not go up because of a heritage designation. Insurance companies may increase premiums for older buildings for a variety

of reasons, such as outdated wiring, old heating systems, etc. Some companies do not insure old buildings over a certain age, but designation itself does not place additional requirements on the insurer and should not affect premiums.

Destroyed by Fire or Accident

The intent of designation is to preserve the historic, physical, contextual or other heritage value of a property. If a building on a heritage property is completely or partially destroyed, the designation by-law does not require the property owner to replicate any lost heritage attributes. A replacement building can be of a different design.

Replicate Damaged Heritage Features

If you want the original features of your property to be replicated in case of damage, you should ensure you have appropriate insurance. Coverage depends on the risk the owner and insurance company are prepared to share. The age, quality and condition of the building will affect the premium and available coverage.

As with any insurance plan, it's best to research insurance providers to find the most competitive rates and best service. For more information, please contact the [Insurance Bureau of Canada](#).

Replacement Cost Coverage

"Replacement cost" coverage requires prior insurance appraisal of the building. It generally provides for the property to be repaired or replaced with like kind and quality up to the amount stated in the policy. If available, guaranteed

replacement cost coverage can provide for replication of original historical detailing and other important features that have been lost or damaged – whether or not a property is designated.

By-law Endorsement Coverage

Some insurance companies offer a special type of “by-law endorsement” coverage.

The ministry advises owners of designated heritage properties to share the designation by-law with their insurer to be certain that heritage attributes are properly covered by their policy.

Actual Cash Value

An owner can also obtain coverage for actual cash value — the calculated cost of replacing the property with something of like kind after taking depreciation into account.

When arranging the insurance, an owner should speak with their insurance representative about the basis of their claims settlement.

It is important to understand what to expect if the building were to be completely or partially destroyed by an insured peril.



Greenwood Cemetery Mausoleum

H. Tax Incentives and Grant Opportunities

To support property owners and tenants of heritage properties in the conservation, restoration and maintenance of their property, the City of Owen Sound provides several capital grant programs and tax incentives through the Community Improvement Plan that designated properties may be eligible for.

The CIP and program guidelines are available on the City’s website at www.owensound.ca/planning.

Heritage Properties are eligible to apply for the following programs offered through the [Community Improvement Plan](#):

1. The Heritage Property Tax Relief Program

Provides an incentive to owners to make regular investments in the ongoing conservation of their heritage properties. A Designated Heritage Property must have either an easement agreement or a Heritage Conservation and Maintenance Agreement with the City.

2. The Façade and Structural Improvement Grant Program

Assists property owners and tenants in the restoration and rehabilitation of street-facing exteriors of buildings.

For more information on this program, please see the [Façade and Structural Improvement Grant Program Guidelines](#).

3. The Vacant Building Conversion and Expansion Grant Program

Assists property owners and tenants in the conversion of existing vacant space into a new or more suitable commercial use or mixed-use.

For more information on this program, please see the [Vacant Building Conversion and Expansion Grant Program Guidelines](#).

4. The Accessibility Improvement Grant Program

Assists owners and tenants of commercial, industrial, institutional, mixed-use and multi-use residential properties to undertake interior and exterior accessibility improvements.

For more information on this program, please see the [Accessibility Improvement Grant Program Guidelines](#).



Harrison Park

5. The Landscaping & Property Improvement Grant Program

assists owners and tenants of commercial, industrial, multi-unit residential, and mixed use buildings to improve their properties, including parking areas, through the installation of appropriate landscaping, fencing, exterior lighting, pedestrian connections, street furniture, and patios.

For more information on this program, please see the [Landscaping & Property Improvement Grant Program Guidelines](#).

6. The Start-Up Space Leasehold Improvement Grant

to assist new businesses and start-up companies to 'set-up-shop' by providing grants for the financing of permanent leasehold improvements to commercial or mixed use spaces that increase the marketability of the property and commercial rental units. Heritage building must be located within the program area (River District).

For more information on this program, please see the [Start-up Space Leasehold Improvement Grant Program Guidelines](#).

I. Who to Contact

For inquiries related to the content in this guide, please contact:

Planning & Heritage Division

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