



Figure 1. The Square Goderich (Image courtesy of the Town of Goderich)

## Heritage Conservation Districts

This guide is one of several published by the Ministry of Heritage, Sport, Tourism and Culture Industries as part of the Ontario Heritage Tool Kit. It is designed to help municipal Councils, municipal staff, Municipal Heritage Committees, land use planners, heritage professionals, heritage organizations, property owners, and others understand the heritage conservation process in Ontario.

Travelling through the downtowns and the back roads of Ontario you will find remarkable places rich in history and character – bustling market squares and commercial areas, picturesque villages in the heart of large cities, residential neighbourhoods that evoke the past, and landscapes that maintain a strong rural identity.

In many cases these areas have maintained their uniqueness and sense of place because the local municipality has taken the opportunity to designate them as heritage conservation districts (HCDs).

Following the designation of the first HCD in 1980, over 120 areas have been designated in recognition of their cultural heritage value.

This guide is designed to assist municipal staff, municipal heritage committee members and heritage community groups develop effective plans, policies and guidelines to ensure long-term protection and enhancement of heritage conservation districts for the enjoyment of current and future generations.

Amendments to the Ontario Heritage Act proclaimed in January 2020 seek to increase transparency and efficiency in municipal decision-making, while continuing to protect the heritage properties that communities value.

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This guide is one of several published by the Ministry of Heritage, Sport, Tourism and Culture Industries as part of the Ontario Heritage Tool Kit. The Ministry has published these guidance materials as an aid to municipalities and others working with the Ontario Heritage Act. The information in this guidance is not intended to take the place of legal advice. In the event of any

conflict between this guidance and any applicable legislation or regulations, including the Ontario Heritage Act and its regulations, the legislation or regulations prevails.



Figure 2. Seaforth Heritage Conservation District (MHSTCI)

# 1 Overview of heritage conservation district designation

## 1.1 What is a heritage conservation district?

Subsection 41 (1) in Part V of the *Ontario Heritage Act* enables the council of a municipality to designate the entire municipality or any defined area or areas of the municipality as a heritage conservation district (HCD).

District designation enables the council of a municipality to manage and guide future change in the district through adoption of a district plan with policies and guidelines for conservation, protection and enhancement of the area's character or appearance.

An HCD has no predetermined size or footprint. It may comprise a few properties in a small area with a tightly-arranged group or complex of buildings, or a large area with a scattering of buildings and properties. It may also comprise an entire municipality with a cluster of heritage resources sharing a significant historic association that distinguishes it from its surroundings.

Potential districts can be found in urban and rural environments. They may include residential, commercial and industrial areas, rural landscapes, or entire villages or hamlets with features and land patterns that contribute to a definable character and appearance.

Heritage conservation districts form an integral part of our cultural heritage. They contribute to an understanding and appreciation of the cultural identity of the local community, region, province or nation.

The significance of an HCD often extends beyond its built heritage, structures, streets, landscape and other physical and spatial elements, to include important vistas and views between and towards buildings and spaces within the district. The quality and interest of a district may also depend on the diversity of the lifestyle and the traditions of the people who live and work there. As the users and the ultimate guardians, the community forms a vital part of a district.

Apart from a small number of districts where the main use is institutional, the majority of Ontario's designated HCDs comprise residential or commercial "main streets" districts.

The following examples help to illustrate the range and diversity of Ontario's HCDs:



Figure 3. MHSTCI

- Galt downtown, a late 19th century commercial block in the City of Cambridge;





Figure 6. Image courtesy of Kitchener-Waterloo Record Photo Collection, the Library University of

- St. Mary's in the City of Kitchener, a post-World War II veteran housing project comprising small scale homes of relatively simple design in a landscape setting;



Figure 7. Image courtesy of the City of Toronto

- The HCDs in Cabbagetown and North and South Rosedale in the City of Toronto, Ontario's largest residential districts, with over two thousand properties in total;



- Waverley Park in Thunder Bay, which includes a mix of residential, institutional and park uses.

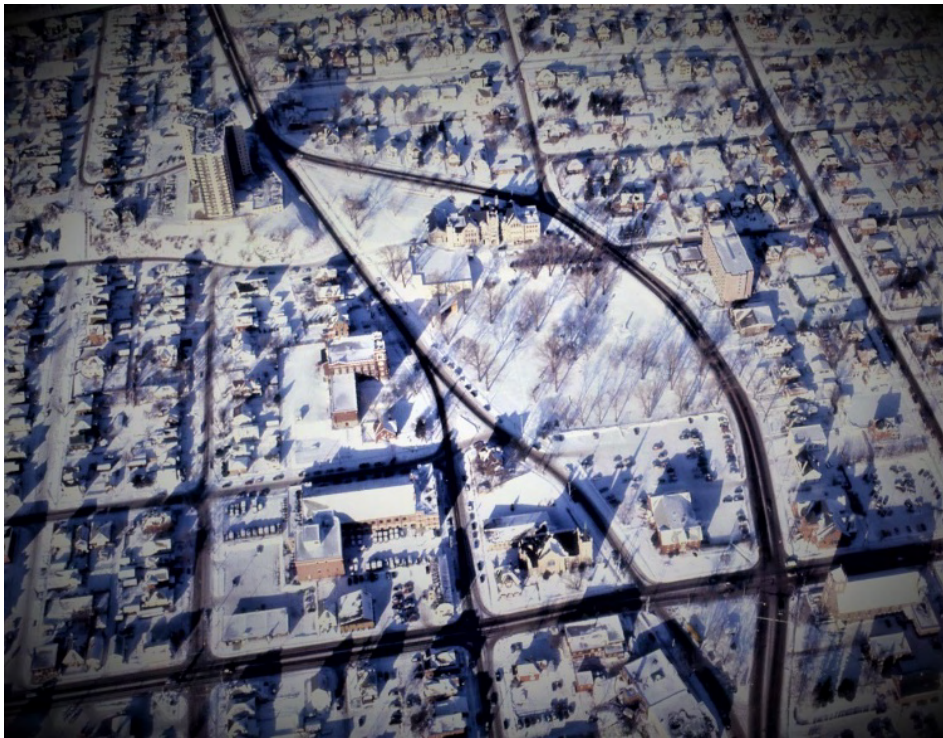


Figure 8. Image courtesy of The City of Thunder Bay Archives

The list of Ontario's HCDs can be viewed at:

[www.mtc.gov.on.ca/en/heritage/heritage\\_conserving\\_list.shtml](http://www.mtc.gov.on.ca/en/heritage/heritage_conserving_list.shtml)

## 1.2 What are the benefits of district designation?

### 1.2.1 A unique planning framework

The immediate benefit of HCD designation is a planning process that respects a community's history and identity. District designation is one of the best ways to ensure that this identity is conserved. The adoption of an HCD plan as part of the designation process ensures that the community's heritage conservation objectives and stewardship will be respected during the decision-making process.

## 1.2.2 Enhanced quality of life and sense of place



Figure 9. Almonte Heritage Conservation District, Mississippi Mills (Image courtesy of Ryan Gordon Photography) .

Designation allows a community to recognize and commemorate what it values within an area, that contributes to its sense of place. It provides a process for sustaining these elements into the future. Sense of place refers to the way people experience and give meaning to their surroundings. A community's sense of place relies on understanding three things: what defines community character or cultural identity, why that identity is valued, and how it contributes to quality of life and visitor experience.

During the study and research phase there is opportunity for the community to develop an understanding and appreciation of the community's cultural heritage resources and the strong relationship between people and the physical environment (buildings, structures, streetscapes, land forms and natural features). Heritage district designation allows these resources and relationships to be identified, protected and interpreted.



Figure 10. The 18th century legacy of Unionville’s first settlers provides a rich setting for thriving commercial and other supportive uses. Unionville Heritage Conservation District attracts over 1 million visitors per year (Image courtesy of the Ontario Business Improvement Association).

### 1.2.3 Cultural and economic vitality

Homeowners, entrepreneurs, local government and property developers all appreciate the benefits of culturally vibrant and established urban and rural communities.

Heritage conservation district designation supports long-term economic prosperity by encouraging a sense of place through the protection of a sustainable physical and cultural environment. Such places are able to offer a wide variety of lifestyle options and economic activities while still maintaining physical continuity and social cohesion. These are often attractive areas for commercial, residential and mixed-use investment.

In areas where there are heritage incentive programs, heritage conservation district designation offers specific economic benefits to property owners by making them eligible to apply for a grant, loan or tax relief from the municipality to carry out restoration or conservation work.



Figure 11. Heritage Conservation Districts can be a tourist draw (Fort York Collection 2005).

## 1.2.4 Healthy cultural tourism

There is a strong relationship between HCD designation and cultural tourism. Designation can be used both to encourage and manage tourism activity in rural and urban areas.

Heritage conservation district designation based on careful research and evaluation, promotes understanding and appreciation of an area's cultural heritage value and heritage attributes. The development and adoption of a district plan provides the community with an important tool for ensuring the conservation, enhancement and sustainability of the area's unique cultural heritage resources and for managing the impacts of cultural tourism on the environment.

## 1.3 Characteristics of heritage conservation districts

Although each is unique, districts often have similar characteristics. These may include having:



- Figure 12. Oil Springs Industrial Heritage Conservation District (MHSTCI)  
A cluster of buildings, sites, structures, designed landscapes, and natural areas that are linked by their aesthetic, historical, or socio-cultural contexts or by their usage.





Figure 13. Greenfield Heritage Conservation district (Images courtesy of the Township of North Dumfries).

- A combination of elements including natural features such as topography, land forms, landscapes, water courses together with built forms such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges.



Figure 14. Limestone Townhouses in Kingston's Old Sydenham Heritage Conservation District (Image courtesy of the City of Kingston).

- A definable visual harmony through such elements as building scale, mass, height, shape, construction materials, proportion, colour, etc., that convey a distinct sense of time and place.



Figure 15. Syndicate Housing Heritage Conservation District. Three of ten semi-detached houses built in 1883 by local business owners for workers of the Beardmore Tannery. Each pair of houses is unique and a mirror image of each other (Images courtesy of Halton Hills).

- A commonality or a heterogeneity which heterogeneity, which enables a district to be recognised and distinguishable from its surroundings or from neighbouring areas.

## 2 Designating a district

Before designating a heritage conservation district, a municipality's Official Plan must contain a policy relating to the establishment of HCDs.

The recommended components of an HCD that complies with best practices are:

- A sound examination of the rationale for district designation, especially for the delineation of district boundaries;
- Active public participation in the designation process;
- A clear and complete designation bylaw; and,
- A clear and well-publicized HCD plan and policies to manage change in the district to protect and enhance its character.

The following are the steps in the process to designate an HCD (see chart on next page):

### The Study Phase

- Step 1 – Request to designate
- Step 2 – Consultation with the Municipal Heritage Committee
- Step 3 – The Area Study and Interim Control
- Step 4 – Determination of cultural heritage value or interest and identification of heritage attributes
- Step 5 – Delineation of boundary of an HCD
- Step 6 – Public consultation

### The Implementation Phase

- Step 1 – Preparation of the HCD plan and guidelines
- Step 2 – Passing the designation bylaw and adoption of the HCD plan
- Step 3 – Registration of bylaw on title
- Step 4 – Proposed changes to existing bylaws and Official Plan provisions
- Step 5 – Implementing the HCD plan

## 2.1 Step 1 – Request to designate

There is no formal process for requesting the designation of an HCD. The initial request usually comes from the municipal heritage committee or a local residents' or heritage organization.



Any individual resident, business or property owner can, however, request that an area be considered for designation. Requests can be made through the municipal clerk, local councillor, municipal planner or municipal heritage committee member. Following consultation with the municipal heritage committee (where appointed), it is up to council to decide whether to proceed with the designation of the area as an HCD. Council can also decide of its own accord to designate an HCD without request from the public.

While the act does not require that a study be carried out before the passing of the bylaw to designate any area as an HCD, a study is important for the preparation of an HCD plan required for every HCD designated under the *Ontario Heritage Act* since 2005.

## 2.2 Step 2 – Consultation with the municipal heritage committee

A municipality does not need a municipal heritage committee (MHC) to designate an HCD. There are, however, advantages in having an MHC or local steering committee in place, to help with the identification of heritage objectives for a district study and to guide the designation and implementation process. Where an MHC exists, and council undertakes the study of an area to consider the designation of an HCD, the Act requires that council consult with the committee about the study.

In areas where there is no appointed MHC or municipal heritage planner, council should seek advice from a local heritage or community organization or a heritage consultant on the suitability of the area being considered, and on boundaries for the study area.

## 2.3 Step 3 – The area of study and interim control

### 2.3.1 Scope of Study

Subsection 40 (2) of the Act sets out the scope of an HCD study.

The study shall:

- Examine character and appearance of the area including buildings, structures and other property features.

- Examine and recommend area boundaries.
- Consider and recommend objectives of designation and content of the HCD plan.
- Recommend changes to Official Plan and municipal bylaws including zoning bylaws.

The character of a candidate heritage conservation district is established by its physical features, past or present usages and activities and/or its historical or cultural associations. An area's buildings and open spaces, their relationship with each other, and the stories that give them meaning are what the designation of a heritage conservation district seeks to protect and enhance. Elements such as the street layout, open spaces and the visual components of the public realm all contribute to a district's character and appearance.

Together, they provide an overall impression that both residents and visitors appreciate and would want to retain, promote and enhance. Appearance is about the visual elements that define the outward aspect of a place. Those elements may include:

- its profile or skyline;
- the arrangement, massing, proportions, and dimensions of its parts;
- use of materials, colours, and detailed features;
- presence (or absence) of natural elements such as landforms, plants and trees; and
- its significant views or vistas (visual links).

### 2.3.2 Designation of heritage conservation study area (optional)

Once a decision has been made to initiate a study, council must decide whether to formalize the process by adoption of a bylaw under subsection 40.1 (1) of the *Ontario Heritage Act* to designate an HCD Study Area. The advantage of this approach is that it alerts all property owners in the study area about the commencement of a study and it may limit development within the area while it's being studied (see Interim Control, below).

The study area bylaw is optional. Since the bylaw is only effective for a one-year period, municipalities may prefer to proceed without this bylaw until the initial research phase has been completed. When there is community interest, and the heritage attributes and potential boundaries for the district are clearer, the study area bylaw can be adopted, but is not required for the designation of a district.

### 2.3.3 Interim control (Optional)

Subsection 40.1(2) of the OHA provides council with the option to put in place interim control measures within the study area when it designates an area as a Heritage Conservation Study Area. The interim control measures prohibit or set limitations with respect to alterations of property, and new construction, demolition or removal of buildings or structures.

The purpose of interim controls is to protect the cultural heritage value or interest of the area while a study is underway. Interim control measures are in effect for a maximum period of one year.

The municipality cannot extend study area interim controls beyond the one-year period. The controls are also subject to appeal to the Ontario Land Tribunal, which can delay the completion of the study.

Also, the municipality cannot pass another bylaw to designate another study area which includes a previously designated study area for a three-year period.

Interim control measures should, therefore, only be considered where there is a clear and immediate risk of adverse impacts from alteration or development activities in the area. The three- year restriction applies following any study area bylaw, whether or not council chooses to adopt interim control measures in the bylaw.

The municipality must publish notice of the bylaw in a newspaper having general circulation in the municipality and notify every property owner in the area individually. Municipalities must also send documents about designated heritage conservation districts to the Ontario Heritage Trust. If there are objections to the bylaw, it can be appealed to the Ontario Land Tribunal. The Tribunal will hold a hearing to hear the objections and will decide on the acceptability of the study area bylaw or any interim controls adopted under the bylaw. The decision made by the Tribunal is binding to the municipality.

### 2.3.4 Organizing the study

Depending on the size and type of area, it may be convenient to divide the study into several stages.

Typical stages of an area study include:

- **Historical and documentary research** should be used to understand environmental conditions and human activities that have shaped the area over time. Attention should be

paid to design intentions as well as design results, and to the technological, economic, and cultural conditions that have affected the character of the area. Modest vernacular buildings may represent as much of a triumph over circumstance as high-style structures. Gardens and landscape features and agricultural practices may reveal as much about a community as its buildings. Public investments in an area may reflect cultural attitudes and biases as much as private property developments. The presence of institutions may be important in defining the character and appearance of a heritage conservation district.



Figure 16. Excerpt from 1878 Plan of town of Picton (Image courtesy of the town of Picton)



Figure 17. View of Picton early 20<sup>th</sup> century (Image courtesy of the Archives of Ontario)

- **Field studies** should be carried out to document and study the area and identify key visual elements. Field studies can document the existing physical environment and related patterns of activity. These observations can then be added to the findings of the documentary research. The historical record is thus brought forward into the present.

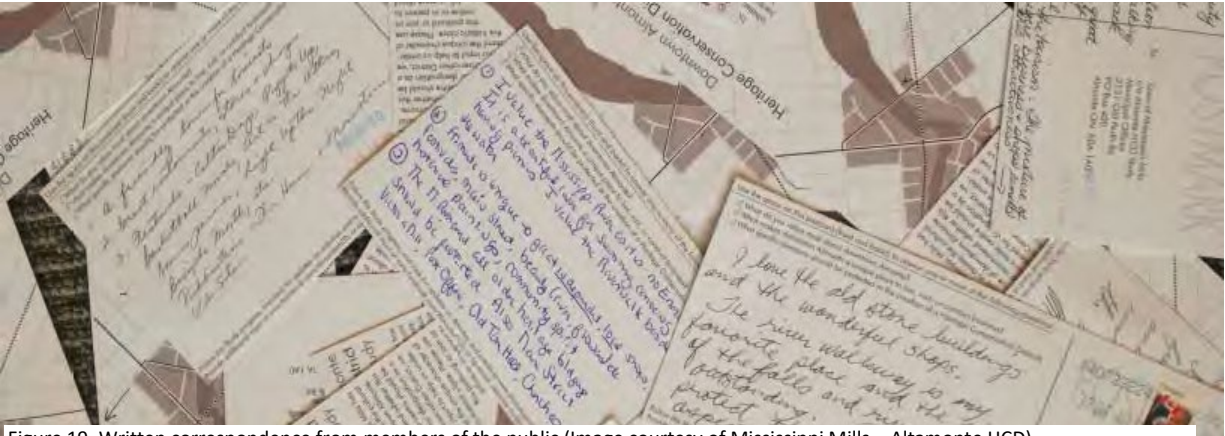


Figure 19. Written correspondence from members of the public (Image courtesy of Mississippi Mills – Altamonte HCD).

- **Public participation** is critical to the designation and implementation of an HCD. People who live in the study area need to express and communicate the value of the area. As residents, they are often best able to identify important landmarks, nodes, boundaries and other elements that define the existing character of a place. They should be appropriately engaged and fully informed in the examination of future options for their area.

The historical and documentary research together with field studies present a composite view of an area. The community's perspectives add value and meaning to the various elements. As these come together, a district's potential boundaries and its heritage attributes become clearer.



Figure 20. Sheave Tower (MHSTCI)

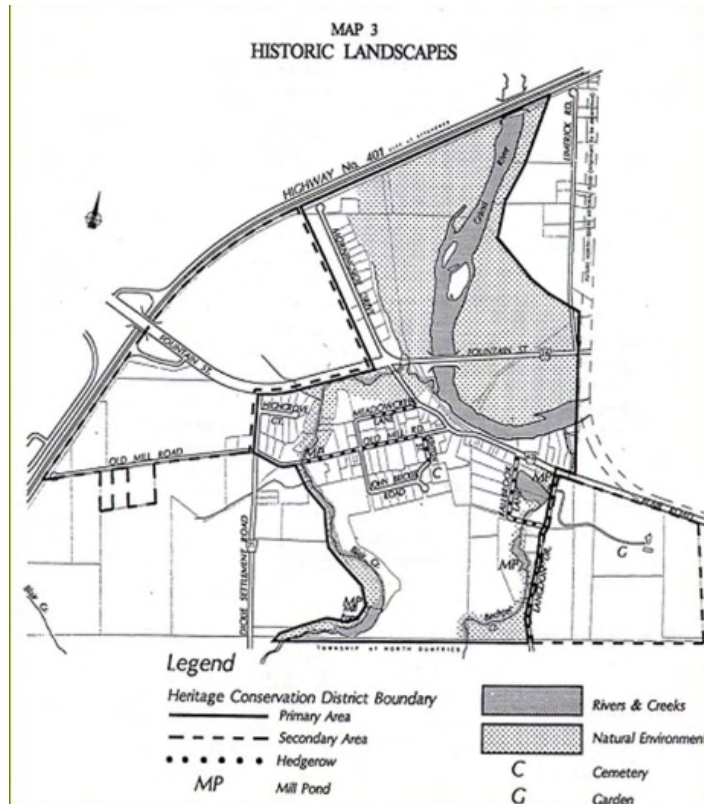


Figure 21. Graphic: Nicholas Hill



Figure 22. Blair, a village located just outside Galt on the Grand River, was designated as a Heritage Conservation District

## 2.4 Step 4 – Determination of cultural heritage value or interest and identification of heritage attributes

Careful assessment of a district’s cultural heritage value or interest is key to its protection and is critical for an understanding of the distinctiveness of an area within its larger context.

Distinctiveness may be attributable not only to natural and built forms, but also to historic interest derived from associations to people, events or themes of cultural significance.

The province has developed criteria for determining cultural heritage value or interest, which are set out in Ontario Regulation 9/06. These criteria are mandatory for designation of individual properties under Part IV of the act. They should also be applied when determining cultural heritage value or interest of heritage conservation districts.

Determining the cultural heritage value or interest of an urban HCD will usually involve considering an aggregate of buildings, streets, natural features, and open spaces that, as a group, are valued by the community. With a rural HCD, the focus will more likely to be on the concentration or continuity of landscape components and how these are united, modified, or interpreted by human use and past events.

The examination of a district may require evaluation of each part, or individual property based on:

- **Design/Physical Value:**
  - Buildings or structures within the district may contribute to the study of the architecture or construction of a specific period or area, or the work of an important builder, designer, or architect. Specific architectural considerations should include style, use of materials and details, colours, textures.
    - An area where buildings make use of local forms and materials may be important to the community's heritage.
- **Historical/Associative Value:**
  - The area may have been associated with the life of a historic person or group, or have played some role in an important historical event or episode.
- **Contextual Value:**
  - Where a building or structure is an integral part of a distinctive area of a community, or is considered to be a landmark, its contribution to the neighbourhood character may be of cultural heritage value or interest.
  - Other examples of heritage attributes that may have contextual value in an HCD include: lighting, windows, doors, signs, ornaments, that are specific to the area and help to create continuity between neighbouring buildings, structures, or sites.

For more information about the evaluation of cultural heritage resources please see the Ontario Heritage Tool Kit's *Heritage Property Evaluation Guide*.

### 2.4.1 Additional Considerations in an HCD

Assessing the cultural heritage value or interest of a district may also require examination of how the district fits into its broader context, as well as a consideration of the connections between the various sites, buildings, structures, landmarks within the HCD. Understanding a district's context may include the following considerations:

PLACE HOLDER – MHSTCI is interested in receiving images of landscapes and public open spaces related to an HCD. Please send images to [joseph.harvey@ontario.ca](mailto:joseph.harvey@ontario.ca)



- **Landscapes and public open spaces.** The study of a potential district should also include public spaces such as sidewalks, roads and streets, and parks or gardens. These features often play roles as conspicuous as those of buildings in the environment. Open spaces provide settings and places from which to view built forms, and can also be valued landscapes in their own right. Public open spaces are often features of the original plan of a settlement or community and can be focal points for ordering and organizing streets, buildings, and other features within the settlement area.



Figure 24. The views of Mill Street, the main commercial street in Almonte HCD, are determined by the street's S-curve which provides travelers with an alternating view of the streetscape when passing through (Image courtesy of Ryan Gordon Photography).

- **Overall spatial pattern.** A spatial pattern is a perceived arrangement of things on land (and/or water) and of the spaces in between those objects. A pattern may be recognized because of the layout of its parts, e.g., in a line, or a cluster, or an array when spread out

over a wide area. An identified pattern acquires greater meaning if it is shown to have design value, or associative value, or contextual value.

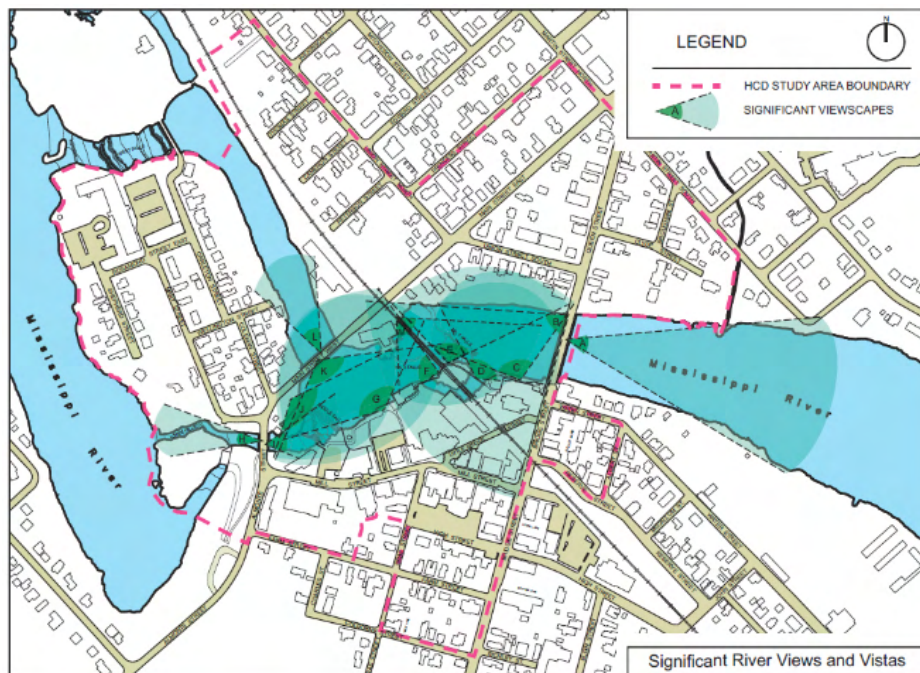


Figure 25. Viewshed map of Almonte HCD (Image courtesy of Mississippi Mills)

- **Views or vistas.** Visual settings can be important heritage attributes of a heritage conservation district. Views or vistas can be defined or framed by buildings and other structures, land-forms, vegetation patterns or structures. Panoramic views, and particularly ones that the public has been appreciating for many years, can offer a “visual mosaic” of the district, and can help tell the story of past or existing land uses and other activity.

## 2.5 Step 5 – Delineation of the boundary of an HCD

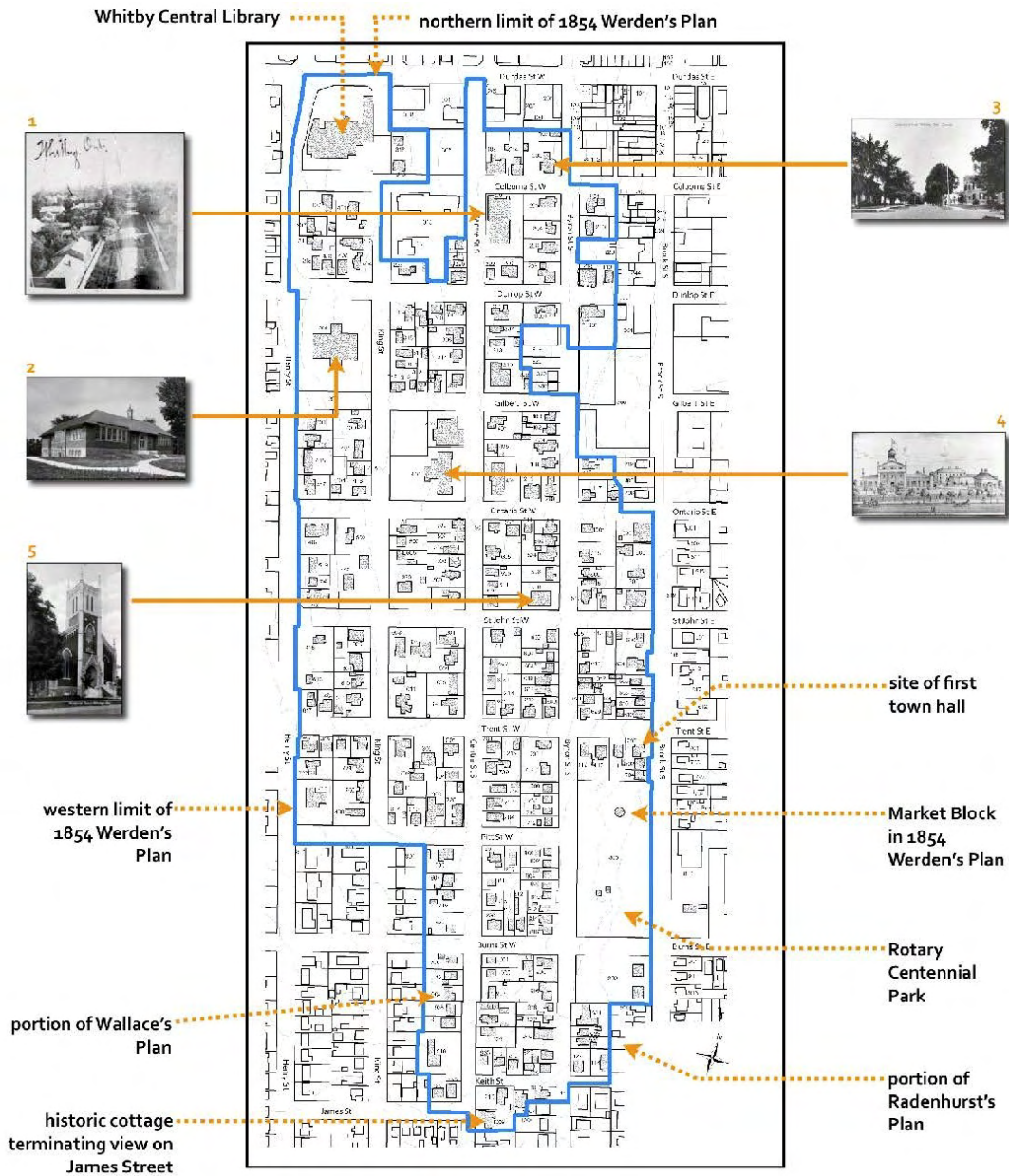


Figure 26. Werden's Plan Neighborhood HCD - Map depicting features important in delineating district boundaries (Image courtesy of the Town of Whitby)

Boundary delineation is a critical task during the study phase of the district designation process. Some study areas have an obvious character and a clear set of boundaries. Others are more difficult to define. They may include both cultural and natural features. They may cross

jurisdictional boundaries. They may have evolved over time. The initial research phase can be used to decide the possible boundaries of a district.

The final definition of boundaries should come from the findings of the research and the community consultation process.

#### **SIDEBAR:**

*The boundary of a district could be determined using the following considerations:*

**Historical factors** such as the boundary of an original settlement or an early planned community, concentrations of early buildings and sites;

**Visual factors** determined by a windshield survey or a detailed analysis of the visual character or topography of an area;

**Physical features** such as man-made transportation corridors (railways and roadways), major open spaces, natural features (rivers, treelines and marshland), existing boundaries (walls, fences, and embankments), gateways, entrances and vistas to and from a potential district;

**Legal or planning factors** which include less visible elements such as municipal boundaries, property or lot lines, land use designations in Official Plans or boundaries for particular uses or densities in the zoning bylaw, may also influence the delineation of the boundary, especially as they may affect its eventual legal description in the bylaw.

#### **SIDEBAR:**

### *Visual Perceptions*

- *Distinctive architecture, design, scale, style, layout, setting, materials, workmanship.*
- *Marked change in the arrangement of buildings (massing, height, setback, etc.).*
- *Distinct changes in topography or landform.*
- *“Gateways” (i.e., a primary arrival and departure point, often offering a significant view or vista), vantage points, views and vistas to and from an area.*

### *Physical Situation*

- *Railroads and major highways.*
- *Streets, public utilities and rights-of-way.*
- *Rivers, shorelines, ravines and other natural features.*
- *Major open spaces.*

- *Limits of a settled area.*
- *Major changes in land or building use.*
- *Walls, embankments, fences.*

## *Historical Evolution*

- *Boundaries of an original settlement, or early planned settlement.*
- *Concentration of early buildings and sites.*
- *Defined areas affected by specific historic events.*

## *“Paper” Lines and Other Factors*

- *Property lines.*
- *Setbacks of other zoning lines regulating building form.*
- *Land use zones or official plan boundaries.*
- *Boundaries of legal jurisdiction.*

Boundaries should be drawn to include not only buildings or structures of interest but also the whole property on which they are located. Vacant land, infill sites, public open space and contemporary buildings may also be included within the district to ensure that their future development is in keeping with the character of the area. Buildings and structures that contribute to the scale or scenic amenity of the area, may also be included.

When setting the extents of a district – in drawing the edges on a two-dimensional map -- always consider how that line will be perceived by residents and different user groups, in three dimensions, over time, when moving through the district. Though a district’s legal implementation depends on the two-dimensional lines, its ultimate effect will be judged by how well it protects and conserves the real, visible, three-dimensional character of the district embraced by those lines.



Figure 27. Map of Picton’s Mainstreet HCD (Image courtesy of the Town of Picton)

## 2.6 Step 6 – Public consultation



Figure 28. Community and stakeholder consultation, such as that undertaken as part of the Cabbagetown Southwest HCD Study, is an integral part of the study of potential Heritage Conservation Districts (Image Courtesy of the City of Toronto).

Successful implementation of a district will ultimately depend on wide-spread public support for district designation based on a clear understanding of the objectives for designation and appreciation of the proposed HCD plan, policies and guidelines.

Decisions about policies and guidelines should to be made in an open forum, where the benefits of designation and the responsibilities that come with it can be clearly communicated. There should be a clear agenda and timetable for proceeding with the district study and well-publicized public meetings at important stages, to allow for comprehensive discussion of the issues with area residents and property owners.

The *Ontario Heritage Act* only requires one public meeting before passing the bylaw to designate the district. It is recommended that there be three or more well-advertised public meetings before the draft district plan and bylaw are submitted for public comment at the statutory public meeting.

Meetings can be conducted as follows:

- The initial public meeting allows municipal staff and municipal heritage committee members to explain the process for district designation and its potential benefits, and to receive initial comments and views.
- The second meeting allows for consultation and discussion of the proposed boundary and other results of the study.
- The third public meeting provides opportunity for review of the draft plan and guidelines.

Depending on the outcome of the third meeting, further meetings may be required, possibly with smaller groups, to resolve any outstanding issues before the draft district plan is finalized.

It may be advantageous to appoint a local steering or advisory committee with representation from local residents, businesses and other property owners and stakeholders, to oversee the study and to work with the municipal heritage committee (where appointed) in advising Council on future heritage permit applications after the district is designated.

## 3 The heritage conservation district plan

### 3.1 Step 1 – Preparation of the HCD plan and guidelines

The *Ontario Heritage Act* requires municipalities to adopt an HCD plan when they pass the bylaw to designate an area as an HCD.

#### 3.1.1 Statement of objectives

An HCD plan must include a statement of the objectives to be achieved in designating the area as a heritage conservation district. The overall objective of an HCD plan is to provide policies and guidelines that will assist in the protection and enhancement of the cultural heritage value of the district. The district and its current condition should be briefly described, as should the community's goals and aspirations for its future. Once the district plan is adopted, its policies and objectives will take precedence in the event of a conflict with existing municipal zoning and other bylaws that were in place before the designation of the district.

The HCD plan should provide policy statements, guidelines and procedures for achieving the plan's objectives and managing change. Alterations and new development within a district should be guided by the Plan with the intent to both protect and enhance the identified cultural heritage value. The plan should not be created as a means to control development but rather as a commitment to take positive action to safeguard and enhance the appearance, character and value of the heritage conservation district.

The objectives may include:

- To identify and enhance the vitality and viability of the area;
- To encourage a sense of place by conserving features that help define character;
- To develop design guidelines which define appropriate change for new construction and alterations to existing buildings; and
- To recommend implementation and management procedures.

#### Side Bar:

##### Summary – Contents of the HCD plan required by the Ontario Heritage Act

- *Statement of objectives to be achieved in designation of area as an HCD*
- *Statement of district's cultural heritage value or interest*



- *Description of district's heritage attributes and those of properties within the district*
- *Policy statements, guidelines and procedures for achieving stated objectives and managing changes in the district*
- *Description of external alterations or classes of external alterations that are of a minor nature that an owner can carry out without obtaining a permit*

### 3.1.2 Statement of district's cultural heritage value or interest

The statement describes the cultural heritage value of the district. A clear statement will help to promote understanding of the district's cultural heritage value and will assist decision-makers in ensuring that future changes and interventions contribute to, rather than detract from, the character of the area. Statements should relate specifically to evaluation criteria the district satisfies.

### 3.1.3 Description of heritage attributes

#### 3.1.3.1 Summary of heritage attributes

The description of heritage attributes should include a summary of those components (e.g., buildings, landscape, archaeological and other property features, etc.), that were identified in the evaluation phase. There should be an emphasis on common characteristics plus unusual features or landmarks.

#### 3.1.3.2 Detailed description of heritage attributes

There should also be a more detailed listing and description of the heritage attributes of the district and of the properties within it. It should briefly explain how the heritage attributes contribute to the district's cultural heritage value or interest. For example, in some districts the architectural detail of building façades is an important contributor.

A detailed description and photographs of the heritage attributes should be provided. Their location should be indicated on a map wherever possible.

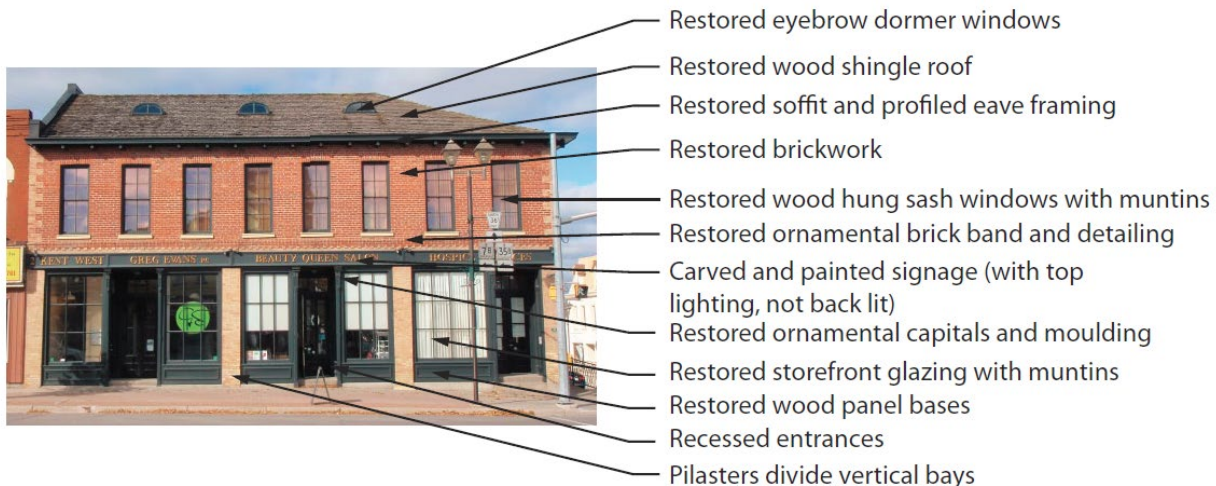


Figure 29. Typical Commercial Façade - Downtown Lindsay Heritage conservation District Plan (Image courtesy of Kawartha Lakes).



Figure 30. Guidance for properties built in the latter half of the 20<sup>th</sup> century (Image courtesy of the Town of Whitby).

### 3.1.4 Policy statements and guidelines

#### 3.1.4.1 Statement of policies

The *Ontario Heritage Act* requires that a district plan include a statement of policies and guidelines. This is an expression of a municipality’s commitment to consistent decision-making in the review of development proposals and heritage permit applications. They should also

reflect the municipality's proposed program of public works and other work to maintain or enhance the area character.

The policies and guidelines in the district plan should not just focus on individual heritage buildings or areas. Potential impact from new development, traffic access, parking, signage and outdoor advertisements, and required mitigation measures all need to be considered. The district plan may also need to deal with traffic management schemes or incentives for the use of upper floors in older commercial blocks.

### 3.1.4.2 District guidelines

The HCD plan must include a description of the alterations or classes of alterations that are minor in nature and that property owners within the district may be allowed to carry 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.

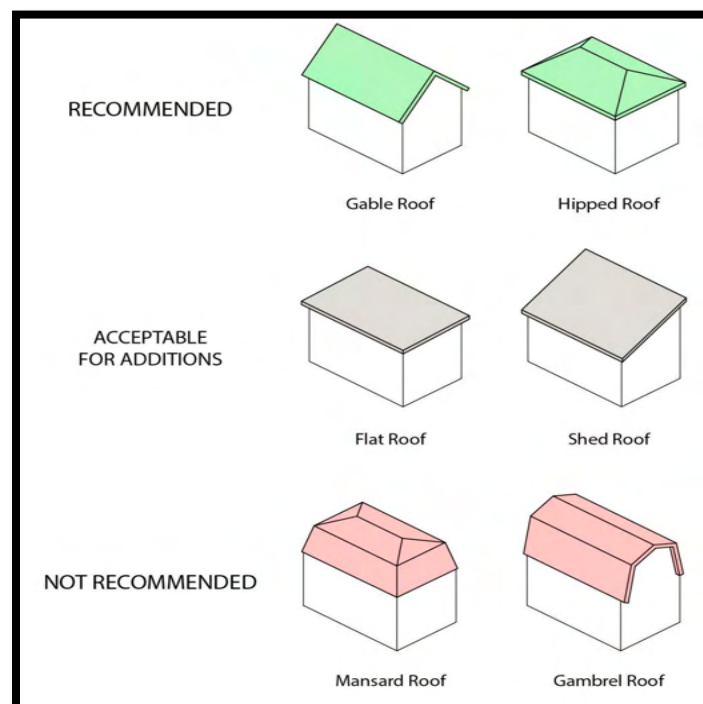


Figure 31. Guidelines for roof forms in the District (Image courtesy of the Town of Oakville, First and Second Street Heritage Conservation District)

Guidelines for conservation of heritage property and identified heritage resources should be compatible with advice and guidelines of the Ontario government (see Ministry of Heritage, Sport, Tourism and Culture Industries website at [www.ontario.mhstci](http://www.ontario.mhstci)) and the Ontario Heritage Trust. The Standards and Guidelines for the Conservation of Historic Places in Canada,

developed by Parks Canada (see [www.historicplaces.ca](http://www.historicplaces.ca)) may be a useful reference, but where conflicts exist, the policies and advice prepared and issued by the province prevail.

Since guidelines will be used by property owners, as well as municipal planners, councillors and municipal heritage committees, they should be written clearly and simply and should include graphics and visual material that will explain what changes or alterations are appropriate, satisfy policy objectives for enhancing the district, and likely to be approved by council or staff.

In some cases, (e.g., new infill development), there may be alternative ways to comply with the policy objective. The guidelines should indicate clearly what options are available and include recommended development standards, type of materials and quality of detailing required, for development of infill and vacant land.

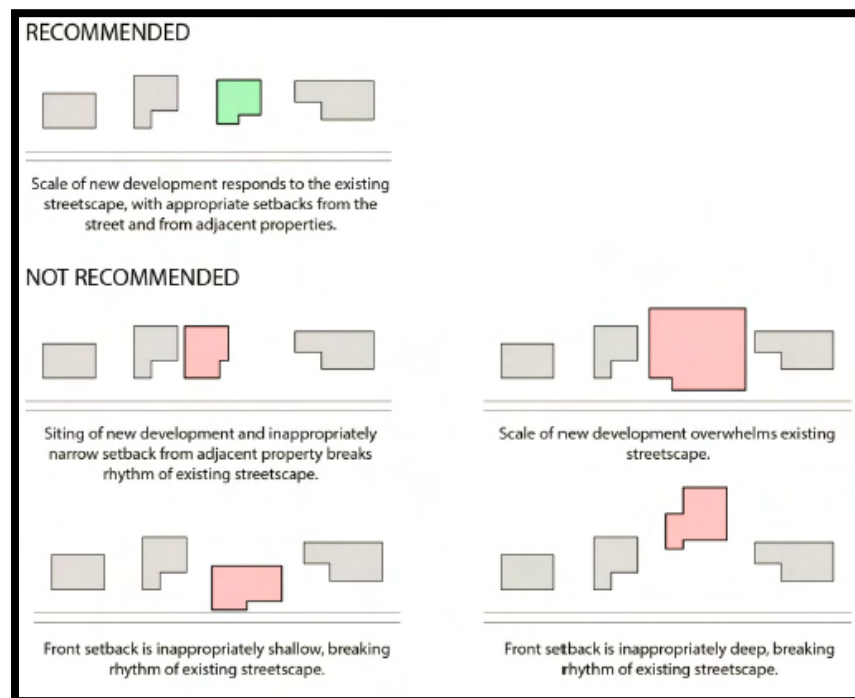


Figure 32. Guidelines for siting new development within the existing streetscape (Image courtesy of the City of Oakville First and Second Street Heritage Conservation District Plan)

For districts with a large number of properties a detailed approach to each property may be too cumbersome and impractical. It may be more practical to have more general guidelines that indicate the types of change that will be considered appropriate for existing groups of buildings as well as generic design types for new construction.

On vacant and other potential development sites, the preferred siting, scale, maximum allowable height, setback of new building or additions may need to be specified, as well as the

preferred colour, texture and type of materials to be used. Guidelines can also be a useful source of information for general advice on landscape conservation and restoration techniques, tree planting and garden design.

### 3.1.5 Description of minor alterations

The heritage conservation plan must include a description of external minor alterations or classes of minor alterations that an owner can carry out without obtaining a permit under s. 42 of the OHA. This will help to reduce delay in approval of heritage permit applications and allow property owners to carry out maintenance type work, (e.g., painting and repairs of windows, renewal of a roof, using exact material and colours).

There should be extensive community input before deciding on the type of “minor alterations” that can be carried out without permit approval under s. 42 of the OHA.

### 3.1.6 Government-owned property in an HCD

#### 3.1.6.1 Property owned or controlled by Ontario government ministries or other prescribed public bodies

Part III.1 of the act authorizes the Minister of Heritage, Sport, Tourism and Culture Industries, in consultation with ministries and affected public bodies, to prepare standards and guidelines for conservation of provincial heritage properties. These standards and guidelines set out the criteria and process for identifying provincial heritage properties and set the standards for their protection, maintenance, use and disposal. They apply to property owned by a ministry, owned by a prescribed public body, or occupied by a ministry or prescribed public body if they are entitled to make alterations.

Further information on the Standards and Guidelines for Conservation of Provincial Heritage Properties can be found on the ministry’s website ([www.mtc.gov.on.ca/en/heritage/heritage\\_s\\_g.shtml](http://www.mtc.gov.on.ca/en/heritage/heritage_s_g.shtml))

Part V does not apply to properties owned by the Crown or a prescribed public body. In the case of property described in clause 25.2 (2) (b) of the OHA (property occupied by a ministry or prescribed public body where it is entitled to make alterations under the occupancy agreement), where these properties are included in an HCD, and there is a conflict between a provision of the Standards and Guidelines and the provisions in Part V as they apply to that property, the provisions in Part V prevail.

### 3.1.6.2 Status of property owned by the federal government and its agencies

Where a municipality is considering inclusion of federal government facilities or federally regulated activities in an HCD, it would be best to discuss this first with the applicable federal department, agency or federally regulated undertaking.



Figure 34. Post office in the Sparks Street Heritage Conservation District (Image courtesy of the City of Ottawa)

### 3.1.7 Properties designated under Part IV of the Act

An HCD may include individual properties that are designated municipally or provincially under Part IV of the Act. The Act provides a clear process for administering HCDs when there are individual Part IV designated properties in the district.

Alterations, demolition or removal of buildings or structures, to properties designated by the Minister of Heritage, Sport, Tourism and Culture Industries under section 34.5 of the Act included in an HCD are subject to the provisions of section 34.5 in Part IV and not the provisions of Part V.

If there is an HCD plan in effect for the district, then all external work alteration, demolition or removal of buildings or structures, within the district will be governed by Part V and the approved HCD plan, including properties individually designated by the municipality, unless they are owned by the Crown or a prescribed public body. However, Part V does not apply to alterations to the interior of a building or structure – the provisions of Part IV respecting the alteration of properties designated under section 29 and the individual designation will govern interior alterations to individually designated properties.

Properties in an HCD that are also designated individually under section 29, will be governed by the Part IV provisions respecting alterations, demolition or removal of structures, or demolition or removal of heritage attributes, if the HCD was designated before HCDs 2005 and the municipality has not adopted an HCD plan in accordance with subsection 41.1(2) of the Act.



Figure 35. Blackfriars Bridge - 1875 wrought iron bowstring arch bridge underwent a major rehabilitation in 2017-2018 (Image courtesy of the City of London).

## 3.2 Step 2 – Passing the designation bylaw and adoption of the HCD Plan

Subsection 41.1(6) of the *Ontario Heritage Act* sets out the minimum requirements for public consultation before council passes the bylaw to designate the district and to adopt the district plan.

The Act does not require council to obtain the approval of a majority of property owners or residents or to demonstrate that there is support before proceeding to pass a bylaw to designate an area as an HCD.

Before passing the designation bylaw and adopting the HCD plan, council is required to notify the public about the proposed HCD plan and hold at least one public meeting to discuss the plan. Following passage of the bylaw, any person who objects to the bylaw can appeal the bylaw to the Ontario Land Tribunal (“the Tribunal”).

Comments and/or objections to the proposed district plan can be made through oral representations at the municipal public meeting or by written submissions to council. Persons who did not make representations at the meeting or written submissions on the plan may be later denied the opportunity to appeal the passing of the by-law to the Tribunal.

The Tribunal will usually hold a hearing to consider the objections and will decide whether the appeal should be dismissed or allowed in whole or part. Where the Tribunal allows an appeal, it may repeal the bylaw or amend the bylaw or direct council to do so. The Tribunal’s decision to allow the appeal may apply either to the whole or any part of the area proposed for designation as a district.

The Tribunal’s decision is final and, unless repealed, the bylaw comes into effect when all appeals have been withdrawn or dismissed or when the Tribunal or council amends the bylaw pursuant to the hearing.

### 3.3 Step 3 – Registration of bylaw on title

The designation bylaw must be registered on the title of all properties in the district when it comes into force. Registration provides notice so that current and future property owners within the HCD are aware that their property is within an HCD.

The area that has been designated should be clearly defined on a map, or through an up-to-date legal description. Individual properties also need to be clearly identified and legally described to allow a designation bylaw to be registered on title.

#### 3.3.1 Including the HCD on the Ontario Heritage Trust register

Once the HCD comes into force, the municipality must send a copy of the registered bylaw to the Ontario Heritage Trust. The Trust then lists the properties on the *Ontario Heritage Act* Register. This register, which can be accessed at:



[www.heritagetrust.on.ca/en/index.php/pages/tools/ontario-heritage-act-register](http://www.heritagetrust.on.ca/en/index.php/pages/tools/ontario-heritage-act-register)

This is a valuable resource tool for learning about and promoting heritage properties across the province.

### 3.4 Step 4 – Proposed changes to bylaws and Official Plan provisions

A final requirement of the study process is a list of proposed changes to municipal bylaws and Official Plan provisions.

Most heritage conservation district designations require some adjustments to the existing planning framework in the municipality. There may be changes to provisions for building heights, setbacks, or uses under applicable zoning bylaws. There may be review and approval procedures that have an impact on other provisions such as environmental assessments. There may be changes to public works policies or tax policies or other municipal initiatives.

The proposed changes need not be exhaustive at the study phase. The study should highlight areas of immediate concern. If a district designation is approved, municipalities should proceed with any required amendments to zoning bylaws and Official Plan provisions to ensure consistency with the district plan.

### 3.5 Step 5 – Implementing the HCD plan

The permit application process is the principal mechanism for implementing a district plan. This allows a municipality to exert control over development and other applications to ensure that they will have a beneficial rather than detrimental effect on the character and heritage attributes of the district. The adoption of an HCD plan with clear policies and guidelines ensures that municipal decision making will be based on objective criteria.

### 3.6 Adoption of HCD plans for previously designated districts

The *Ontario Heritage Act* requires that municipalities prepare an HCD plan before designating a heritage conservation district. Prior to amendments to the Act in 2005 HCD plans were highly recommended, but not required.

The *Ontario Heritage Act* enables municipalities to adopt HCD plans for previously designated districts. The municipality must follow the procedures set out in section 41.1 of the Act for the adoption of an HCD plan.

The municipality must publish notice of the bylaw adopting the plan in a newspaper having general circulation in the municipality and give notice to every property owner in the district and to the Ontario Heritage Trust. The Act offers a right to appeal of the bylaw adopting the plan. If there is an appeal, the Tribunal will hold a hearing and make a decision. In this instance, only the adoption of the Heritage Conservation District plan can be appealed to the Tribunal. In issuing its decision, the Tribunal cannot repeal the Heritage Conservation District itself.



Figure 36. Initially adopted in 1982, a management plan for the Sweetland Avenue Heritage conservation district completed in 2015 (Image courtesy of the City of Ottawa).

## 4 Management of the District

The management of an HCD will depend, to a large extent, on the resources available to municipal council. Municipalities with heritage experts on staff will be likely to have general policies and procedures in place for managing heritage districts. In these municipalities, council may choose to delegate the approval of applications for alteration to property to staff, after consulting with its municipal heritage committee, in which case the committee will play a more advisory role.

In municipalities where there is no heritage planning staff, the municipal heritage committee will likely be more directly involved with the review of permit applications, though ultimately it will be council that makes the final decision.



Figure 37. Greenfield Mill – Greenfield Heritage Conservation District (Image courtesy of the Township of North Dumfries)

## 4.1 Review of alteration, new construction, demolition and removal

The *Ontario Heritage Act* gives municipalities the power to decide whether the erection of a new building or structure, or the demolition or removal of a building or structure, can take place within a designated HCD. In making its decisions, the municipality should be guided by the provisions of the HCD plan.

Property owners do not need a permit for carrying out “minor alterations” as described in the district plan or for interior alterations – except for property designated under Part IV of the act, where interior features are included in the bylaw.

Many activities proposed for a property in an HCD require property owners to apply to the municipality for a permit. This includes:

- Erection of any new building or structure;
- Any alterations that are not exempted in an HCD plan; and
- Demolition or removal of any building or structure in an HCD.

Alterations to the property that come under review include restoration, repair, replacement or modification of any heritage attributes identified in the plan.

Each municipality can determine what information will be required in a permit application. Once it receives the complete permit application, the municipality acknowledges receipt to the property owner. The municipality then has 90 days to grant or refuse the permit.

The municipality must consult with its municipal heritage committee, where one has been appointed, before making a decision on an application for the erection of new buildings or structures; demolition or removal of a building or structure; or, removal of attributes that affect a heritage attribute described in the HCD district plan. In making its decisions, the municipality should be guided by the provisions of the HCD plan.

A property owner can appeal municipal council’s decision to refuse a permit or to grant a permit subject to terms and conditions to the Ontario Land Tribunal.

The permit application process allows municipalities to review proposed physical or functional changes within an HCD to ensure that they are in keeping with the objectives for district designation and will respect the cultural heritage value or interest identified in the HCD plan.

The scope of review can be broadened or narrowed depending on the nature of the proposed intervention and the importance of the heritage resource affected.

Some communities develop a stewardship kit, which is given to all property owners in the district and to new owners when they move into the district. It outlines the key objectives of the designation and summarizes the design guidelines and the difference between major and minor alterations in that district. Such kits can be a useful tool for protecting cultural heritage value or interest by raising public awareness.



Figure 38. 1 Victoria Street, Dundas (Designated as part of the Cross-Melville Heritage Conservation District)  
– Sympathetic rear addition to private residential home in the HCD (Image courtesy of the City of Hamilton).

## 4.2 Property maintenance standards

Where a municipality has passed a bylaw under Section 15.1 of the *Building Code Act* setting out the standards for maintenance and repair of property in the municipality, it can pass a bylaw that sets out additional minimum standards for the maintenance and repair of heritage property, including property within an HCD. The municipality can then require heritage property owners to comply with the heritage property standards. The OHA provides that sections [15.2](#), [15.3](#), [15.4](#), [15.5](#) and [15.8](#) of the *Building Code Act* apply with necessary modifications to the enforcement of a property standards bylaw.

Setting out maintenance and repair expectations for owners of designated property in a transparent way can help council encourage heritage conservation in the community. A heritage property standards bylaw should be based on established conservation principles to ensure that heritage property owners adhere to best practices.



Figure 39. The Simard House (1884) was restored using original materials to help maintain the properties integrity as a rare example of a Second Empire style. Five apartments were able to be added to the structure without compromising the properties integrity of the property's heritage attributes (Image courtesy of the city of Ottawa).

### 4.3 Easements and covenants

Municipalities may also enter into easements or covenants with property owners to protect the heritage attributes of properties, including properties located within an HCD. The Ontario Heritage Trust may enter into heritage conservation easement agreements with property owners as well, where properties are of provincial significance.

Easements or covenants are agreements, often referred to as heritage conservation agreements or conservation easements, that are registered against the title to the property, run in perpetuity, and bind current and subsequent owners of that property.

A heritage conservation agreement is a voluntary agreement between the municipality or the Ontario Heritage Trust and an owner to conserve the heritage attributes of the property, and to encourage good stewardship of the property.

Heritage conservation agreements allow for an extra level of protection of the heritage attributes of a property in a designated heritage conservation district than designation alone as they contractually commit current and future owners to protect the defined heritage attributes of the property in perpetuity.

A heritage conservation agreement also requires the owner to consult with and obtain the approval of the municipality or the Trust, about proposed work affecting the defined heritage attributes, before the work is carried out.

Heritage conservation agreements are often a required as a condition of a property owner receiving a grant (or tax relief) from the municipality to protect the public investment in the property.

In other cases, property owners may enter into easements in return for other forms of compensation or consideration, e.g., development approval, condition of sale; or, requested by a property owner in estate planning.

Heritage conservation agreements are an important tool for ensuring the long-term protection and conservation of significant heritage properties and cultural landscapes.



Figure 40. The London Normal School is designated as a part of the Wortley Village-Old South Heritage Conservation District. The property is also protected by a heritage easement agreement held by the Ontario Heritage Trust (Image courtesy of the City of London).

## 4.4 Acquisition and expropriation

A municipality may decide to purchase or expropriate any property within an HCD to ensure that the property is protected. The municipality can keep the property indefinitely or it can lease or sell it.

This is a rarely used provision of the *Ontario Heritage Act*.

Decisions about what to do with a purchased or expropriated property must be consistent with the heritage conservation goals set out in the Official Plan and in the HCD plan. The purchase or sale of any property must be approved by a bylaw passed by municipal council.



## 4.5 Incentives and other support for heritage conservation

Normal upkeep and maintenance are the responsibilities of every property owner. Through regular inspection and continuous care and maintenance, major restoration and repair costs to heritage properties and heritage attributes can often be avoided. Municipalities may consider giving financial assistance and/or tax incentives to encourage and support owners to be good stewards of their heritage properties in recognition of the community's interest in maintaining its heritage.

Municipalities are authorized by the Act to pass bylaws to provide grants or loans to owners of designated property, to assist with the cost of improvements on such terms and conditions as council may prescribe. Many municipalities have established financial incentive programs to assist property owners with the conservation of their designated heritage properties.

Municipalities can also establish Heritage Property Tax Relief programs to support ongoing maintenance and conservation of designated properties. The province shares in the cost of the program by funding the education portion of the property tax relief.

For more information, refer to the Ministry of Culture's publication Getting Started: Heritage Property Tax Relief – A Guide for Municipalities at:

[www.mtc.gov.on.ca/en/publications/taxguide-e.pdf](http://www.mtc.gov.on.ca/en/publications/taxguide-e.pdf)

### 4.5.1 Who to contact for information?

For latest information on incentives and other support for heritage conservation available in your area contact your local Municipal Clerk, Planning Department Staff, or Municipal Heritage Committee.

## 5 Resources and further information [UNDER CONSTRUCTION]

For more information on the *Ontario Heritage Act* and conserving your community heritage, contact the Ministry of Heritage, Sport, Tourism and Culture Industries or the Ontario Heritage Trust at:

Ministry of Heritage, Sport, Tourism and Culture Industries

[www.ontario.ca/page/ministry-heritage-sport-tourism-culture-industries](http://www.ontario.ca/page/ministry-heritage-sport-tourism-culture-industries)

Ontario Heritage Trust

[www.heritagetrust.on.ca](http://www.heritagetrust.on.ca)