

# WHAT IS HERITAGE DESIGNATION?

## A Primer for Property Owners



### **HERITAGE BROCKVILLE**

**Brockville's Municipal Heritage Advisory Committee**

Brockville City Hall, P.O. Box 5000, 1 King St West, Brockville ON K6V 7A5

## Background Information:

In Ontario, the conservation of cultural heritage resources is considered a matter of public interest. Significant heritage resources must be conserved. The [Ontario Heritage Act](#) gives municipalities and the provincial government powers to preserve the heritage of Ontario. The primary focus of the Act is the protection of heritage buildings, cultural landscapes and



*Post Office & Customs House*

archaeological sites. The Ontario Heritage Act enables municipalities to designate such properties if they hold cultural value or interest. All municipal heritage designations are enacted by City Council through the passing of a by-law.

Once a property is designated, it gains public recognition as well as a measure of protection from demolition or unsympathetic alteration. Designation helps guide future change to the property so that the heritage value of the property can be maintained.

There are two types of Ontario Heritage Act designation that would affect property owners most often: designation of individual properties (known as “Part IV” designation) and designation of unique and important streetscapes, areas or “heritage districts” (known as “Part V” designation).

## What can be designated?

Any real property that has “cultural heritage value or interest” can be designated, including: houses, barns, factories, cemeteries, parks, barns, bridges, trees, gardens, hedgerows, fences, monuments, churches, woodlots, historic sites and the list goes on.



*John H. Fulford Memorial Fountain*

## How common is heritage designation?

Heritage designation is a common practice in Ontario. At least 7,000 properties in the province are designated under Part IV of the Ontario Heritage Act. There are presently 22 properties in Brockville designated under Part IV of the Ontario Heritage Act.

## Can the City designate a property without the owner’s consent?

The decision about whether a property should be designated or not is based strictly on its cultural heritage value. City Council prefers to designate properties with the support of the property owner. However, Council will use its discretion to designate a property without the concurrence of the property owner. In certain cases, the Government of Ontario may also designate a property if that property is deemed to be provincially significant.



*Jones Harding block*

## What Heritage Designation Does:

1. Heritage designation bestows formal public recognition on significant heritage properties with the passing of a municipal by-law. Designation provides clarity as to the cultural importance of a given property. It serves as formal, public recognition that a property has heritage value and is worthy of on-going care and protection. Property owners are eligible for a plaque marking the property as heritage.
2. A designation by-law identifies, itemizes and describes the specific heritage attributes and other character-defining elements that give a property its heritage value so that everyone knows what features should be given special consideration. Heritage attributes can be:
  - a) design/physical
  - b) contextual/natural; and/or
  - c) historical/associative

Criteria are used to identify and assess these attributes and values. The criteria determine if the property merits heritage designation.

**Design/Physical attributes** include architectural elements such as: windows, chimneys, verandas, porches, doors, exterior cladding materials, decorative millwork and detailing, shutters, trim, stonework and any other structural features that are obviously old or original to the building.



*Brockville Railway Tunnel, Canada’s Oldest Railway Tunnel*



**Contextual/natural heritage attributes** can also be significant with regard to the designation of streetscapes, farms, cemeteries and districts. They include: visual and aesthetic qualities, historical landscaping features, mature trees and hedgerows, fences, laneways, vistas, barns and other features found on the property.

**Historical/Associative attributes** relate to past ownership history, events and associations with broader historical themes and subjects.

Rarity, age, landmark status, construction methods, symbolic value and other factors are also taken into consideration, depending on the type of property being designated.

3. Designation puts in place a simple permit mechanism to encourage preservation of the various heritage attributes as found. Any alteration likely to result in the loss, damage, alteration or removal of one or more designated heritage attributes requires approval from City Council before the work can begin. Usually this applies only to major exterior renovations, additions or demolition. As such, a heritage permit is required.



*"Somerset", the Janet and Benjamin Chaffey House*

Heritage designation is not intended to prevent the alteration or expansion of a building or site. It simply introduces a mechanism to review the proposed changes beforehand-keeping heritage impacts in the equation. It is used to guide change in a reasonable and balanced manner- never losing sight of the pragmatic considerations that often trigger the call for changes in the first place.

The designation review process for proposed alterations can take no longer than 90 days under the Ontario Heritage Act. In most cases, the process takes considerably less time and is usually routine.

4. Designation can be used to control demolition. Council has the power to prevent demolition of a building or structure located on a designated property. If the owner of a designated property wishes to demolish or remove a building or structure, the owner must obtain approval from Council. Council decides whether to consent to demolition, to consent with terms and conditions, or to refuse the application altogether.

A property owner may appeal Council's decision to the Ontario Municipal Board (OMB). After holding a hearing, the OMB decides whether to dismiss the appeal, to order the municipality to consent to the demolition, or to consent with terms and conditions. The OMB's decision is final.

5. Designation may make a property eligible for grants, tax relief and other incentives that may be approved by City Council or other levels of government from time to time.

6. All property owners are obligated to maintain their properties, whether heritage or not. Heritage buildings can be threatened if maintenance is neglected or deferred. Designation can be used to ensure that routine maintenance and care of heritage attributes are undertaken as required.

### What Heritage Designation Does Not Do:

**Designation generally does not include interior spaces-unless they are unusually significant or rare.** They also have to be specifically cited in the designation by-law. If a building interior, or any other property feature, is not included in the designation by-law, that feature can be altered or completely modernized without a heritage review of any kind.

**Designation never restricts the choice of paint colours.** Guidelines and appropriate colour palettes are often encouraged however.

**Designation does not result in higher insurance premiums.** A variety of factors may cause an insurance company to increase premiums for older buildings such as old 'knob and tube' wiring, an outdated furnace or serious maintenance issues such as a leaking roof. Heritage designation is not one of these factors. It does not place additional requirements on the insurer and, therefore, should not affect your premiums.



*War Memorial*

**Designation does not obligate a property owner, or an insurance company, to restore or replicate heritage attributes if a building is destroyed or seriously damaged.**

Lost heritage attributes do not have to be replaced or replicated “in like kind and quality” under heritage designation.

**Designation does not prevent the introduction of modern conveniences.** It is perfectly acceptable to install central air conditioning, swimming pools, satellite dishes, garages, parking spaces, modern interior design treatments, etc. Designation is usually not about “if” such changes can be made, it’s about “how” or “how best” – within the budget constraints and objectives of the property owners, factoring in the significance of the heritage attributes that might be impacted.



*Wall Street United Church*

**Designation does not affect property values.** In-depth studies in Ontario and in other parts of Canada and the United States confirm that designation either has no negative impact on property values – or it increases property values. The conclusions of these studies suggest that people attracted to heritage homes are looking for the original heritage features to be intact. These buyers want a property with modern conveniences but not if genuine or vintage character is lost or has been slowly eroded by years or minor renovations or upgrades. Also, many heritage homes are located in established neighbourhoods that tend to further enhance property values.



*Newton Cossitt House*

**Designation does not obligate landowners to restore lost features or to spend more money than they would otherwise spend as a prudent landowner.** Designation is only concerned with what is there now. Restoration of lost or missing heritage attributes is not required.

**Designation does not restrict the use of a property.** Only a zoning by-law can do this.

**Designation does not prevent the redevelopment of a property.** There are several instances locally where designated heritage resources and features are being sensitively adapted



*Robert Shepherd Grist Mill, now the Mill Restaurant*

### **More Information:**

For more information on designation, or if you want the City of Brockville to consider your property for heritage designation contact:

Heritage Brockville  
Brockville City Hall  
P.O. Box 5000  
1 King St West  
Brockville, ON  
K6V 7A5

[heritage@brockville.com](mailto:heritage@brockville.com)