

TOWN OF GRIMSBY

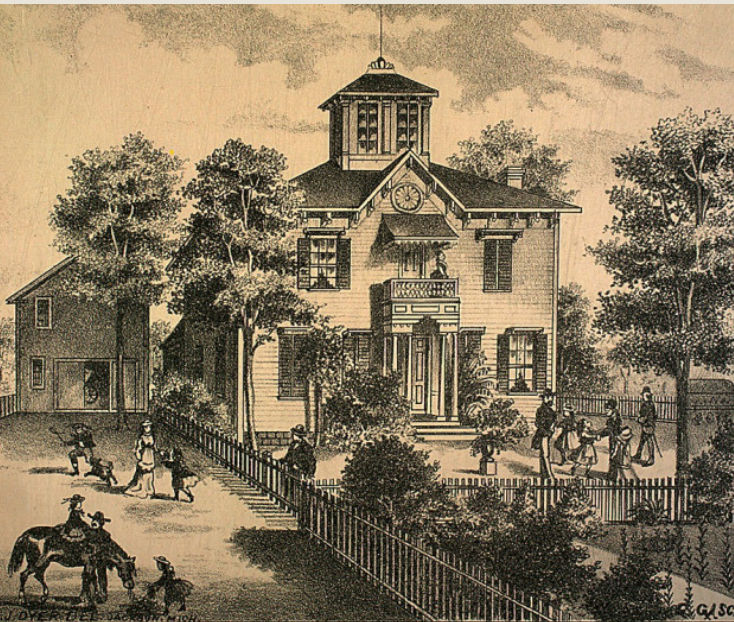


WHAT IS HERITAGE DESIGNATION? A PRIMER FOR PROPERTY OWNERS



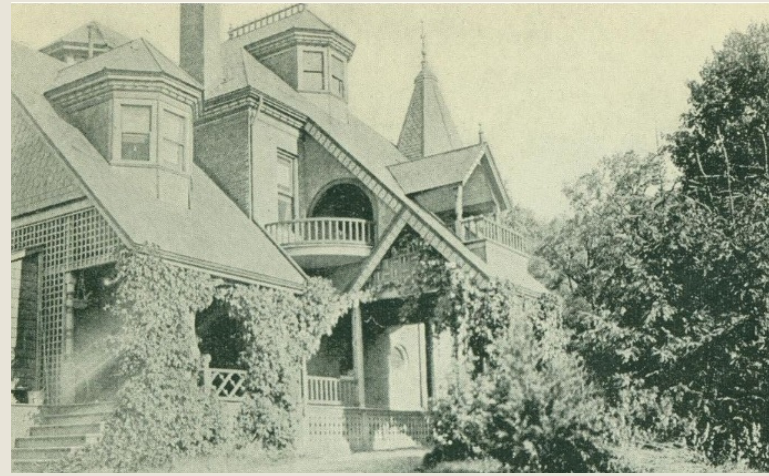
Background Information

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 (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 archaeological sites. The *Ontario Heritage Act* enables municipalities to designate such properties if they hold cultural heritage value or interest. All Municipal heritage designations are enacted by Town 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, factories, cemeteries, parks, barns, bridges, trees, gardens, hedgerows, fences, monuments, churches, woodlots, historic sites and the list goes on.



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. The number of properties in Grimsby designated under Part IV of the *Ontario Heritage Act* continues to grow. Pending designations include farmsteads and some important landmarks and other buildings in the downtown core.

Can the Town designate a property without the owner's consent?

The decision about whether a property should be designated heritage or not is based strictly on its cultural heritage value. Town 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.

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 determines if the property merits heritage designation.



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 Town Council before the work can begin. Usually this applies only to major exterior renovations, additions or demolition. As such, a heritage permit is required.



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.

Contextual/natural heritage attributes can also be significant

Particularly with regard to the designation of streets, 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.



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 Land Tribunal (OLT). After holding a hearing, the OLT decides whether to dismiss the appeal, to order the municipality to consent to the demolition, or to consent with terms and conditions. The OLT's decision is final.



5. Designation makes a property eligible for grants, tax relief and other incentives that may be approved by Town 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.

The Town of Grimsby has a maintenance standards by-law in effect. With that, Council may stipulate minimum maintenance standards for the architectural heritage attributes of designated properties. The municipality may require that an owner undertake basic repairs in order to maintain the character and visual integrity of the building or structure.



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.

Property premiums should not go up as a result of a heritage designation. A variety of other reasons cause insurance companies to increase premiums for older buildings if there is a higher level of risk. Regular maintenance and updating outdated systems (out-dated wiring, old heating systems, etc.) will help mitigate higher premiums. Keeping comprehensive records to enable your insurer to better assess the property is also important, and therefore designation should not be a reason for increased premiums.

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



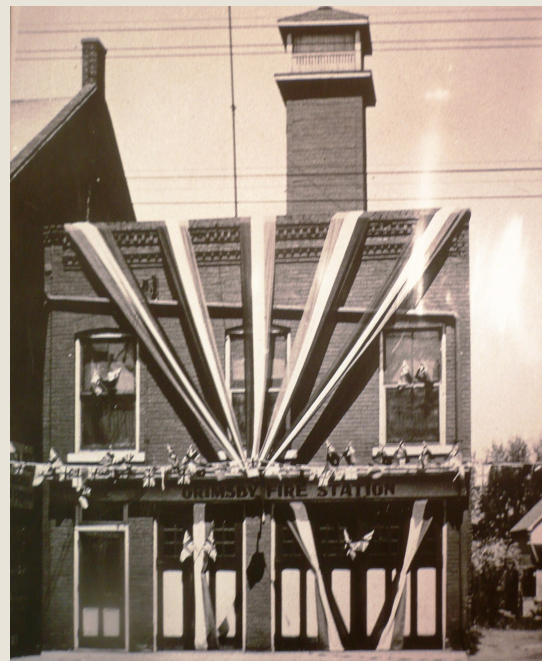
Designation does not prevent the introduction of modern conveniences. It is perfectly acceptable to install central air conditioning, swimming pools, satellite dishes, garages, parking spaces, modern interior design treatments, etc. Designation is usually not about "if" such changes can be made it's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

Designation never requires a property owner to get Council's "sign off" for regular maintenance and day-to-day activities or functions required to use, maintain and enjoy a property. For example, a property owner can replace asphalt shingles, repaint trim and repair or replace any feature not within the scope of heritage designation without Council approval.

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 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 of minor renovations or upgrades. Also, many heritage homes are located in established neighbourhoods that tend to further enhance property values.



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.

The Town of Grimsby would like to thank all heritage property owners for their dedication to the conservation of Grimsby's significant valued cultural heritage.



More Information:

For more information on designation or if you want the Town of Grimsby to consider your property for heritage designation contact:

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