



Listing Cultural Heritage Properties on the Municipal Register

Identifying properties of cultural heritage value is an essential part of municipal heritage conservation. This note explains the importance of listing heritage property on the municipal register in planning for and managing cultural heritage resources at the local level.

What is the municipal register of cultural heritage properties?

Section 27 of the Ontario Heritage Act requires the clerk of every local municipality to keep a current, publicly accessible register of properties of cultural heritage value or interest situated in the municipality.

The municipal register is the official list or record of cultural heritage properties that have been identified as being important to the community.

The register must include all properties in the municipality that are designated under Part IV (individual designation) and Part V (district designation) of the Ontario Heritage Act. For properties designated under Part IV, the register must include:

- a) a legal description of the property;
- b) the name and address of the owner; and
- c) a statement explaining the cultural heritage value or interest of the property and a description of its heritage attributes.

For districts designated under Part V, the register must include a map or description of the area of each district.

As of 2005, the Ontario Heritage Act also allows municipalities to include on the municipal register properties of cultural heritage value that have not been designated. This is commonly known as "listing." See subsection 27 (1.2) of the Ontario Heritage Act.

Listing is a means to formally identify properties that may have cultural heritage value or interest to the community. It is an important tool in planning for their conservation and now provides a measure of interim protection.

Why list property on the register?

While the legislation does not require municipalities to list properties on the register, listing is strongly recommended. A comprehensive register of cultural heritage properties, including both designated and listed properties, has the following benefits:

- The register recognizes properties of cultural heritage value in the community
- The register promotes knowledge and enhances an understanding of the community's cultural heritage
- The register is a planning document that should be consulted by municipal decision makers when reviewing development proposals or permit applications
- The register provides easily accessible information about cultural heritage properties for land-use planners, property owners, developers, the tourism industry, educators and the general public
- The register provides interim protection for listed property (see below)

The Ministry of Culture is interested in your experience with municipal registers and listings. If you have comments or suggestions, please contact the Ministry of Culture at (416) 212-0644 or Toll Free at 1-866-454-0049 or info.mcl@ontario.ca.

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Interim protection for listed properties

Changes to Ontario's Building Code Act, which took effect January 1, 2006, brought new, accelerated building permit review timeframes. These include, for example, 10 days for a house and 20 days for a large building.

Building permit review timeframes allow municipalities and municipal heritage committees little time to assess properties facing demolition or alteration that are potentially of cultural heritage value to the community.

Amendments to the Ontario Heritage Act made in June 2006 address this issue. These changes now provide interim protection for listed properties (see subsections 27 (3)-(5) of the Ontario Heritage Act). Owners of listed properties must give the council of the municipality at least 60 days notice of their intention to demolish or remove a building or structure on the property.

This allows time for the municipality to decide whether to begin the designation process to give long term protection to the property.

What is the process to list non-designated properties on the register?

Municipal council's approval (normally given by resolution) is required to add cultural heritage properties that have not been designated to the register. In municipalities with a municipal heritage committee, council must consult with its committee before a non-designated property is added to or removed from the register.

For a non-designated property to be entered on the register, the only information required is a description sufficient to identify the property without the chance of confusion, such as the property's street address.

Although detailed research and evaluation of the property is not required, a brief rationale should be provided explaining why it may be important to the community.

A municipality is not required to consult with property owners or the public to list non-designated properties in the register. However, notifying owners of the listing of properties is recommended. For example, when the Toronto Preservation Board (Municipal Heritage Committee) recommends a property's inclusion on the Register, property owners are notified and invited to attend the Toronto Preservation Board meeting to discuss the matter.

Discussion with the broader community may also be helpful. The City of Kenora, for example, held a public forum to help decide which significant heritage buildings should be included in its register.

Requests to list a property on the municipal register may come from property owners, municipal heritage committees, municipal heritage or planning staff, local historical societies or residents' associations.

Where to start...

Across Ontario, municipal planners and municipal heritage committees are working to develop comprehensive, up-to-date municipal registers that include both designated and listed properties.

Questions to think about:

- Has your municipality previously established an inventory or list of properties of cultural heritage value?
- Was this list adopted by council?
- Were property owners advised?
- Does the list consider the full range of properties of cultural heritage value, including landscapes?

Depending on the answers to the questions posed above, the municipality may simply choose to “roll” all or part of an existing list into the register. Or it may wish to undertake a new process to identify properties for listing.

To decide which properties should be listed on the register, the municipality may want to consider the criteria for designation set out in Ontario Regulation 9/06 under the Ontario Heritage Act (Criteria for Determining Cultural Heritage Value).

For more information on the municipal register and listing, please refer to the Heritage Property Evaluation Guide in the Ontario Heritage Tool Kit at:
www.culture.gov.on.ca/english/culdiv/heritage/Toolkit/HPE_Eng_large.pdf

The Ontario Heritage Act is at:
www.e-laws.gov.on.ca/DBLaws/Statutes/English/90o18_e.htm.

The information contained in this InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.