



## The Municipal Register of Heritage Properties

Identifying properties of cultural heritage value or interest is an essential part of a municipality's role in heritage conservation. This note explains the importance of including heritage properties in the municipal register.

### What is the municipal register of cultural heritage properties?

Section 27 of the [Ontario Heritage Act](#) requires the clerk of every municipality to keep a publicly accessible register of properties that are of cultural heritage value or interest situated in the municipality.

The municipal register of heritage properties must list all properties in the municipality that are designated under Part IV (individual property designation) and Part V (within a designated heritage conservation district) of the *Ontario Heritage Act*.

For properties designated under Part IV, the municipal 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 municipal register must include a map or description of the area of each district.

The *Ontario Heritage Act* (subsection 27(1.2)) also allows a municipality to include properties of cultural heritage value or interest that have not been designated in its municipal register.

### Why should a municipality include properties that have not been designated in its municipal register?

Including non-designated properties in the municipal register is a means to identify properties that have cultural heritage value or interest to the community. The municipal register is an important tool in planning for the conservation of heritage properties and provides interim protection from demolition.

A comprehensive register of cultural heritage properties:

- Recognizes properties of cultural heritage value or interest in the community.
- Demonstrates a municipal council's commitment to conserve cultural heritage resources.
- Enhances knowledge and understanding of the community's cultural heritage.
- Provides a database of properties of cultural heritage value or interest for land use planners, property owners, developers, the tourism industry, educators and the general public.
- Should be consulted by municipal decision makers when reviewing development proposals or permit applications.
- Provides interim protection from demolition (see below).

For more information on municipal registers, please contact the Ministry of Tourism, Culture and Sport at (416) 314-7265 or Toll Free at 1-866-454-0049 or [general\\_info@mtc.gov.on.ca](mailto:general_info@mtc.gov.on.ca).

Fall 2016

*Disponible en français*

### **How does inclusion in the municipal register provide interim protection from demolition?**

An approved building permit from the municipality is required prior to demolition of a building. The *Ontario Building Code Act* provides mandatory time frames for the review of building permit applications. These include, for example, 10 days for a house and 20 days for a large building.

These building permit review time frames may not provide enough time for a municipality and its municipal heritage committee to assess the cultural heritage value or interest of properties where demolition is proposed.

To address this issue, the *Ontario Heritage Act* provides interim protection for non-designated properties that are included in the municipal register (see subsections 27 (3)-(5) of the *Ontario Heritage Act*). Owners of such properties must give the council of the municipality at least 60 days notice in writing of their intention to demolish or remove a building or structure on the property or to permit the demolition or removal of the building or structure. This allows time for the municipality to decide whether to begin the designation process.

### **What is the process to include properties in the municipal register?**

Each municipality must list all properties that have been designated under Parts IV or V of the *Ontario Heritage Act* in the municipal register.

To include a property that has not been designated in the municipal register, a municipal council must believe that a property has cultural heritage value or interest and provide a description that is sufficient to readily identify the property, such as the property's street address.

Although detailed research and evaluation of the property are not required, it is suggested that a brief rationale be included that explains why a municipal council believes that the property is of cultural heritage value or interest. The municipality may want to consider the Criteria for Determining Cultural Heritage Value or Interest in [Ontario Regulation 9/06](#) under the *Ontario Heritage Act* when deciding which properties to include in the municipal register. For more information on heritage property evaluation, please refer to the guide to [Heritage Property Evaluation](#) in the Ontario Heritage Tool Kit.

In a municipality with a municipal heritage committee, council must consult with its committee before a property that has not been designated under Part IV is added or removed from the municipal register.

A municipality is not required to consult with property owners or the public before including non-designated properties in the municipal register. However, notifying the property owner that their property will be included in the municipal register is recommended. For example, when the Toronto Preservation Board (municipal heritage committee) recommends a property's inclusion on the municipal 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 properties of heritage value or interest should be included in its municipal register.

Requests to include a property in the municipal register may come from anyone, including property owners, a municipal heritage committee, municipal staff, local historical societies or residents' associations.

### **What about existing heritage inventories?**

In addition to the required municipal register of designated cultural heritage properties, many municipalities have existing inventories or lists of properties of potential cultural heritage value or interest. This practice is sometimes referred to as “listing”.

If your municipality has an existing inventory of properties of cultural heritage value or interest, you may wish to consider the following questions when determining whether to include all or part of the inventory in the municipal register:

- Was the inventory previously adopted by the municipal heritage committee and/or municipal council?
- Is the inventory recognized in planning policy, such as the municipal Official Plan?
- Was the public consulted as part of the development of the inventory?
- Does the list consider the full range of properties that may have cultural heritage value or interest? For example, does the inventory include cultural heritage landscapes?

There are examples of municipal councils who have elected to “roll” all or part of an existing inventory into the municipal register, while others have undertaken a new process to identify properties. This would be an appropriate time to consider whether older inventories were compiled using criteria that are consistent with current heritage conservation best practice.

### **Can provincially owned heritage properties be included in the municipal register?**

The *Ontario Heritage Act* allows a municipality to include provincially owned heritage properties in the municipal register. Provincially owned heritage properties are exempt from the provisions of Part IV of the Act, including the requirement to provide notice of intention to demolish or remove a building or structure on the property. Provincially owned heritage properties are not subject to designation by municipalities.

Provincially owned heritage properties are protected under Part III.1 of the *Ontario Heritage Act*, which gives the Minister of Tourism, Culture and Sport the authority to prepare standards and guidelines that set out the criteria and the process for the identification of properties that have cultural heritage value or interest, and set standards for the protection, maintenance, use and disposal of these properties. These standards and guidelines are known as

the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (the “Standards and Guidelines”). The Standards and Guidelines came into effect on July 1, 2010 and apply to property that is owned or controlled by the provincial government. All provincial ministries and prescribed public bodies listed in [Ontario Regulation 157/10](#) must comply with the Standards and Guidelines.

Including a provincially owned heritage property in the municipal register indicates to the Province, as the property owner/manager, that the property has cultural heritage value or interest to the local community. The Standards and Guidelines require that decisions regarding provincial heritage properties be made in an open, accountable way, taking into account the views of interested persons and communities.

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.

© Queen's Printer for Ontario, 2016.

If credit is given and Crown copyright is acknowledged, this material may be reproduced for non-commercial purposes.