

Ontario Regulation 9/06: Criteria for determining cultural heritage value or interest

In order to be designated under Part IV (Section 29) of the Ontario Heritage Act, a property must be evaluated using a set of provincially regulated criteria. If a property is deemed to satisfy one or more of the nine criteria below, heritage designation is warranted.

1. Design or Physical Value

The property:

- i. is a rare, unique, representative or early example of a style, type, expression, material or construction method;
- ii. displays a high degree of craftsmanship or artistic merit; or
- iii. demonstrates a high degree of technical or scientific achievement.

2. Historical or Associative Value

The property:

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
- iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. Contextual Value

The property:

- i. is important in defining, maintaining or supporting the character of an area;
- ii. is physically, functionally, visually or historically linked to its surroundings; or
- iii. is a landmark.

Where can I get more information?

For more information, contact the Town of Ajax's Heritage Planner at 905-619-2529 x3200 or heritage@ajax.ca. The Heritage Planner can also provide general information on heritage conservation and land use planning. Additional information can be found on the Town's website at ajax.ca.

Frequently Asked Questions from Property Owners

Will designation restrict interior renovations or the use of my property?

Designation of interior features is very rare, so the vast majority of designated property owners are able to modify and redesign their interiors without seeking approval from the Town. Interior features are generally only included in designations for public buildings or in instances where an interior feature is so rare or special that it forms a critical component of the property's value. The use of your property is entirely regulated through the Town's Zoning By-Law, so heritage designation will have no bearing on the types of uses that are permitted.

Will designation prevent future development on my property?

Designation will not prohibit development on your property but it will give the Town a role in determining the form and level of development that is appropriate. If the proposed development has the potential to impact the property's heritage attributes and/or value, the owner will have to hire a qualified heritage consultant to undertake a Heritage Impact Statement (HIS) that will identify the impacts and provide recommendations for mitigation. The Town will consider the findings of the HIS in its decision of whether to permit the development. There are many good examples in Ajax where designated heritage properties have been incorporated into new developments.

Will designation impact the real estate value of my property?

There have been relatively few studies conducted on this topic but those that have occurred in Ontario have demonstrated a positive relationship between designation and real estate value. Several studies conducted at the University of Waterloo have shown that real estate values for designated properties are more resilient in times of market fluctuation and can increase at a faster rate than non-designated properties.

Will being designated affect my property insurance?

The cost of your insurance is based primarily on two principles: the level of risk and the type of coverage. Older properties may be subject to higher risk due to antiquated systems and materials, so risk is likely to be higher regardless of whether they

are designated. Similarly, some types of insurance, such as full replacement cost insurance, which provides for repair or replacement with "like kind and quality," can be more expensive than others. Since designation has no bearing on the type of coverage required, there should be no impact on insurance rates.

How can I have my property designated?

The first step is to contact the Town's Heritage Planner and to complete and submit a designation application form. Once the application is received by the Town, a Cultural Heritage Evaluation Report (CHER) will be commissioned. This CHER will be integral in influencing the Heritage Advisory Committee's recommendations on designation and Town Council's final decision. The designation process will take several months to complete and there will be no cost to the property owner.

Can my property be designated without my consent?

The OHA does not require that a municipality acquire a property owner's consent prior to designation. Despite this, the Town of Ajax has a practice of notifying property owners at the earliest opportunity of potential designation in attempt to gain their support. This also ensures that owners are actively engaged in the designation process and are able to collect any information that they may be seeking. In some cases where there are imminent threats of demolition or unsympathetic alteration, Town Council may have to act in the public interest, despite objections by the owner, to designate a significant heritage property.

Is it possible to have a heritage designation removed?

The OHA provides a clear process for the repeal of a designation by-law, so the potential to remove a heritage designation does exist. It is, however, very rare for a municipal council to support such a request. The powers to remove a heritage designation are typically reserved for scenarios where properties are severely damaged by fire or other natural forces and the features that encompassed their heritage value have been destroyed. If a request to remove a heritage designation is refused by Town Council, the property owner may appeal to Council for a hearing before the Conservation Review Board (CRB), an independent provincial tribunal.



Town of Ajax Designated Heritage Properties



What is heritage designation?

Every community in Ontario has its own unique culture and heritage. The Ontario Government recognizes the value of conserving our cultural heritage as a matter of public interest and has established a legislative and policy framework reflective of this. The Ontario Heritage Act (OHA) is the principal document in this framework and provides municipalities with the ability to formally designate properties of cultural value or interest. Properties can be designated individually or as part of a larger area known as a Heritage Conservation District. This brochure focuses on individual property designation under Section 29 in Part IV of the OHA.

Why does the Town designate heritage properties?

Designation ensures that heritage properties are properly managed and conserved for the enjoyment of future generations by providing the Town with a role in approving demolition and alteration requests. Designation is also a valuable tool for:

- Advancing knowledge and understanding about a property;
- Promoting the importance of a property to the local community; and
- Encouraging good stewardship and conservation practices.



22 Church St. N.

What types of properties are eligible for heritage designation?

In Ajax, designated properties include houses, commercial buildings, places of worship, cemeteries, industrial buildings and public monuments. However, designation can also be used to protect many other property types and features including, but not limited to, landscapes, trees, vistas, roads and bridges. Essentially, designation can be used to protect any property that demonstrates cultural heritage value or interest. In Ontario, this determination is made by evaluating a property using an official set of criteria, known as Ontario Regulation 9/06, established by the Province of Ontario (See sidebar on O. Reg. 9/06 on the back page of this brochure). In order to be designated, a property must satisfy at least one of the nine criteria. Any decision to designate a heritage property must be endorsed by Town Council and must follow a public process, as set out in the OHA.

How does a heritage designation work?

When a heritage designation by-law is passed by Town Council, it includes a Statement of Cultural Heritage Value or Interest, which describes in detail why the property is being designated. This statement must contain information about the property's design or physical value, its historical or associate value, and its contextual value, as prescribed in O. Reg 9/06. The designation by-law must also contain a listing of Heritage Attributes, which are the key elements or features of the property that embody its heritage value. Heritage attributes may reference a property's or structure's location, style, massing, materials and/or composition, and must specifically outline all physical features that are to be conserved. The designation by-law is registered on the title of the property and runs with the land in perpetuity, regardless of how many times it is bought and sold.

As per Section 33 of the OHA, if the owner of a designated heritage property wishes to make alterations to the property that could impact its heritage attributes, they must obtain written consent from Council. In Ajax, this occurs through a Heritage Permit process, where a property owner submits an application for the proposed work and then receives advice and guidance through the Town's Heritage Planner and its Heritage Advisory Committee. Town Council makes the final decision on Heritage Permit applications unless this power has been delegated to municipal staff under Section 33 (15) of the OHA.

Section 34 of the OHA provides Town Council with the power to prevent the demolition of any building or structure on a designated heritage property. If the owner of a designated property wishes to demolish or remove a building or structure, they must obtain written consent from Council. If Council denies a demolition permit, the owner may appeal Council's

decision to the Local Planning Appeal Tribunal (LPAT) (formerly known as the Ontario Municipal Board).



762 Rossland Rd.

How do property owners benefit from heritage designation?

In addition to the pride of owning a piece of the Town's heritage, owners of heritage properties may also benefit from municipal programs that provide financial incentives. In Ajax, designated property owners that are willing to enter into a Heritage Conservation Easement Agreement are eligible for a 10% rebate on the municipal and education portion of their annual tax bill. Properties in Pickering Village that are located within the Community Improvement Plan (CIP) area are given priority status for Façade Improvement and Sign grants valued at up to \$15,000 and \$2,000, respectively. The OHA also allows municipalities to establish special grant programs for designated heritage properties. Such a program does not currently exist in Ajax but there is potential for one to be developed in the future.



Heritage designation marker