

Municipal Register

Ontario Heritage Act - Threshold Guidelines

Municipal Register of Cultural Heritage Properties “Non-designated” Properties

Background and purpose of the municipal register

The Municipal Register is the official list of cultural heritage properties that has been identified as being important to the community. It is an important tool to help a municipality monitor its cultural heritage resources and plan for their conservation.

Every municipality in Ontario, under Section 27 of the *Ontario Heritage Act*, is required to maintain a Municipal Register that lists all formally designated heritage properties. A municipal council may expand the Register to also include “non-designated” properties that it believes to be of cultural heritage value or interest. Regulation 9/06 of the *Ontario Heritage Act* sets out the criteria for determining cultural heritage value or interest. Under the legislation, a property is required to meet one of the criteria to be considered a cultural heritage resource. The decision to include a “non-designated” property rest with the municipal council upon consultation with its municipal heritage committee, i.e. South Huron Heritage Advisory Committee.

The Municipal Register for the Municipality of South Huron includes two lists:

1) *The Municipal Register of Cultural Heritage Properties – Designated Properties*

This list includes key information on all the buildings, structures, landscapes, and districts that have been designated under the *Ontario Heritage Act*.

2) *The Municipal Register of Cultural Heritage Properties – Non-Designated Properties*

This list includes “non-designated” properties that have cultural heritage value or interest. The listing of non-designated properties provides interim protection for sites undergoing change by requiring owners to provide the Municipality with 60 days’ notice of their intention to demolish or remove a building or structure on the property. This notice period allows the municipality to make a well-informed decision about whether long term protection of the property should be sought through the formal designation process.

If your property is listed as a “non-designated” property and you disagree with information included on the Municipal Register, you can apply to:

- 1) Request consideration for a correction to the information included on the Municipal Register for your property; or

- 2) Request consideration for removal of your property on the Municipal Register on the basis that it does not meet any of the criteria for determining cultural heritage value or interest prescribed under Regulation 9/06 of the *Ontario Heritage Act* (See Attached Appendix A).

For more information on the review application process, please contact the Clerk's department 519-235-0310, clerk@southhuron.ca.

Appendix A

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Criteria, s. 27 (3) (b) of the Act

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 27 (3) (b) of the Act. O. Reg. 569/22, s. 1.

(2) Property that has not been designated under Part IV of the Act may be included in the register referred to in subsection 27 (1) of the Act on and after January 1, 2023 if the property meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.

(3) For clarity, subsection (2) does not apply in respect of a property that has not been designated under Part IV but was included in the register as of January 1, 2023. O. Reg. 569/22, s. 1.

Criteria, s. 29 (1) (a) of the Act

2. (1) The criteria set out in subsections (2) and (3) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 569/22, s. 1.

(2) Section 1, as it read immediately before January 1, 2023, continues to apply in respect of a property for which a notice of intention to designate it was given under subsection 29 (1.1) of the Act after January 24, 2006 and before January 1, 2023. O. Reg. 569/22, s. 1.

(3) In respect of a property for which a notice of intention to designate it is given under subsection 29 (1.1) of the Act on or after January 1, 2023, the property may be designated under section 29 of the Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest set out in paragraphs 1 to 9 of subsection 1 (2). O. Reg. 569/22, s. 1.

Criteria, s. 41 (1) (b) of the Act

3. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 41 (1) (b) of the Act. O. Reg. 569/22, s. 1.

(2) Subject to subsection (3), in the case of a by-law passed under subsection 41 (1) of the Act on or after January 1, 2023, a municipality or any defined area or areas of it may be designated by such a by-law as a heritage conservation district under subsection 41 (1) of the Act if the municipality or the defined area or areas of it meets the following criteria:

1. At least 25 per cent of the properties within the municipality or defined area or areas satisfy two or more of the following:
 - i. The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.
 - ii. The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
 - iii. The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
 - iv. The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.

- v. The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- vi. The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- vii. The properties have contextual value because they define, maintain or support the character of the district.
- viii. The properties have contextual value because they are physically, functionally, visually or historically linked to each other.
- ix. The properties have contextual value because they are defined by, planned around or are themselves a landmark. O. Reg. 569/22, s. 1.

(3) Subsection (2) does not apply in respect of a by-law passed under subsection 41 (1) of the Act on or after January 1, 2023 if a notice of a public meeting required to be held for the purposes of the by-law under subsection 41.1 (7) of the Act was given before January 1, 2023. O. Reg. 569/22, s. 1.

(4) For clarity, the requirement set out in subsection 41.1 (5.1) of the Act,

- (a) does not apply in respect of a by-law under subsection 41 (1) of the Act that is passed before January 1, 2023; and
- (b) does not apply in respect of a by-law under subsection 41.1 (2) of the Act. O. Reg. 569/22, s. 1.