

Municipal Register Review Process Guidelines



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

BACKGROUND AND PURPOSE OF MUNICIPAL REGISTER

A review process and application form has been developed to provide a process to review requests to either consider corrections to listed information and/or removal of properties listed on the Municipal Register of Cultural Heritage Properties – Non-Designated Properties.

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 rests with municipal council upon consultation with its municipal heritage committee, i.e. Heritage Central Elgin.

The Municipal Register for the Municipality of Central Elgin 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 use this application form 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).

REVIEW PROCESS

Application

- Municipal staff will review your application to ensure that the information is complete. Applications will not be processed until all required information and material is submitted with the application form.
- Once a complete application is received, Municipal staff will date the application, acknowledge receipt and identify if the application is complete or incomplete.
- Complete applications will be processed and staff will begin their review.
- If an application is incomplete, Municipal staff will identify the missing information and/or documentation needed to support your application.

A. Request for Correction of the Heritage Register

- Municipal staff will be responsible for the review of applications requesting corrections to listed information, including supporting documentation.
- Based on the information submitted, Municipal staff may:
 - a) Correct information recorded for your property on the Register; or
 - b) Keep information as listed and advise you of the reason(s) for not making the requested change.
- Heritage Central Elgin may be consulted if deemed necessary by staff or at the request of an applicant.
- Municipal staff and/or Heritage Central Elgin will make the final decision regarding correction requests.
- Where applicable, the information on the Register will be corrected.

B. Request for Removal from the Heritage Register

- Heritage Central Elgin will review all applications requesting removal from the Municipal Register, including supporting documentation.
- Based on the information submitted, Heritage Central Elgin may:
 - a) Recommend to Municipal Council that the property remain listed on the Register; or
 - b) Recommend to Municipal Council that the property be removed from the Register
- Heritage Central Elgin meetings are open to the public and applicants are encouraged to attend the meeting and present the rationale for their request.
- Municipal Council will make the final decision regarding the listing of properties on *The Municipal Register of Cultural Heritage Properties – Non-Designated Properties*.
- Where applicable, the property will be removed from the Register.

STEPS FOR APPLICANTS

- 1) Consult The Municipal Register of Cultural Heritage Properties – Non Designated Properties at www.centralelgin.org under Living/Recreation & Culture/Heritage. Scroll through the list of streets to find the entry for your property. A hard copy of the Municipal Register is also available at the Municipal Clerk's Office.
- 2) Check the resources below for information about heritage architecture terms used in the Register, designation criteria for determining the cultural value of your property, researching your property, and professional heritage consultants.
- 3) Complete the Application Form (Correction/Removal) with specific details to support your request to correct information and/or request the removal of your property from the Register.
- 4) Submit the completed form to:
Municipality of Central Elgin
Attn: Donald N. Leitch
450 Sunset Dr, 1st Floor, St. Thomas ON, N5R 5V1
Phone: (519) 631-4860 ext. 286
Fax: (519) 631-4036
Email: dleitch@centralelgin.org
- 5) Municipal staff will date the application, acknowledge receipt and identify if the application is complete or not.
- 6) If an application is incomplete Municipal staff will identify the missing information and/or documentation needed to support your application. You will need to submit the missing information and/or documentation before the Municipal staff will continue processing your request.
- 7) Where the request is for a correction, Municipal staff will advise you of its decision and the Register will be modified as appropriate.
- 8) Where the request is for removal, Municipal staff will advise you when Heritage Central Elgin will review your request. You are encouraged to attend the Heritage Central Elgin meeting and present the rationale for the request.
- 9) Municipal staff will advise you of Heritage Central Elgin's recommendation and when the matter will be forwarded to Municipal Council for a final decision.

RESOURCES

Designation Criteria

Criteria for Determining Cultural Heritage Value or Interest – Ontario regulation 9/06 made under the Ontario Heritage Act (See Attached Appendix A).

Professional Heritage Consultants

For complex applications, you may engage the services of a heritage professional to provide the rationale and support documentation for your application.

- Canadian Association of Heritage Professionals (www.caphc.ca)

SPECIAL NOTES

- Application for removal does not necessarily mean removal will be granted.
- Properties will remain listed on the Municipal Register until Council approves their removal
- Heritage Assessment reports prepared by a heritage professional may be included with the application for review but are not required for a complete application if appropriate supporting documentation is provided to demonstrate that the criteria under Appendix A is not applicable.
- Where heritage assessment reports are submitted to the Municipality, they must be signed and sealed by a qualified professional in the field of cultural heritage resource assessment and acceptable to the Municipality in consultation with Heritage Central Elgin.
- Costs of heritage assessment conducted by an independent third party will not be reimbursed.
- Applicants will not be charged for assessments conducted by Heritage Central Elgin.
- Designated properties are not eligible for removal from the Municipal Register.

APPENDIX A

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST ONTARIO REGULATION 9/06 MADE UNDER THE ONTARIO HERITAGE ACT

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act.

- (2) A property may be designated under section 29 of the Act if it 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,
 - 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. The property has historical value or associative value because it,
 - 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. The property has contextual value because it,
 - 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.

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006.