

Ministry of Tourism,
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June 10, 2014

His Worship Robert Bratina
Mayor, City of Hamilton
71 Main Street West, Second Floor
Hamilton, ON L8P 4Y5

1090MC-2014-226

Dear Mayor Bratina:

Thank you for your letter to the Minister of Tourism, Culture and Sport sharing the concerns of Hamilton City Council about listing non-designated properties on the municipal register of properties of cultural heritage value or interest. I am pleased to reply on the Minister's behalf.

The *Ontario Heritage Act* (Act) was enacted in 1975 and provided municipal councils with the ability to designate, by by-law, properties of cultural heritage value or interest to the community. Once notice of the municipality's intention to designate has been served, any permit issued by the municipality under any act, including a building permit, is void. Alterations to a property that the owner wishes to make that may affect its heritage attributes—as listed in the notice—shall not be made until the owner has applied to council in writing and obtained council's written consent.

In 2005, the Act was amended and gave municipalities stronger tools to manage change to properties they had formally identified as being of cultural heritage value or interest. The amendments included the ability to refuse demolition of designated properties indefinitely. It also included a new provision for "non-designated properties on the municipal register of properties of cultural heritage value or interest," generally described as "listing." This provision was enhanced in 2006 with an amendment that required an owner of a listed property to give council at least 60 days' notice in writing prior to any demolition or removal of a building or structure on the property.

Listing allows a municipality to formally identify properties it believes to be of cultural heritage value or interest. Properties may be listed for any number of reasons, including that there has not yet been sufficient time to evaluate the property to determine whether it is appropriate to proceed with a designation.

In addition to the 60-day interim protection from demolition, municipalities may adopt policies under their official plans, requiring a cultural heritage impact assessment for development or site

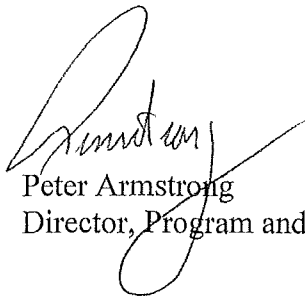
alteration on listed properties. This is consistent with policies and definitions in the Provincial Policy Statement (2014) for heritage resources and cultural heritage landscapes.

Listing is not intended to replace designation as a tool for protecting property of cultural heritage value or interest, or to manage change to heritage attributes. A municipality may consider screening and evaluating listed properties to determine whether they meet the criteria for cultural heritage value or interest under Ontario Regulation 9/06. This can be a pro-active step, or in response to a trigger such as a development application for the property. If a listed property does meet one or more of the criteria, the municipality may consider designating the property, giving council the ability to manage change to its identified heritage attributes.

I hope that this helps to clarify the intent of the Act's provisions related to the listing of properties.

Thank you for writing to the Minister about this matter and for your continued interest in Ontario's heritage. Andrew Jeanes (andrew.jeanes@ontario.ca), a member of my staff, would be pleased to further clarify any questions that you or Council members may have about this subject.

Sincerely yours,



Peter Armstrong
Director, Program and Services Branch