

Heritage Committee Meeting Agenda

Monday, January 20, 2020, 6:00 pm
Tecumseh Town Hall - Sandwich South Room

Pages

- A. Call to Order
- B. Roll Call
 - 1. Election of Chair and Vice Chair
- C. Disclosure of Pecuniary Interest
- D. Delegations
- E. Communications
 - 1. Heritage Committee Minutes - October 21 and November 25, 2019 2 - 6
 - 2. Community Heritage Ontario News 7 - 18
 - Re: Fall Edition
 - 3. Heritage Committee Terms of Reference 19 - 27
 - 4. Procedural By-law No. 2017-62 28 - 44
 - 5. Heritage Committee 2020 Budget 45 - 45
- F. Reports
- G. Unfinished Business
 - 1. Heritage Property Listing 46 - 92
 - 1. Ontario Heritage Tool Kit - Heritage Property Evaluation
 - 2. Ontario Heritage Act - Criteria for Determining Cultural Heritage Value or Interest
 - 2. Tecumseh Heritage Articles
- H. New Business
- I. Next Meeting
 - February 24, 2020
- J. Adjournment

Heritage Committee

Minutes

Date: Monday, October 21, 2019
Time: 6:00 pm
Location: Tecumseh Town Hall - Sandwich South Room

Present:
Chair Chris Carpenter
Vice-Chair Marian Drouillard
Member Rhonda Dupuis
Member Dwayne Ellis
Member Charles Gray

Also Present:
Manager of Committee & Community Services Christina Hebert

Absent:
Councillor Bill Altenhof
Member John Levesque
Member Rita Ossington

A. Call to Order

The Chairperson calls the meeting to order at 6:03 pm.

B. Roll Call

C. Disclosure of Pecuniary Interest

None reported.

D. Delegations

None.

E. Communications

1. Heritage Committee Minutes - September 16, 2019

Motion: HC - 23/19

Moved By Vice-Chair Marian Drouillard

Seconded By Member Dwayne Ellis

That the minutes of the September 16, 2019 meeting of the Heritage Committee as were duplicated and delivered to the Committee members, are accepted.

Carried

F. Reports

None.

G. Unfinished Business

1. Heritage Property Listing

1. 2725 Highway # 3

2. St. Mark's Church

3. Lakewood Golf Course

The Members review the draft report containing the summarized attributes of 2725 Highway #3.

Member Charles Gray provides an update on the research he compiled respecting St. Mark's Church.

Discussion regarding Lakewood Golf Course and the history of same ensues.

The Members commit to forwarding summarized attributes and photographs of the subject properties to the Manager Committee & Community Services for inclusion in the draft report and Committee review at the next meeting.

2. Tecumseh Heritage Articles

The Vice Chair confirms she is drafting the next article, which will include information on the properties currently identified to move forward on the Listing, subject to approval.

3. Call for Committee Applications

A reminder is provided that October 31 is the submission deadline for making application to the Town's Committees and Awards.

H. New Business

None.

I. Next Meeting

The next Heritage Committee meeting will be held on November 25, 2019.

J. Adjournment

Motion: HC - 24/19

Moved By Vice-Chair Marian Drouillard

Seconded By Member Charles Gray

That there being no further business, the Monday, October 21, 2019 meeting of the Heritage Committee now adjourn at 7:12 pm.

Carried

Chris Carpenter, Chair

Marian Drouillard, Vice-Chair

Heritage Committee

Minutes

Date: Monday, November 25, 2019
Time: 6:00 pm
Location: Tecumseh Town Hall - Sandwich South Room

Present:
Councillor, Bill Altenhof
Vice-Chair, Marian Drouillard
Member, Charles Gray
Member, Rita Ossington

Also Present:
Manager Committee & Community Services, Christina Hebert

Absent:
Chair, Chris Carpenter
Member, Rhonda Dupuis
Member, Dwayne Ellis
Member, John Levesque

A. Call to Order

The meeting was adjourned at 6:15 pm due to a lack of quorum. No discussion was held and no decisions were made.

B. Roll Call

C. Disclosure of Pecuniary Interest

D. Delegations

E. Communications

1. Heritage Committee Minutes - October 21, 2019

Motion: HC - 25/19

That the minutes of the October 21, 2019 meeting of the Heritage Committee as were duplicated and delivered to the members, **be adopted.**

2. Community Heritage Ontario News

Motion: HC - 26/19

That Communications - For Information Item 2 as listed on the Monday, November 25, 2019 Heritage Committee Agenda **be received**.

F. Reports

G. Unfinished Business

1. Heritage Property Listing

- a. 2725 Highway #3
- b. St. Mark's Church
- c. Lakewood Golf Course

2. Tecumseh Heritage Articles

H. New Business

I. Next Meeting

The next Heritage Committee meeting will be held on January 20, 2020.

J. Adjournment

Motion: HC - 27/19

That there being no further business, the Monday, November 25, 2019 meeting of the Heritage Committee **be adjourned** at _____ pm.

Chris Carpenter, Chair

Marian Drouillard, Vice-Chair



CHOnews

QUARTERLY PUBLICATION OF COMMUNITY HERITAGE ONTARIO/PATRIMOINE COMMUNATAIRE DE L'ONTARIO

GORDON CHURCH AND CONGREGATIONAL CHURCH OF ST. ELMO

KAREN DAVISON AND DANE LANKEN

Two historically and architecturally interesting 19th century churches stand a stone's throw from one another at the crossroads of St. Elmo, in Glengarry, Ontario's easternmost county. The churches aren't used anymore, haven't been for years, and their future is uncertain.

That's not for want of trying. The Township of North Glengarry, the local museum, the local historical society, a good many local people, and the Presbyterian Church in Canada are all concerned. Losing the buildings is unthinkable. But exactly how they are to be preserved and re-purposed is unclear. There are complications with location and re-use, and though the buildings remain in good shape, time is ever the enemy.

The two churches are the Congregational Church, a large, square pioneer log structure erected in 1837 (making it the oldest Congregational church in Canada), and a stone's throw away, the Gordon Church, from 1864, a prominently-set, red-brick, lancet-windowed Gothic Revival perfect country church.

There is not much to St. Elmo other than the two churches. It's in a prosperous agricultural area a few kilometres north of Maxville, Ontario, a village whose normal population of under a thousand

swells to 30 or 40,000 the first weekend of every August when it hosts the internationally-renowned Glengarry Highland Games.

A Congregational parish was organized among Highland Scottish settlers around St. Elmo in 1823, and the hand-hewn cedar log building – standard construction for all buildings in the area at the time – was put up 14 years later. Congregationalism, wherein individual congregations maintain considerable independence, originated in 16th century England and found widespread support in pioneer-era Canada. There were 111 Congregational churches in Canada in 1925 when the Congregationalists voted to join the United Church of Canada.



Congregational Church
Photograph: Township of North Glengarry

Back in the mid-19th century, the St. Elmo Congregationalists became embroiled in the Canadian version of the long-running dispute between the official Church of Scotland and the breakaway Free Church of Scotland. In the 1860s, a Free Church minister, Rev. Daniel Gordon, was barred from the Congregational Church, and he did the only reasonable thing: he built his own church, that

handsome red-brick Gothic Revival one just a stone's throw away.

Continued on page 3.

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The Amended *Ontario Heritage Act*

The amendment, which has been passed as part of Bill 108 by the Ontario government but not yet proclaimed for the *Ontario Heritage Act*, will impact your Municipal Heritage Committee (MHC) and municipal council when 'listing' or 'designating' properties under the Act. Over the next few President's messages, I will highlight some of the important changes to the Act.

Listing A Heritage Property

Listing means that council has included a property in the Register, but Council has not designated the property under the Act. The importance of 'listing' a property remains the same – it permits a council to delay demolition of a building or structure on a 'listed' property for 60 days from the date when council is informed of the proposed demolition. Listing also is a notice to all that the property has potential cultural heritage value. Should Council wish to prohibit the demolition, then it would express its intent to designate the property under the Act. Council may specify information requirements to accompany an application to demolish on a 'listed' property. The requirement that the MHC be consulted by its Council before 'listing' a property remains.

However, the following are important changes:

Notification - Previously the Act did not require that Council notify the property owner when Council 'listed' a property in the Register. Now the Act requires a Council to notify the property owner within 30 days of listing a property in the Register. While municipalities must meet this requirement, I suggest that an additional notification should be given to the property owner – the meeting when a MHC considers recommending a listing to its Council. This will provide an opportunity to address an owner's concerns about listing prior to being considered by Council.

Content of Listing – While the Act only requires that the content of the listing include a description of the property to determine its location, later in the Act (Section 27 (6) 1.) it states that the notice to the owner that the property has been listed must include "A statement explaining why the Council of the municipality believes the property to be of cultural heritage value or interest." I suggest when recommending listing a property, a statement should be included about the heritage values it meets as established in *Ontario Heritage Act* Regulation 9/06. This statement should also include a qualifier that the property may meet additional heritage values pending further research.

Objection – Under the amended Act, the owner may object to Council's listing of a property in the Register. The owner must specify the reasons for objection and "all relevant facts". Council must then consider whether it wishes to continue to list the property or remove it from the Register. Regardless of the decision, Council must notify the property owner within 90 days of its decision.

Listing remains an important tool in protecting your community's heritage resources. Encourage your Council to make full use of this tool.

Until next time,

Wayne Morgan

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Submitted articles must be in Microsoft Word format. Images must be sent as .jpg attachments in high quality resolution (300 dpi). Do not embed the images in the text of the article. Captions and credits must be provided.

Newspaper articles as updates to MHC activities cannot be used without permission of the newspaper and/or the original author. Text written by the MHC is encouraged.

Articles are published in the language they are received.



Gordon Church
Photograph: Township of North Glengarry

Continued from page 1.

Rev. Gordon's son, Charles Gordon, born at St. Elmo, became a minister himself, serving mostly in western Canada. But he became far better known under the pseudonym Ralph Connor as the author of dozens of

widely-read adventure novels including some set in the St. Elmo area like **The Man from Glengarry** and **Glengarry School Days**. He's not much read today, outside Glengarry, but a century ago, he became Canada's first internationally successful novelist.

Both St. Elmo churches had some good years, but their congregations dwindled around 1900 as fine new churches were built in nearby Maxville. Services ended at the Congregational Church in 1912, and in 1920, the building was sold to the Gordon Church as a hall. The Gordon Church itself hung on until 1947 when it amalgamated with Maxville Presbyterian Church and was opened only a few times a year. Finally, in 2017, local parishioners, not sure what to do with the buildings and unable to support them, gave them to the Presbyterian Church in Canada national office. The national office had no wish to demolish them, but not surprisingly, isn't sure what to do with them either.

The churches' clouded future alarmed the community. The Township's heritage committee called for ideas. The Glengarry Pioneer Museum at nearby Dunvegan, which hosts a number of relocated buildings, was understandably reluctant to take on any others. Conversion to residences is conceivable, but both buildings would have septic bed issues, the Congregation Church has title complications, and the Gordon Church's graveyard laps at its very walls making sale or conversion problematic.

And so they sit, beautiful, historic, landmark buildings, still solid though empty and a little forlorn, waiting. Their problems may well be surmountable, but the road to a happy ending is not yet clear.

Karen Davison Wood and Dane Lanken are members of the Township of North Glengarry's Arts, Culture and Heritage Committee.

WHITE IS BLACK

PAUL R. KING

Who would have thought that “conserved” includes “demolition *in whole or in part*” of a significant built heritage resource. This was, however, the outcome of a recent decision by the Local Planning Appeal Tribunal (LPAT)¹. The case involved an appeal of a proposed Stratford Official Plan Amendment dealing with the Grand Trunk Anchor District in downtown Stratford. This site was a railway hub and it still includes a massive (160,000 square foot) empty industrial building formerly used by the Grand Trunk Railway, later the Canadian National Railway, from 1856 to 1964 to repair steam locomotives². All parties to the

LPAT hearing agreed that this massive locomotive repair facility is a significant built heritage resource, so this was not in dispute in spite of the fact that this property is not designated under the provisions of the *Ontario Heritage Act*.

Under the provisions of the *Planning Act*, any decision of a municipal council is to be consistent with policy statements in the Provincial Policy Statement (PPS). This, of course, applies to Official Plans and any Official Plan amendments. Section 2.6.1 of the PPS states: *Significant built heritage resources and significant cultural heritage landscapes shall be conserved*. The definition of “conserved” in the PPS is:

¹ 1353837 Ontario Inc. v. Stratford, March 25, 2019. OMB case no. PL160830

² If you are interested in learning more about the historical importance this site, there is a documentary called Grand Trunk: A City Built On Steam, which is available on TVO. This documentary celebrates Stratford's history as a vital railway hub and the dedicated people who worked there.

...the identification, protection, management and use of build heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation or recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

The recent LPAT determination was that conserving a significant built heritage resource could include complete demolition of that resource. The written LPAT decision does not include any reasoning for this bizarre outcome except to say the following:

The Tribunal does not agree that demolition is the antitheses of conserved as set out in the definition in the PPS. sometimes some demolition may be necessary to effect the adaptive reuse of a significant built heritage resource. ... the Tribunal finds that it would not be appropriate to tie the hands of the City with regard to a very important public asset in the downtown of the City.

The problem with this LPAT decision is that the proposed, and LPAT approved, Stratford Official Plan Amendment (as set out below) includes the possibility of complete demolition of the Grand Trunk locomotive repair facility – not just partial demolition:

The Grand Trunk Anchor District contains a significant built heritage resource, known as the Grand Trunk Building. The built heritage resource and associated property shall be subject to the policies of Heritage Conservation in Section 3.5 of this Plan, where appropriate. The City is in the process of determining the future of the Grand Trunk Building which may include rehabilitation, adaptive re-use, partial preservation, conservation, commemoration and /or demolition in whole or in part. Given the significance of the built heritage resource, a Heritage Impact Assessment shall be submit-

ted for any development or permit application in the Grand Trunk Anchor District.

Note that there are other provisions in the Stratford Official Plan that emphasize the importance of heritage resources but, in spite of those provisions, the Official Plan Amendment still contemplates complete demolition of the locomotive repair facility.

I can understand that partial demolition of a significant heritage building may be advisable in order to retain the remainder of the building. For example, when Koerner Hall was added to the rear of the historic Royal Conservatory of Music building on Bloor Street in Toronto, the project involved demolition of a rear portion of the heritage building enclosing a staircase. Demolition of this significant heritage feature of the building was an unfortunate loss but the end result includes a fine restoration of the heritage building plus a stunning concert hall addition. The renovation and restoration of Massey Hall on Shuter Street in Toronto also includes demolition of the rear part of the 1894 building. These cases do not, however, involve complete demolition of the original heritage structures, which is contemplated by the LPAT-approved wording in the Stratford Official Plan Amendment.

My concern is that this LPAT interpretation of “conserved” completely guts the intent of Section 2.6.1 of the PPS. The provision thus becomes toothless so that a municipality can find various reasons to justify demolition. As stated in the LPAT decision: ... *the Tribunal finds that it would not be appropriate to tie the hands of the City.* Hopefully in the near future, an Ontario court will provide a more common sense interpretation of Section 2.6.1 so that once again demolition (i.e. complete destruction of a significant heritage resource) is the antithesis of conserve, and white is no longer black.

Paul R. King is the Chair of Finance for CHO/PCO.

ORIENTATION WORKSHOP FOR MUNICIPAL HERITAGE COMMITTEES

TRACY GAYDA

Heritage Elizabethtown-Kitley organized an orientation workshop for area municipal heritage committees (MHCs) on September 15, 2019 at the Heritage Place Museum in Lyn.

An email blast was sent to surrounding municipalities including Leeds and Grenville. The workshop was attended by 24 registrants plus support, totalling 33 people for the day. Registrations came from as far away as Almonte in the north, Cornwall to the east and Loyalist township in the west.

Presenters of the day's event were Wayne Morgan, CHO/PCO president; Ian Maclean, CHO/PCO board member and Ryan Leary, Heritage Planner, Kingston. Topics included

roles and responsibilities of MHCs, heritage designations both individual and districts and maintaining a Municipal Registry. After lunch the presentation on the history of Kingston's municipal heritage supported the morning's session with examples of Kingston's successes and failures. After the presentations, the speakers were presented with a thank-you gift of chocolate from Mark's Culinary Creations, a local shop.

Lunch was provided as well as muffins and coffee in the morning. Sandwiches, veggies and dessert were provided by The Sweet Life Café, owned by a local township resident. Attendees were able to explore the Heritage Place Museum

during breaks and lunch. This was an excellent opportunity to explore the township's history for those who came from the outlying areas.

All comments to committee members were positive; attendees and speakers enjoyed the day. New MHC members were overwhelmed with the information given but were happy to have a better insight as to what their responsibilities and tasks were. Long-standing committee

members were able to renew and update their roles and knowledge. All were thankful that Wayne provided a copy of his presentation for further review and reflection. The networking opportunity for all to meet other MHC members from the area was invaluable. The event was deemed a success!

Tracy Gayda is a Vice-President of CHO/PCO. Images taken by the author.



Workshop session



Ryan Leary, Wayne Morgan and Ian MacLean

2020 ONTARIO HERITAGE CONFERENCE

REGAN HUTCHESON

Markham is excited and proud to be the host of the 2020 Ontario Heritage Conference set for May 28-30, 2020. With its theme “**2020 Vision – Clarity for a New Decade**”, the conference will help you navigate heritage issues and matters on the near horizon with confidence.

Markham, established in 1794, is committed to preserving its cultural heritage resources. Our motto “Leading While Remembering” reflects our municipality’s vision to be the home of Canada’s new technological industries and at the forefront of innovative community design while at the same time celebrating the legacy of our settlers and those who came before us.

We have developed an extensive heritage conservation program consisting of policies and programs to protect, preserve and enhance our local cultural heritage resources. To implement our objectives, we have in-house heritage professional staff as well as heritage advocates in the form of our Heritage Markham Committee (est. 1975), local heritage organizations, and a supportive community.

Our past work has also been acknowledged having been recognized as the first recipient of both the **Prince of Wales Prize** (Heritage Canada/ Heritage Trust) and the **Ontario Lieutenant Governor’s Heritage Award for Community Leadership** (125,000+).

The Markham Local Organizing Committee (LOC) is currently hard at work developing a comprehensive and exciting conference that will offer exceptional educational, topical and inspirational sessions as well as extensive networking opportunities. A heritage tradeshow is also in the works to showcase the many services and products available to the heritage community. Please review the conference website for more details, at www.ontarioheritageconference.ca.

Mark your calendars. Ask your Council for support to attend. Our heritage and community are yours to enjoy. We want to see you in Markham in 2020.

Regan Hutcheson, MCIP, RPP is Co-Chair of the Markham Local Organizing Committee.

BOARD MEETINGS

CHO/PCO Board of Directors meetings are open to any MHC member. Please contact the Corporate Secretary to confirm each date before attending. Scheduled meetings will be held at 6282 Kingston Road, Scarborough.

BALANCING BETWEEN PROTECTING THE PAST AND SERVING THE FUTURE

MIKE SAWCHUCK

In October 2015, Ajax Town Council held an official key transfer ceremony to celebrate the acquisition of the Quaker Meeting House in Pickering Village, one of the Town's most significant cultural heritage properties (Image 1). Four years removed from this initial celebration, the site is now fully rehabilitated and is enjoying success as a popular community venue that offers modern conveniences housed in a building steeped in history (Image 2).

The Quaker Meeting House was built in 1867 as the venue for the first Independent Yearly Meeting of Friends in Canada. It was built on lands donated by Timothy Rogers, a faithful member of the Religious Society of Friends (commonly known as Quakers) who had made it his life's mission to settle Quaker colonies across the United States and Canada. The building is revered for its architectural design, which is characterized by simple and symmetrical features. However, unlike the traditional single-storey frame meeting houses found elsewhere in the region, this building is unique in that it was constructed of brick and rises a full two storeys in height.

When the Town acquired the building in 2015, there was a long list of deficiencies that needed to be addressed. While some of the repairs related to the building's aging materials, much of the work was required to ensure compliance with the Ontario Building Code and to achieve other targets relating to accessibility and environmental performance. At times, these requirements came into direct conflict with the general principles of heritage conservation. In these cases, heritage staff and the Town's Heritage Advisory Committee (HAC) had to work very closely with other Town departments to land on innovative solutions that could be supported by all parties. The construction of a new enclosed building

entrance and a rear addition posed the most significant threats to the property's heritage value, and as such, they were the most heavily scrutinized by the HAC.

Historic images of the Quaker Meeting House demonstrated that the building existed for many years with no shelter adorning the front entrance. A simple, flat roof porch was added in the early 1960s to provide shelter from the elements and replaced in 2009 with a classically-inspired gable roof porch that matched the simple and symmetrical building design. The plans put forward by the Town originally included replacing the historic wooden front doors with a modern steel and glass assembly and building a roughly 9 m x 4 m brick and glass enclosure with internal division walls (Image 3). This proposal, geared primarily at meeting accessibility and climate control objectives, was viewed by heritage staff and the HAC to result in adverse effects to the building's heritage character. Since the interior floor plan prevented any opportunity to replace the external addition with an interior vestibule, the HAC worked with staff in an attempt to minimize these impacts. The brick cladding on the side walls of the enclosure was replaced with clear glass and the interior walls were removed to maximize views of the historic wall assembly from all directions (Image 4). A custom-built, solid wood door meeting all code requirements was also fabricated to ensure the preservation of the front door's appearance. In turn, the historic front door was restored and reused on the interior of the building.

A rear addition housing a catering kitchen, accessible washrooms, service areas and stairs to the newly excavated full-height basement, was also part of the project. While the original proposal was effective in minimizing the scale of the proposed addition, its general massing and detailing



View of the building at the time of acquisition by the
Town of Ajax in 2015
Photograph: Town of Ajax



MP Mark Holland and Town of Ajax Mayor Shaun Collier bring
greetings at the Grand Opening of the Quaker Meeting House
Photograph: Mark Holland Facebook Page

were not complimentary to the historic building (Image 5). The original proposal called for red brick cladding to match the historic building, which blurred the separation between the original building and the addition. As an alternative, the HAC recommended the use of a cement-based product used to simulate the appearance of wood (Image 6). The roof treatment was also carefully considered and evolved throughout the design phase. The original plans called for a Dutch gable roof to mimic the main building but this was viewed by the HAC to distract from the uniqueness of the historic roof. A simple gable roof was also viewed to be incompatible, so eventually a hipped roof was designed that maintained simple, straight lines but also complimented the general form of the main roof. It also allowed for the eastern slope of the roof to be extended to accommodate a small covered porch with simple, yet complementary, columns. This small extension of the roof allowed for the addition to take on completely symmetrical proportions that respected the symmetry of the original building. Even features such as windows and doors were shaped to be as complementary

as possible. Instead of square proportions as originally proposed, the windows were elongated to mirror the long, vertical windows of the main building, but then positioned on a horizontal axis to help distinguish between the old and the new.

In the end, cooperation between the HAC and all involved Town departments resulted in an approach to rehabilitation that balanced preservation with the need for modern amenities. The Quaker Meeting House now contains all of the assets required to deliver important services to the local community, yet it still retains the heritage attributes that result in its unique character. If future building needs are addressed with such care and detail, we can be sure that the Quaker Meeting House will be serving the community for many years to come!

Mike Sawchuck is a Senior Planner at the Town of Ajax and the staff liaison to the Ajax Heritage Advisory Committee..



Rendering of the front entrance addition (above) and rear addition (below) as originally proposed
Photograph: AECOM



View of the front entrance addition (above) and rear addition (below) as built in June 2019
Photographs: Town of Ajax



MAKING THE MOST OF YOUR CHO/PCO WEBSITE

GINETTE GUY

Our CHO/PCO website, was recently updated, and it holds a wealth of information for new and returning heritage committee members. We strive to keep the information current and partner with other organizations to offer easy access under one umbrella.

Our **Home** page provides navigation between our central services and highlights our issues and offerings. We often share the Ontario Association of Heritage Professional's current newsletter, and any CHO/PCO comments and statement letters will be focused on that page.



About Us Tab

The **About Us** tab provides a list of our directors along with email information. Our **Calendar** includes dates for MHC hosted events and

workshops, complete with contact information. The annual Ontario Heritage Conference represents a major educational undertaking of CHO/PCO, and the **Conferences** tab will provide the location of the next conference, an RFP for hosting a future conference and contact information for sponsorship. If you have ever thought about hosting a conference, reviewing the RFP is a great place to find all the requirements.

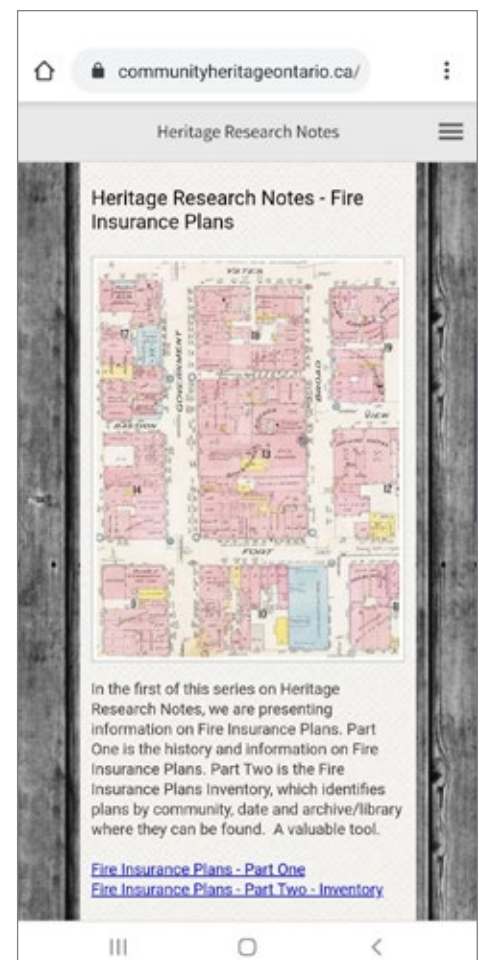


Conferences Tab

Possibly the most informative section is the **Education** tab where you will find videos for sessions recorded at our conferences. You will also find resources for Heritage Conservation Districts, research notes and links to view our webinars. A must for new committee members, the webinars

include an orientation and the *Ontario Heritage Act* Part IV and Part V.

Finally, the **Member Services** section will allow you to become a member or renew your membership online using PayPal. Interested in submitting an article for *CHOnews*? All the requirements are posted under that section. It is also possible to advertise on our website and/or our newsletter.



Education Tab

Our CHO/PCO website www.communityheritageontario.ca should definitely be on your bookmark list! Check back often, as we update content regularly.

Ginette Guy is a Vice-President of CHO/PCO.

NOTEWORTHY

The Government of Ontario has renamed the ministry responsible for heritage and it will now be called **Heritage, Sport, Tourism and Culture Industries**. This change reflects the important role the ministry plays in preserving and protecting the heritage of the province while celebrating our diverse cultures through support for festivals, sporting events, communities and people. This new name also reflects the importance of our industries in driving economic impact in the province. Minister Lisa MacLeod was sworn in as Minister of Heritage, Sport, Tourism and Culture Industries on October 22, 2019.

Community Heritage Ontario will continue to work this Ministry to provide support to MHCs and the public in promoting Ontario's heritage and is pleased to see the recognition of the province's heritage sector as a driving force in today's economy and sustainable communities.

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416.282.2710

schofield@communityheritageontario.ca

Book your workshop now for fall 2019 or winter 2020

#1 Orientation for New MHC Members

To assist:

- New Municipal Heritage Committee (MHC) members
- As a refresher
- To help all members understanding the Ontario Heritage Act changes

Scope of Session:

- Council/staff relations
- Public outreach/education
- Listing on the Municipal Heritage Register
- Designation under Part IV of the OHA
- Alteration & Demolition to a Part IV Designated Property

#2 Property Evaluation for Heritage Designation

Scope of Session:

- Background
- Researching the cultural heritage values of properties,
- Evaluating the values of those properties against criteria for designation, and
- Preparing a designation by-law based on that evaluation and research

Or request a custom session based on your needs

Invite municipal heritage committee members and interested municipal staff of neighbouring municipalities to the workshop

Contact us



Please contact us to find out booking requirements, availability and to reserve your date!

Community Heritage Ontario
Ginette Guy
Program Officer
ginetteguy@communityheritageontario.ca
www.communityheritageontario.ca

CHOnews DEADLINES

MARCH 10
JUNE 10
OCTOBER 10
DECEMBER 10

ARTICLE SUBMISSIONS ALWAYS WELCOME.



Significant built heritage resources and significant cultural heritage landscapes shall be conserved.¹

Is it okay to demolish a significant building within a heritage conservation district?

A July 4 decision of the LPAT approved a low-rise condo development in the South Rosedale Heritage Conservation District (HCD) in Toronto: "A new four storey, 26 unit building will supplant three mid-century houses on the site, known as 5, 7 and 9 Dale Avenue, located on the edge of the Rosedale ravine."²

The main issue in the case was whether demolition of the three houses could proceed, clearing the way for OP and zoning by-law amendments. Was the razing of the houses consistent with the "shall be conserved" policy in the PPS?

The developer wanted the buildings gone, the residents association wanted them saved, and the city... well, first it looked like it would say no, but finally, after much negotiation and reworking of the development proposal, it came around to endorsing the project, subject to a number of conditions. This left the South Rosedale Residents Association (SRRA) to oppose the redevelopment at the LPAT hearing.

South Rosedale was designated and its HCD plan adopted in 2003, before the 2005 changes to the OHA. The plan's guidelines, while not binding, provide guidance to decision-makers and the LPAT accorded them that status in reaching its decision.

Unusually, the district plan uses an A-B-C rating regime to score the significance of properties in the district. "A" properties have actual or potential national or provincial significance; "B" properties have local significance, and

those rated "C" contribute to the heritage character and context of the neighbourhood. Properties that are unrated do not contribute to the district's heritage character.

The Dale Avenue houses were given a "C" rating. On demolition, the plan says that demolition of "C" buildings "is generally considered appropriate only if the proposed replacement building... is equally able or more able to contribute to the heritage character of the district and is acceptable under these guidelines and the zoning by-law." (Emphasis added.) For "As" and "Bs", however, demolition "is to be vigorously opposed..."

As it turns out, one of the properties, 7 Dale Avenue, is more significant than first appeared. Evidence at the hearing revealed that the house, constructed in 1944-45, was designed by award-winning Toronto architect Gordon Sinclair Adamson and that the landscaping was the work of prominent landscape architects Dunington-Grubb and Stenesson. The SRRA argued that 7 Dale would handily satisfy the Reg. 9/06 criteria for individual designation under the OHA and should in fact be rated a "B" not a "C" in the district plan.

How then did the LPAT square its decision to approve the development and consequent loss of the Dale Avenue buildings with the PPS direction that significant built heritage resources be conserved?

For starters, it appears the Tribunal was not impressed by their significance: "On the Tribunal's perception of the evidence, the existing structures have characteristics of middling interest for which there are limited grounds of value and minimal motivation to preserve."³

This opened the door to a novel interpretation of what it

1 Provincial Policy Statement policy 2.6.1

2 Dale Inc. and Dale II Inc. v. City of Toronto, July 4, 2019. LPAT case no. PL171267. See www.omb.gov.on.ca/e-decisions/pl171267-jul-04-2019.doc

3 Ibid.



A partial plan of South Rosedale showing the three properties in question

meant to “conserve” the cultural heritage resources here (and what exactly they were). The Tribunal noted the history of the site, which had had a large Victorian house overlooking the ravine. The original property had later been subdivided, the building demolished, and the current houses built in the mid-twentieth century.

*It is thus conceivable to view the present development proposal as a character of return to the heritage of the Property in having the severed land segments reunited as a single parcel of land accommodating a significant residential structure. In a long view, the Property has a heritage of being a bold promontory overlooking the valley below, accommodating a structure of physical presence. In this sense, the demolition of the existing unremarkable buildings (demolition of residential buildings also being part of the history of the Property) in favour of a remarkable building can arguably be treated as more true to the heritage of the Property. **The conservation of the Property is fulfilled by restoring a physical presence that is commensurate with the geographic attributes of the Property at the top of the valley.** (Emphasis added.)⁴*

The Tribunal was clearly impressed with the design for the new, replacement structure by Hariri Pontarini Architects and that it would, in the words of the plan, be “equally able or more able to contribute to the heritage character of the district”.

A strong argument can be made that this case was wrongly decided. If the house at 7 Dale Avenue is indeed a significant heritage resource, then, according to

provincial planning policy, it should be conserved. Granted, “conserved” might mean different things and doesn’t necessarily require full preservation. But allowing the house to be torn down and replaced by a new apartment building of “physical presence” — supposedly harking back to a very different long-gone structure — seems an overly inventive interpretation of “conserved”, even a kooky one. The LPAT seems to have misconstrued the cultural heritage values at stake here.

No doubt the Tribunal was reluctant to gainsay the municipality and overturn the city’s hard-won approval for the project.

...[T]he Tribunal accepts that City Council, as the authorized decision maker under the OHA, considered the evidence put before it and, despite mixed opinions placed before it, made the heritage value judgments which they are authorized to make. These judgments led them to authorize the demolition of the existing buildings on the Property and to authorize the proposed apartment building as fulfilling the objectives of the HCD Study and the applicable planning instruments.⁵

Had the city opposed the project, the outcome might well have been different.

The case might also be seen as a cautionary tale about the pitfalls of rating schemes.

Dan Schneider is a professional heritage consultant. He blogs on the OHA and heritage policy at uwaterloo.ca/heritage-resources-centre/blog. Images from the City of Toronto

4 Ibid.

5 Ibid.



7 Dale Avenue, main entrance



Perspective view of the proposed condo building from Dale Avenue

NEWS FROM THE BOARD OF DIRECTORS

RICK SCHOFIELD

The CHO/PCO Board of Directors held its Fall meeting on September 22, 2019 in Scarborough in the designated heritage building now serving as the Scarborough Archives.

CHO/PCO President Wayne Morgan reported that he had met with the well-organized Markham 2020 Conference Committee, presented a modified orientation workshop in Kitley and prepared a similar workshop for Ajax. A Designation workshop is also planned for Gravenhurst.

The Corporate Secretary/Treasurer reported that 2018 membership totalled 955 individuals working on behalf of 114 MHCs and that 107 MHCs had renewed for the current year. Financially, all Board expenses, CHOnews, administration costs etc. had been paid and surplus funds from the conference were received. However, budgeting has been a challenge as CHO/PCO has not yet received its annual Provincial Operating Grant.

The Conference Committee, under the leadership of Ginette Guy, was working with Markham in preparation for the 2020 Ontario Heritage Conference. The venue has been

set, HCDs in Markham will be featured, dinner will be held at the Angus-Glen Golf & Country Club and the theme is "2020 Vision – Clarity for a New Decade". Information continues to be added to the conference website. The committee had also received a future conference proposal from Sarnia plus there are potential proposals from Belleville/Prince Edward County, Brockville and London.

The Communications Committee continues to monitor the website, with 1684 unique visitors, as well as updating information on Facebook and Twitter.

Ginette Guy, who is now also serving as Program Officer, has assisted in coordinating the workshops and has been investigating several webinar hosts to begin CHO/PCO's future webinars.

Finally, the Board reviewed and made amendments to the organization's Business and Strategic Plans for 2021-2025.

Rick Schofield is the Corporate Secretary/Treasurer of CHO/PCO.

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CHO/PCO MISSION STATEMENT

To encourage the development of municipally appointed heritage advisory committees and to further the identification, preservation, interpretation, and wise use of community heritage locally, provincially, and nationally.

Tecumseh Council established a Tecumseh Heritage Committee under the following Terms of Reference.

Statement of Recognition:

Our inheritance of architecture, cultural and natural landscape is an important and irreplaceable asset and resource. The conservation of these resources is fundamental to creating community pride and identity, attracting new residents and tourism, all of which have important economic impacts on our community. As well, the benefits from conservation of our heritage architecture and cultural/natural landscapes occur not only to the present generation but also to generations in the future. The immediacy of such conservation and heritage planning comes from the fact that, unfortunately, what is not saved and preserved today cannot be saved and preserved tomorrow.

Overview:

The *Ontario Heritage Act R.S.O. 1990 c.O.18* (Act) provides a framework for helping municipalities conserve properties of significant heritage value or interest. It also enables and encourages citizen participation in heritage conservation locally. Through the Act, municipal Councils are authorized to establish a Municipal Heritage Committee (MHC): a municipal advisory committee made up of at least five (5) people. The function of the MHC is to

1. advise Council on local heritage matters; and
2. assist Council in carrying out its heritage conservation program.

Cultural heritage resources can be:

- Buildings and structures;
- Cemeteries;
- Natural heritage;
- Cultural heritage landscapes;
- Archeological sites, including marine archaeology;
- Spiritual sites;
- Cultural heritage resource collections;
- Intangible heritage;
- And more...

The 2005 amendments to the Act provide stronger protection for our cultural heritage, and a more important role for MHC's. MHC's are now even more crucial to municipal decision-making on heritage planning and conservation.

Council is empowered under the Act to:

- Designate individual property and designate districts or areas;
- Issue or refuse permits to alter or demolish a designated property;
- Repeal designation bylaws;
- Purchase or lease individually designated property;
- Expropriate designated property;
- Provide grants and loans to designated property owners; and,
- Enter into easements and covenants.

These statutory powers give rise to the following responsibilities of a municipal Council:

- Setting the municipal budget to be used for heritage conservation;
- Carrying out heritage conservation policies in the Official Plan and its amendments; and,
- Receiving recommendations and consulting with the MHC, where one is established, and having due regard for the committee's advice on designation, alterations to designated property, demolition, repeal of designation bylaws, and other matters relating to heritage conservation in the municipality.

The MHC is the resource base of information and knowledge for Council, administration and the community for all heritage matters.

In addition, the MHC, as an advisory committee of Council, is representative of the community and, as such, is recognized as the legitimate vehicle for co-ordinating and conveying community concerns. It, therefore, plays an important role by enabling the community to participate more directly in the decision-making process.

The role of the MHC may be summarized as follows:

- To advise and recommend;
- To provide knowledge and expertise;
- To facilitate the work of the organizing body by ensuring open and honest representation;
- To create a climate of consensus;
- To be sensitive to the range of views in the community which it represents;
- To promote good-will and trust within the community; and
- To act as a liaison between politicians, organizational staff, members of the public, and other stakeholders.

1.0 Role of the Town of Tecumseh Heritage Committee (THC)

Municipal Heritage Committee activities are largely determined by its provincially and municipally legislated role and include:

1.1 Advise Council on matters of cultural heritage;

- 1.2 Advise Council on all applications pertaining to a heritage property or a heritage district for the purpose of:
- Designation or de-designation;
 - Alteration, addition or demolition;
 - Loans or grants; or
 - Easement agreements.
- 1.3 Advise and assist with the development and maintenance of an inventory of the Town's heritage resources. Typical activities include: Surveying, Inventory and Researching.
- Many municipalities begin their heritage conservation programs by examining, researching, and evaluating all the properties and areas that may deserve protection now and in the future. The results of such a survey or inventory can make individual designation decisions easier and more objective. An inventory is also an effective tool for showcasing a community's properties of heritage value or interest.
- 1.4 Advise and assist with the development of municipal heritage conservation guidelines and significance criteria, and with municipal heritage policies, plans and programs; input to be included in development of policies, land use plans and related to the Towns Official Plan.
- 1.5 Advise and inform Council of new heritage legislation and funding initiatives.
- The THC will inform and advise Council on new heritage legislation and funding initiatives either directly through reports and minutes or indirectly through noted input in reports developed by Tecumseh administration.
- 1.6 Advise and develop working relationships with owners of heritage designated properties such as, providing advice to property owners and appropriate conservation and maintenance practice.
- 1.7 Advise and assist with the development of education programs and promote the activities of the THC.
- MHC's are active in promoting heritage conservation within communities. Municipal Heritage Committees often produce newsletters, descriptive guides, exhibits, and other educational material about notable buildings, streets, landscapes and districts to raise awareness of the unique qualities of the properties of heritage value or interest.
- 1.8 Liaise with other like organizations to promote Tecumseh's cultural heritage.
- The MHC enables the community to express its interests in heritage conservation through a recognized forum, and to know and understand heritage issues. However, keep in mind that municipalities by themselves

cannot provide all the heritage conservation opportunities in the community. Cooperation and consultation with other heritage and community organizations not only supports existing networks but also promotes community involvement.

1.9 Develop an annual budget for submission to Council along with well-defined goals and objectives for the upcoming year.

- Ultimately MHC budget approval rests with Council. MHC is accountable to Council for its financial transactions.

1.10 Advise and inform Council with regard to provincially-owned heritage properties.

- In accordance with the Environmental Act, the THC will advise and inform Council on proposed alterations to or sale of heritage properties owned or leased by the Province of Ontario which are located in Tecumseh.

1.11 Advise/Inform Council with regard to national historic sites.

- The THC will advise and inform Council on the heritage properties proposed for designation by the Historic Sites and Monuments Board of Canada, on cost-sharing agreements between Parks Canada and National Historic Sites and on issues relating to railway stations designated under the Railway Stations Protection Act.

2.0 Organization of the THC:

The THC should be composed of people residing within the Town of Tecumseh who demonstrate a strong commitment to the terms of reference. A cross section of people should attempt to be chosen in order to bring to the MHC relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

2.1 Appointment will be advertised in local newspapers as per the Town's procedures for Committees of Council.

2.2 Committee Members will be appointed by Council.

2.3 The term of a Committee Member is one (1) year coinciding with the term of the Council that has made the appointment.

2.4 Additional members may be appointed throughout the one (1) year for the duration of the term.

2.5 The Committee will be composed of up to ten (10) members. The THC must have a minimum of five members as stipulated in the Act.

- 2.6 A Committee Member may apply for a re-appointment for any number of consecutive or non-consecutive terms, in order to ensure transfer of knowledge and continuity amongst Committee Members.
- 2.7 One member will be appointed by vote of the committee at the first meeting of each new year to chair the meetings for that year. The committee will also, at this time, select a vice-chair for the same duration.
- 2.8 A Municipal staff person will record the minutes of meetings of the THC. The Clerk and Planning Departments shall interact in an advisory manner to the committee on an as-required basis.
- 2.9 The regional representative of the Provincial Ministry will be invited to provide support to the THC in an advisory manner.

3.0 Meetings:

- 3.1 The THC will hold their regular meetings monthly.
- 3.2 The date and time of the regular meetings will be established at the first meeting of each year.
- 3.3 Meetings will have a formal agenda.
- 3.4 Agendas and information packages, that will include the minutes from the previous meeting, will be sent (via mail, e-mail, or fax) to Committee Members five (5) days prior to the next meeting.
- 3.5 A majority of Council appointed Committee Members will constitute quorum for the transaction of business.
- 3.6 The members may meet occasionally informally to discuss issues as warranted.

4.0 Role of The Chair:

The Chair is responsible for insuring the smooth and effective operation of the Committee and its roles. This will include responsibility for:

- 4.1 Calling the meetings to order.
- 4.2 The Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas such as, using a roundtable format.
- 4.3 Creating an agenda in consultation with the municipal staff designate(s).

- 4.4 Chairing the meetings.
- 4.5 Acting as spokesperson.
- 4.6 Representing the THC on other committees when necessary.
- 4.7 The Chair shall conduct meetings in accordance with the Town's Procedural By-law.
- 4.8 In the absence of the Chair, these responsibilities will be undertaken by a committee member designated as vice-chair.

5.0 Role of Members:

Membership on the THC is a position of responsibility and requires a strong commitment to the Terms of Reference. THC members are required to:

- 5.1 Attend all regular scheduled meetings. Members who miss two (2) or more meetings in a year without cause will be removed from the committee. Members are required to notify the Chair or the designated municipal staff liaison if they are unable to attend a meeting.
- 5.2 Review all information supplied to them.
- 5.3 Prepare information for use in the development of heritage designation related by-laws.
- 5.4 Make site visits to properties proposed for heritage designation and to heritage designated properties applying for building/renovation/demolition permits when required.
- 5.5 Promote the heritage resources, architectural preservation and the role of the THC.
- 5.6 Offer input to committee reports to Council.
- 5.7 Research inventoried properties as may be necessary.
- 5.8 Attend training as required to effectively perform their role as a committee member (expenses to be covered through the THC budget).
- 5.9 Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.

- 5.10 Committee Members are subject to The *Municipal Conflict of Interest Act R.S.O. 1990 c.M50* and must disclose any direct or indirect pecuniary interest. The disclosure must be recorded in the minutes of the meeting.

6.0 Role of Municipal Staff:

The THC, by its nature and purpose, affects and is affected by many different Municipal departments (i.e. planning, solicitor, building permits, building maintenance, etc.) Assistance will be provided on an as-required basis from the Corporate Services & Clerks and the Planning and Building Services Departments. Municipal staff will be responsible for carrying out the following functions with respect to the Committee:

- 6.1 Assisting the Chair in the creation of an agenda.
- 6.2 Recording minutes at regular meetings.
- 6.3 Maintaining THC meetings, minutes and agendas.
- 6.4 Distribution of regular meeting agendas.
- 6.5 Acting as an information resource.
- 6.6 Orientation of THC members at the first meeting after Council appointment.
- 6.7 Assist the THC in its reporting to Council (see Sec. 7.0).
- 6.8 Ensure that departments are aware of designated properties, the implications of designation and of the role of the THC.
- 6.9 Present THC proposed budget to Council for approval.
- 6.10 Monitor the THC budget and approve expenses.
- 6.11 The Clerk will maintain a list of designated properties situated in the municipality that is of cultural heritage value or interest in accordance with Sec 27 of the Act.
- 6.12 Provide applications for demolition permits to the THC for review in advance of a demolition permit being issued.
- 6.13 Provide correspondence related to heritage matters to the THC.

7.0 Reports to Council:

The THC may advise and make recommendations to Council in accordance with its role. Reports may be submitted as follows:

- 7.1 Verbally by a Council representative.
- 7.2 Verbally by the Chair or the designated representative.
- 7.3 Minutes from the THC meetings.
- 7.4 Written reports.

An annual report will also be submitted to Council at the beginning of each new year outlining the THC's accomplishments in the previous twelve months.

8.0 Council's Obligations to the THC:

Under Part IV of the *Ontario Heritage Act* on Conservation of Cultural Heritage Value or Interest, Council is required to consult with the THC:

- 8.1 When updating the list of properties on the register;
- 8.2 Before giving notice of its intention to designate a property;
- 8.3 Before amending a by-law affecting a property under the Act;
- 8.4 Before repealing a by-law or part thereof designating a property;
- 8.5 Before considering an application for designated property to repeal the by-law or part thereof designating the property;
- 8.6 On an application to alter a designated property where the alteration is likely to affect the heritage attributes (listed in the statement of heritage value or interest) as set out in the bylaw designating the property;
- 8.7 Before delegating power to an employee or official of the municipality to consent to minor alterations of individually designated property;
- 8.8 On an application to demolish or remove any building or structure on a designated property; and,
- 8.9 Before passing bylaws providing for the entering into easements or covenants with owners of real property, interests therein, for the conservation of properties of cultural value or interest.
- 8.10 Under Part V of the *Ontario Heritage Act* on Heritage Conservation Districts, Council is required to consult with the THC:
 - Before passing a bylaw to define a study area for future possible designation as a heritage conservation district;
 - Before a proposed heritage conservation district plan is passed;

- Before Council delegates by bylaw its power to grant permits for the alteration or property situated in a heritage conservation district; and,
- On an application to demolish or remove any building or structure on property in a heritage conservation district.

The Corporation of The Town of Tecumseh
By-Law Number 2017 - 62

A By-law to govern the proceedings of Council and its
committees/local boards, the conduct of its members
and the calling of meetings.

WHEREAS pursuant to Section 238(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, (Act) every Council and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings;

AND WHEREAS Section 238(2.1) of the Act requires the procedure by-law to provide for public notice of meetings;

AND WHEREAS the Council of The Corporation of the Town of Tecumseh adopted By-law No. 2008-69 on October 28, 2008 to provide for rules governing the order and procedure of and its Committees/Local Boards (Procedural By-law);

AND WHEREAS in accordance with recent amendments to the Act and the *Municipal Elections Act, 1996, S.O. 1996 c.32*, amendments to the Procedural By-law are in order;

Now Therefore, The Council of The Corporation of The Town of Tecumseh, Hereby Enacts As Follows:

1. Definitions:

For the purpose of this by-law the following definitions are applicable:

- A) "CAO" shall mean the Chief Administrative Officer of the Town of Tecumseh;
- B) "Chair" shall mean the person presiding over a Council Meeting, Committee Meeting or Meeting of a Local Board;
- C) "Clerk" shall mean the Clerk of the Town of Tecumseh and shall include a Deputy Clerk or anyone designated by the Clerk to carry out duties of the municipal Clerk;
- D) "Committee" means any advisory or other committee, subcommittee or similar entity appointed by Council and which one or more members are also a member of Council and includes the Committee of Adjustment;
- E) "Corporation" means the Corporation of the Town of Tecumseh;
- F) "Council" shall mean the Council of the Town of Tecumseh;
- G) "Head of Council", as Chief Executive Officer, means the Mayor;
- H) "Local Board" does not include Police Service Board or public library board;
- I) "Meeting" means any regular, special or other meeting of a Council, of a Local Board or of a Committee of either of them where:
 - (1) A quorum is present and
 - (2) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision make of the Council, Local Board or Committee;
- J) "Town" means the Corporation of the Town of Tecumseh;
- K) "Quorum" shall mean the majority of the whole number of the members of Council who are present in person. The quorum for the purpose of the Council of the Corporation of the Town of Tecumseh shall be 4 members of Council.

2. Scope

The rules and regulations contained in this by-law shall be observed in all proceedings of the Council, Local Board and Committees and shall be the rules and regulations for the dispatch of the Order of Business by Council, Local Boards and its Committees.

3. Establishment - Committees - As Necessary

- A) Council may appoint such standing, special and community Committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Corporation and may establish generally or in detail the duties and responsibilities, composition, duration of a Committee established.
- B) The dates and times for meetings of Committees shall be established by resolution of Council.
- C) Notice of Committee meetings shall be posted on the Town's website and/or declared at a prior meeting of Council.

4. Meetings of Council**A) Inaugural Meetings**

- (1) The inaugural meeting of Council, after the 2018 regular election, shall be held on the first Tuesday in December at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road.
- (2) The inaugural meeting of Council, after the 2022 regular election and regular elections thereafter, shall be held on the first Tuesday that next follows November 15 at 7:00 pm in the Council Chambers of the Tecumseh Town Hall located at 917 Lesperance Road.
- (3) The Clerk shall call the inaugural meeting to order and chair the meeting until the Mayor-elect has taken the Oath of Office. The Mayor shall then assume the chair.

B) Regular Meetings

After its inaugural meeting, the Council shall meet on the second and fourth Tuesday of every month during the year, at 7:00 p.m. at the Tecumseh Town Hall, located at 917 Lesperance Road, unless such day shall be a legal, public or civic holiday, in which case, the Council shall meet at the same hour the next following day which is not a legal, public or civic holiday and at the same place, or unless altered in the manner hereinafter provided.

C) Altering of Regular Meetings

- (1) Any regular meeting of the Council may be altered to a day named in:
 - (a) A notice by the Mayor or Acting Mayor of Council given through the Clerk's office and two (2) clear days in advance of the regular meeting, or
 - (b) A by-law or resolution of Council passed by a majority of the whole number of the members thereof providing therefore;

- (2) Notice of the alteration shall be posted on the Town's website and/or declared at a prior meeting of Council and/or in accordance with the relevant provisions of the Act, as amended from time to time and/or any by-law by the Town specifying requirements for the giving of notice.

D) Special Meetings

- (1) The Mayor may at any time summon a special meeting on one (1) clear days' notice specifying the purpose of such meeting which shall be the sole business transacted thereat.
- (2) Upon receipt of a petition by the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- (3) Notice of the meeting to members of Council may be given by the Clerk through electronic communication, telephone or in person.
- (4) Notice to the public of the Special meeting shall be posted at the Town Hall and on the Town's website.

E) Adjourned Meetings

Unless otherwise determined by a resolution of Council, passed by a majority of the whole number of the members thereof, the Council shall adjourn at the hour of 11:00 p.m., if it is then in session, and shall reconvene at the hour, date and place determined in such resolution when the unfinished business of the preceding meeting shall be transacted, including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

F) Closed Meetings

- (1) All Council, Local Board and Committee meetings shall be open to the public;
- (2) Notwithstanding paragraph 4. F) (1) above, a meeting of Council or a Committee may be closed to the public if the subject matter being considered relates to:
 - (a) The security of the property of the Corporation or a Local Board;
 - (b) Personal matters about an identifiable individual including municipal or Local Board employees;
 - (c) A proposed or pending acquisition or disposition of land by the Corporation or Local Board;
 - (d) Labour relations or employee negotiations;
 - (e) Litigation or potential litigation including matters before administrative tribunals, affecting the Corporation or Local Board;
 - (f) A matter in respect of which the Council, Local Board, Committee or other body has authorized a meeting to be closed under another Act;
 - (g) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (h) The consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* while the Council, local board, commission, committee or other body is designated as the head of the institution for the purpose of that Act.
- (3) A meeting of a Council or Local Board or of a Committee or either of them may be closed to the public if the following conditions are both satisfied:
 - (a) The meeting is held for the purpose of educating or training the members, and
 - (b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.
- (4) Before all or part of a meeting is closed to the public, the Council or Committee shall state by resolution:
 - (a) The fact of the holding of the closed meeting; and
 - (b) The general nature of the matter to be considered at the closed meeting.
- (5) Subject to Subsection 4. F) (2), a meeting shall not be closed to the public during the taking of a vote;
- (6) A meeting may be closed to the public during a vote if:
 - (a) Subsection 4. F) (2) permits or requires a meeting to be closed to the public and;
 - (b) The vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Corporation, Local Board, Committee or persons retained by or under contract with the Corporation.
- (7) Meetings or sessions which are closed to the public may be referred to as 'in-camera' meetings or sessions.

5. Role of Council

- A) It is the role of Council:
 - (1) to represent the public and to consider the well-being and interests of the municipality;
 - (2) to develop and evaluate the policies and programs of the Corporation;
 - (3) to determine which services the Corporation provides;
 - (4) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
 - (5) to ensure the accountability and transparency of the operations of the Corporation, including the activities of the senior management of the Corporation;
 - (6) to maintain the financial integrity of the Corporation; and
 - (7) to carry out the duties of Council under this or any other Act.

6. Role of Head of Council

It is the role of the Head of Council:

- A) to act as Chief Executive Officer of the Corporation;
- B) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- C) to provide leadership to the Council;
- D) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in subsection 5 (d) and (e);
- E) to represent the municipality at official functions; and
- F) to carry out the duties of the Head of Council under this or any other Act.

7. Head of Council as Chief Executive Officer

As Chief Executive Officer of the Corporation, the Head of Council shall:

- A) uphold and promote the purposes of the Corporation;
- B) promote public involvement in the Corporation's activities;
- C) act as the representative of the Corporation both within and outside the Town, and promote the Corporation locally, nationally and internationally; and
- D) participate in and foster activities that enhance the economic, social and environmental well-being of the Corporation and its residents.

In the absence of the Head of Council the Deputy Mayor will act as the Head of Council and while so acting, the Deputy Mayor has and may exercise all the rights, powers and authority of the Head of Council.

8. Order of Proceedings at a Meeting of Council, Local Board or Committee

A) When meeting is to be called to order

As soon after the hour fixed for a meeting as a Quorum is present, the meeting shall be called to order.

B) When meeting is NOT to be called to order

Where a Quorum is not present within fifteen (15) minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council or Committee present and the meeting shall stand adjourned until the next meeting.

C) Order of Business: Council

The Order of Business for the ordinary meetings of Council shall be as follows:

- (1) Call to Order
- (2) Moment of Silence
- (3) Roll Call & Disclosure of Pecuniary Interest
- (4) Minutes
- (5) Adoption of Supplementary Agenda
- (6) Delegations
- (7) Communications
- (8) Committee Minutes
- (9) Reports
- (10) By-laws
- (11) Unfinished Business
- (12) New Business

- (13) Motions
- (14) Notice of Motions
- (15) Next Meetings
- (16) Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Council.

D) Order of Business – Special, Public and Closed meetings of Council

The Order of Business for the ordinary meetings of Council shall be as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Disclosure of Pecuniary Interest
- (4) Delegations
- (5) Communications
- (6) Reports
- (7) Adjournment

E) Order of Business – Committees and Local Board

The Order of Business for Committee and Local Board meetings shall be as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Pecuniary Interest
- (4) Delegations
- (5) Communications
- (6) Reports
- (7) Unfinished Business
- (8) New Business
- (9) Next Meeting
- (10) Adjournment

All business shall be taken up in the Order of Business in which it stands, unless otherwise decided by Committee or Local Board.

F) Delivery of Agendas

- (1) The Clerk shall post on the municipal website notice for all Council, Committee and Local Board Meetings established by Council and such posting serves as notice of the Meeting to the public as required by the Act.
- (2) Prior to the first Meeting in January of each year the Clerk shall post on the Corporation's website the schedule for all regular Council Meetings for the calendar year.
- (3) The Clerk shall give at least twenty-four (24) hours' notice to the public of all special Meetings of Council, Committee and Local Board Meetings and post an agenda.
- (4) The Clerk shall post on the Corporation's website the full and complete agenda for each Council, Committee and Local Board Meeting not less than five (5) days in advance of the day appointed for holding the Meeting which posting may also serve as notice to the public of the Meeting.

- (5) Where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the Clerk shall cause such notice to be published in a newspaper in addition to posting on the Corporation's website.
- (6) Where notice of Intention to pass a by-law or notice of a public Meeting is required to be given by statute, such notice shall be provided in the timeframe prescribed in the said statute, or its regulations, and if not so prescribed, notice shall be given at least four (4) calendar days prior to the proposed action being taken.
- (7) The Corporation's annual budget shall be adopted by by-law at a regular Council Meeting and the Clerk shall provide a minimum of four (4) days' notice by posting the notice on the municipal website and publishing the notice in a local newspaper. Normal operating costs incurred prior to the adoption of the annual budget shall not require notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- (8) Unless otherwise prescribed, where notice of intention to pass a by-law or notice of a public Meeting is required to be given by statute, the form of the notice shall include the following information:
 - (a) a description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
 - (b) the date, time and location of the meeting;
 - (c) where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
 - (d) the name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.
- (9) Nothing in this by-law shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.
- (10) Lack of receipt of notice or failure to comply with the notice provisions of this by-law shall not invalidate the holding of the Meeting or any decision of Council or a Committee made at the Meeting.

9. Conduct of Proceedings at a Meeting of Council or Committee

A) Presiding Officer

It shall be the duty of the Mayor or Acting Mayor or Chair or the Chair of the Committee or of a Local Board:

- (1) To open the meeting of Council, Local Board or the Committee by taking the chair and calling the members to order;
- (2) To announce the business before the Council or Committee or Local Board in the order of which it is to be acted upon;
- (3) To receive and submit, in the proper manner, all motions presented by the members;
- (4) To put to vote all questions, which are regularly moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;

- (5) To decline to put to vote motions which infringe the rules of procedure;
- (6) To restrain the members, when engaged in debate, within the Rules of Order;
- (7) To enforce on all occasions the observance of order and decorum among the members;
- (8) To call by name any members persisting in breach of the Rules of Order of the Council or Committee or Local Board, thereby ordering him to vacate the Council or Committee chambers;
- (9) To receive and announce all messages and other communications and announce them to the Council or Committee or Local Board;
- (10) To authenticate, by his signature, when necessary, all by-laws, resolutions and minutes of the Council or Committee or Local Board;
- (11) To inform the Council, Local Board or Committee, when necessary or when referred to for the purpose, in a point of order or usage;
- (12) To select members of Council who are to serve on Committees or Local Board, after written submissions by members, which are to be delivered prior to the first meeting in each year;
- (13) To represent and support the Council or Local Board or Committee, declaring its will, and implicitly obeying its decisions in all things;
- (14) To ensure that the decisions of Council, Local Board or Committee are in conformity with the laws and by-laws governing the activities of the Council, Local Board or Committee;
- (15) To adjourn the meeting when the business is concluded;
- (16) To expel any person for improper conduct at a meeting;
- (17) To adjourn the meeting without question put in the case of grave disorder arising in the Council or Committee or Local Board chamber.

10. Decorum

No member shall:

- A) Disturb one another, or the Council or Committee or Local Board itself, by any disorderly deportment disconcerting to any member speaking;
- B) Resist the Rules of Order or disobey the decision of the Presiding Officer or of the Council or questions of order or practice or upon the interpretations of the Rules of Order of the Council or Committee or Local Board;
- C) Be permitted to retake his seat at any meeting after being ordered by the presiding officer to vacate, after committing a breach of any Rule of Order of the Council or Committee or Local Board, without making apology and obtaining the consent of Council or Committee or Local Board expressed by a majority vote of the other members present, determined without debate;
- D) Leave his place on adjournment until the Presiding Officer leaves the chair;
- E) Speak until he has addressed himself to the Presiding Officer;

- F) Walk across or out of the chamber or make any noise or disturbance when the Presiding Officer is putting a question and shall occupy his seat while a vote is being taken and until the result thereof is declared.

11. Rules of Order

A) The Presiding Officer

In directing the course of debate, the Mayor, Acting Mayor or the Chair of the Local Board or Committee shall:

- (1) Designate the member who has the floor, when two or more members wish to speak;
- (2) Preserve order and decide questions of order;
- (3) Read all motions presented in writing and state all motions presented verbally before permitting debate on the question, except when otherwise provided in this by-law.

B) Members

In addressing the Council or Committee or Local Board, no member shall:

- (1) Speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of Ontario;
- (2) Use indecent, offensive or insulting language in or against the Council or Committee or Local Board or any member thereof;
- (3) Speak beside the question in debate;
- (4) Reflect upon any prior determination of the Council or Committee or Local Board, except to conclude such remarks with a motion to rescind such determination;
- (5) Speak more than once to the same question, except:
 - (a) upon the consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined, or
 - (b) in explanation of a material part of his speech which may have been interpreted incorrectly, or
 - (c) with leave of the Council or Committee or Local Board after all other members so desiring have spoken, or
 - (d) a reply may be allowed by leave of the Council or Committee or Local Board to the member who presented the motion to Council, in which case, he shall speak for no longer than a five (5) minute period without leave of Council or Committee or Local Board;
- (6) Ask a question except of the previous speaker and in relation to that Speaker's remarks;
- (7) Interrupt the member who has the floor, except to raise a point of order.

C) General

- (1) Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

- (2) Any member may appeal the decision of the Presiding Officer on a point of order to the Council or Committee, which shall decide the question without debate upon a majority vote of the members present.
- (3) Debate shall be restricted to each proposal in its turn when a question has been divided upon leave of Council or Committee or Local Board.

12. Motions

A) Notice

At least three (3) working days' notice shall be given to all new motions, except motions respecting:

- (1) matters of privilege,
- (2) the presentation of petitions,
- (3) to table a matter to a later date,
- (4) to move the previous question,
- (5) to refer a matter,
- (6) to adjourn,
- (7) to amend,
- (8) to suspend the Rules of Order, or
- (9) on the previous question.

B) "Notice of Motion"

Means a motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of the Council.

C) Must be Seconded

- (1) A motion must be formally seconded before the Presiding Officer can put the question or be recorded in the Minutes.
- (2) Motions which have not been seconded shall be recorded in the minutes and noted as defeated.

D) Withdrawal

After a motion is read or has been stated by the presiding officer, it shall be deemed to be in possession of the Council or Committee or Local Board and can be withdrawn before decision or amendment only with leave of the Council or Committee or Local Board, expressed by resolution.

E) Priority of Disposition

A motion properly before Council or Committee or Local Board for decision must receive disposition before any other motion can be received, except a motion to amend, for the previous question, to adjourn, to extend the hour of closing proceedings, to commit, or on a matter of privilege.

F) To Amend

A notice to amend:

- (1) May be presented in writing;
- (2) Shall receive disposition of Council or Committee or Local Board before a previous amendment or the question;

- (3) Only one motion to amend an amendment to the question shall be allowed and any further amendment must be to the main questions;
- (4) Shall be relevant to the question to be received;
- (5) Shall not be received proposing a direct negative to the question;
- (6) Two separate distinct proposals of a question may be made;
- (7) Shall be put in the reverse order to that in which it is moved.

G) Previous Question

A motion for the previous question:

- (1) Cannot be amended;
- (2) Cannot be proposed when there is an amendment under consideration;
- (3) Shall preclude all amendment of the main questions;
- (4) When resolved in the affirmative, the question is to be put forthwith without debate or amendment;
- (5) When resolved in the negative, the question shall not be put at the meeting, but placed on the Order [routine] of Business for the next ordinary meeting of Council or the Committee, or such later meeting as the Council or the Committee or Local Board may decide, but not later than the last ordinary meeting of the Council or the Committee or Local Board to be held in the year in which the original motion was made;
- (6) Cannot be received in any Committee of Council;
- (7) Can only be moved in the following words: "That the question be now put"; and
- (8) May be voted against by the mover and seconder.

H) To Adjourn

A motion to adjourn:

- (1) The meeting shall always be in order, except as provided in this paragraph and shall be put immediately without debate;
- (2) When resolved in the negative, cannot be made again until after some intermediate proceeding shall have been completed by Council or Committee or Local Board;
- (3) Is not in order when a member is speaking, nor during the verification of a vote;
- (4) Cannot be amended;
- (5) Is not in order immediately following the affirmative resolution of a motion for the previous question.

I) Repetition

A motion called in the order in which it stands upon the agenda of the order of business of a meeting and which is not decided by Council or Committee or Local Board, shall be allowed to stand, retaining its precedence upon the agenda of the order of business of the next ordinary meeting of Council or Committee or Local Board.

J) Ultra Vires

A motion on a matter beyond the jurisdiction of the Council or Committee or Local Board shall not be received by the Presiding Officer.

K) Privilege

A motion on a matter of privilege shall receive disposition of Council or Committee or Local Board forthwith upon receipt and, when settled, the question so interrupted shall be removed at the point where it was suspended.

L) Reconsideration

A motion for reconsideration of a question which has been decided upon but not acted upon may be made at any time by a member who voted thereon. A motion to reconsider will be carried by a two-thirds (2/3) majority of the members present and voting. No such motion can be received which would require reconsideration of the same question more than once during the twelve (12) months following the date on which the question was decided.

M) To Commit

A motion to commit or recommit a question to a Committee, with or without instructions, may be amended but must receive disposition by Council before the question, or an amendment to the question; and when made prior thereto, before decision on a motion for the previous question or postponement.

N) Verbal Motions

Incidental motions in respect of a matter of special privilege, suspension of Rules of Order, adjournment, postponement, for the previous question, or commitment may be made verbally.

O) Divided Motion

A motion containing distinct proposals may be divided with leave of Council or Committee or Local Board.

13. Voting on Motions**A) Question Stated**

Immediately preceding the taking of the vote thereon, the Presiding Officer may state a question in the form introduced, and shall do so if required by a member except when a motion for the previous question has been resolved in the affirmative, he shall state the question in the precise form in which it will be recorded in the minutes.

B) No Interruption After Question Stated

After a question is finally put by the Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

C) Division of Question

A separate vote shall be taken upon each proposal contained in a question divided with leave of Council or Committee.

D) Vote of Presiding Officer

- (1) The Presiding Officer, except where disqualified to vote, may vote on all questions, and when so doing, shall vote last;
- (2) When the Presiding Officer determines to vote on a question, his vote shall be spoken, signified, polled and recorded after the votes of each member voting.

E) Vote Not Allowed

A member not present before the result of a division on a question is declared shall not be entitled to vote on that question.

F) Unrecorded Vote

The manner of determining the decision of Council or Committee or Local Board on a motion shall be at the discretion of the Presiding Officer, and may be by voice, show of hands, standing or otherwise.

G) Recorded Vote

Upon a request made before proceeding to another item of business, by a member who was present when the question was stated, a recount of the vote shall be taken and the previous decision of a vote determined in any other manner, and whether declared or not, shall not be binding upon the Council or Committee or Local Board.

14. General:**A) Order of Business**

The Clerk shall have prepared an agenda for the routine of business in paragraph 8 C) and D) for the use of each member at a Council or Committee or Local Board meeting.

B) Disclosure of Pecuniary Interest

- (1) At a meeting at which a member discloses an interest under section 5 of the *Municipal Conflict of Interest Act, R.S.O. 1990 c.M.50*, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk.
- (2) The Clerk shall maintain a registry in which shall be kept,
 - (a) a copy of each statement filed under section 5.1; and
 - (b) a copy of each declaration recorded
- (3) The registry shall be available for public inspection on the Town's website and the Clerk's Department.

C) Minutes

- (1) The Minutes shall record:
 - (a) The place, date and time of the meeting;
 - (b) The names of the Presiding Officer or officers and of the members present;
 - (c) The reading, presentation, correction and the adoption of the minutes of prior meetings.
- (2) It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all subsequent special meetings held more than three (3) days prior to a regular meeting, are placed on the next following regular Council meeting agenda.

D) Communications

Letters or written communications requiring consideration and action will be listed on the agenda

E) Delegations

- (1) Persons desiring to verbally present information on matters of fact or make a request of council, shall give written notice to the Clerk seven (7) days in advance of the meeting at which they wish to appear.
- (2) The written notice of delegation shall state the topic to be discussed and any request to be made of the members.
- (3) Delegations shall be limited in speaking not more than ten minutes (10), except that a deputation consisting of more than five persons (5) shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes in total time.
- (4) May be heard upon approval of Council, by resolution stated at the meeting.
- (5) The Clerk in consultation with the Mayor and CAO has authority to deny Delegation requests under the following circumstances:
 - (a) The request is not submitted within the time required in Paragraph 14. E) (1) of this By-law;
 - (b) No written submission together with handouts or materials is provided with the request or the submission is incomplete;
 - (c) The subject matter is deemed to be beyond the jurisdiction of Council;
 - (d) The issue is specific to a labour/management dispute, or other matter properly held in closed session;
 - (e) The issue has been or is to be considered by the Committee of Adjustment;
 - (f) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by Council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council;
 - (g) Council previously indicated it will not hear further from this Delegation; or
 - (h) The issue should be referred to Administration for action.
- (6) A Delegation shall not be received by Council on matters relating to litigation or potential litigation affecting the Corporation, including matters which are before and under the jurisdiction of any court or tribunal, unless such matter is referred to Council by the said court or tribunal, in the alternative, Council deems the matter to be sufficiently important to allow the Delegation to be heard.

- (7) If applicable, Delegations shall provide a copy of their presentation to the Clerk seven (7) days in advance of the meeting at which they will be appearing. If using presentation software, such as PowerPoint, Delegations shall provide an electronic version to the Clerk, which shall be uploaded onto a Town-supplied laptop that Delegations may use during the Meeting. Presentation materials shall be attached to the circulated Agenda, whenever possible.
- (8) Delegations shall not distribute printed materials during the Meeting. All printed materials must be submitted to the Clerk prior to the commencement of the Meeting.
- (9) The display of placards and signs is not permitted during a Meeting.
- (10) The Clerk will only circulate material that complies with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.
- (11) Delegations will be scheduled in an order to be determined by the Clerk.
- (12) Delegations shall address their remarks through the Chair.
- (13) Delegations shall confine their remarks to the business stated in the written notice given to the Clerk.
- (14) Except on matters of order, Members shall not interrupt a Delegation while he/she is addressing Council, the Committee or Local Board.
- (15) Members may address a Delegation only to ask questions and not to express opinions or enter into debate or discussion.
- (16) Once a motion to receive the presentation or to decide on the matter or to provide direction, has been moved and seconded, no further representation or questions of the Delegation shall be permitted.
- (17) The Chair may curtail any Delegation, any questions of a Delegation or debate during the presentation, as a result of disorder or other breach of the Procedural By-law. If the Chair rules that the Delegation is concluded, the person or persons appearing before Council shall withdraw from the table.

F) Petitions

A petition in regard to a matter within the jurisdiction of Council or Committee or Local Board made over the signatures of the subscribers, shall be presented by a subscriber or agent who knows the contents thereof and vouches for the propriety of the petition may be received on leave of Council or Committee or Local Board, may be disposed forthwith, assigned some future time for consideration by Council or Committee or Local Board, or referred to a Committee.

G) Reports

- (1) Shall be received upon leave of Council or Committee or Local Board; or
- (2) May be accepted or approved upon resolution of Council or Committee or Local Board;
- (3) May be recommitted to Council or Committee or Local Board or a different Committee.

H) Unfinished Business

The Items listed in the Order of Business of prior meetings which have not been disposed of by Council or Committee or Local Board and the date of their first appearance on the order of business shall be noted and repeated on each subsequent order of business until disposed of by Council or Committee or Local Board, unless removed from the order of business by leave of Council or Committee or Local Board.

I) By-laws

Every proposed by-law shall:

- (1) be introduced by the Clerk, specifying the title or upon the report of a committee;
- (2) receive three (3) separate readings;
- (3) be endorsed by the Clerk with the date of the several readings thereof;
- (4) be the responsibility of the Clerk for correctness when amended;
- (5) be finally passed by Council before signature by the Mayor or Acting Mayor of Council and the Clerk, and
- (6) be stamped with seal of the Corporation of the Town of Tecumseh;

Every proposed by-law may be referred to a Committee for report after second reading, and such reference may be made with or without debate on either or both the proposed by-law or the motion to so commit, as the Council may decide.

J) Suspension of Rules

Any procedure required by this by-law may be suspended with consent of not less than four-fifths (4/5) of the members present.

K) Electronic Recordings and Photographs

Any person may make an electronic recording of Council, Committee or Local Board Meetings or take photographs provided that the activity does not, in the opinion of the Chair, interfere with the Meeting proceedings or interfere with the Corporation's recording of Council Meetings.

15. Former By-laws Repealed

By-law No. 2008-69, as amended, by the Corporation, is hereby repealed and any by-law inconsistent with this by-law.

16. Effective

This by-law shall come into full force on the date of the final passing thereof.

READ a first, second and third time and finally passed this 12th day of September, 2017.




Gary McNamara, Mayor


Laura Moy, Clerk

**Town of Tecumseh
2020 Approved Budget
Heritage Committee 7705**

	2018 Actuals	2019 Forecast	2019 Budget	2020 Budget	\$ Change	% Change	2021 Forecast	2022 Forecast
11 General Operating								
REVENUES								
Transfers from Reserves								
4-9580 Transfer from Reserves		1,484	1,484	2,727	1,243	83.76%		
Total Transfers from Reserves		1,484	1,484	2,727	1,243	83.76%		
TOTAL REVENUES		1,484	1,484	2,727	1,243	83.76%		
EXPENDITURES								
Memberships								
5-5300 Memberships	116	120	150	150			153	156
Total Memberships	116	120	150	150			153	156
Professional Services								
5-4040 Professional Fee - Other				743	743			
Total Professional Services				743	743			
Other								
5-2250 Miscellaneous Service	14	219	850	1,350	500	58.82%	850	850
5-5070 Meetings (meals)		418						
5-5610 Advertising			2,484	2,484			1,000	1,000
Total Other	14	637	3,334	3,834	500	15.00%	1,850	1,850
Expenditures Before Transfers	130	757	3,484	4,727	1,243	35.68%	2,003	2,006
Transfers to Reserves								
5-9580 Transfer to Reserve		2,727						
Total Transfers to Reserves		2,727						
TOTAL EXPENDITURES	130	3,484	3,484	4,727	1,243	35.68%	2,003	2,006
NET EXPENDITURES	130	2,000	2,000	2,000			2,003	2,006



HERITAGE PROPERTY EVALUATION

*A Guide to Listing, Researching and Evaluating
Cultural Heritage Property in Ontario Communities*

Ontario Heritage Tool Kit



A.J. Casson (1898-1992)
Village House c.1955
oil on hardboard
50.9 x 61.0 cm
Gift of Mr. and Mrs. C.A.G. Matthews
McMichael Canadian Art Collection
1974.13.1

This guide is one of several published by the Ministry of Culture as part of the Ontario Heritage Tool Kit. It is designed to help municipal Councils, municipal staff, Municipal Heritage Committees, land use planners, heritage professionals, heritage organizations, property owners, and others understand the heritage conservation process in Ontario.



All across Ontario, communities are working together to protect and promote our cultural heritage properties.

Our cultural heritage reflects the expressions and aspirations of those who have gone before us as well as today's culturally diverse communities.

"Since I immigrated to Canada in 1960 to a small northern community, I have watched firsthand how people of many nationalities have worked together to make our community a vibrant place. As a councillor, this is what motivates me to work for the community... I believe that municipal councillors have a responsibility to preserve our stories, documents and historical landmarks.... They represent the challenges and struggles met by our communities in their growth and evolution."

*Helen Lamon, Township
of Michipicoten Councillor*

Cultural heritage can take many forms – buildings and monuments, bridges and roadways, streetscapes and landscapes, barns and industrial complexes, cemeteries, museums,

archives and folktales. They enrich us, inspire us and guide us forward to build vibrant, liveable communities for future generations.

The conservation of cultural heritage properties is vital to a community's overall cultural and economic development plan. An integrated approach to cultural and economic planning leads to the revitalization of main streets, neighbourhoods and individual properties, creates employment, encourages new business, brings tourist dollars and can even increase property values.

Identification and evaluation are a vital part of the conservation process. This guide is designed to help identify and evaluate the cultural heritage value or interest of properties in our communities. It outlines the Ontario Heritage Act requirements (section 27) for a municipal register of property of cultural heritage value or interest. It also assists in evaluating heritage properties against criteria prescribed in Ontario Regulation 9/06 of the Ontario Heritage Act for the purposes of protection (designation) under section 29 of the Act.



What's in this guide?

1. Cultural Heritage Properties 5

This section describes what is meant by “cultural heritage property” and “cultural heritage value or interest,” and outlines the framework for heritage conservation in Ontario. The provisions for protection of Natural Features, Cultural Heritage Landscapes and Archaeological Resources and Areas of Archaeological Potential are explained. A checklist, Cultural Heritage Properties: From Survey to Protection, is included.

2. Compiling a Register of Cultural Heritage Properties 8

The requirements of the Ontario Heritage Act and the basics for compiling a Register of Cultural Heritage Properties are outlined.

3. The Importance of Research and Site Analysis 18

The importance of historical research and site analysis is introduced in this section.

4. Municipal Criteria: Ontario Regulation 9/06 20

This presents Ontario Regulation 9/06, Prescribing Criteria for Determining Property of Cultural Heritage Value or Interest, its meaning and use. Included in this section is a summary: Listing and Evaluation in the Municipal Designation Process.

5. Researching a Property 28

This is a how-to guide for undertaking historical research and examining the physical evidence of a property.

Resources and Further Information 41

Note: The Ministry of Culture has published this Guide as an aid to municipalities. Municipalities are responsible for making local decisions including compliance with applicable statutes and regulations. Before acting on any of the information provided in this Guide, municipalities should refer to the actual wording of the legislation and consult their legal counsel for specific interpretations.



Cultural Heritage Properties

1

The Ontario Heritage Act provides a framework for the conservation of properties and geographic features or areas that are valued for the important contribution they make to our understanding and appreciation of the history of a place, an event or people.

These properties and features or areas contain built heritage resources, cultural heritage landscapes, heritage conservation districts, archaeological resources and/or areas of archaeological potential that have cultural heritage value or interest. These are the cultural heritage properties that are important in our everyday lives, give us a sense of place, and help guide planning in our communities.

The conservation of cultural heritage properties encompasses a range of activities directed at identification, evaluation, conservation and celebration. Properties can be protected for the long term under the Ontario Heritage Act through municipal designation bylaws and heritage conservation easement agreements.



Inge-Va, Perth (Photo courtesy of Ontario Heritage Trust)

The Ontario Planning Act and Provincial Policy Statement support heritage conservation as part of land-use planning.

Cultural heritage properties include:

- Residential, commercial, institutional, agricultural or industrial buildings
- Monuments, such as a cenotaph, public art or a statue
- Structures, such as a water tower, culvert, fence or bridge
- Natural features that have cultural heritage value or interest
- Cemeteries, gravestones or cemetery markers
- Cultural heritage landscapes
- Spiritual sites
- Building interiors
- Ruins
- Archaeological sites, including marine archaeology
- Areas of archaeological potential
- Built/immoveable fixture or chattel attached to real property

The task for each municipality is to identify, evaluate and conserve those cultural heritage properties that have lasting cultural heritage value or interest to their community. This process begins with compiling a register of properties of cultural heritage value or interest to the community.

Cultural Heritage Properties: From Survey to Protection

- **Learn** about the cultural heritage of the community
- **Survey** properties in the community using a recording form
- **Screen** the surveyed properties using preliminary criteria
- **List** screened properties of cultural heritage value or interest on the municipal register of cultural heritage properties
- **Research** properties that are candidates for protection (designation) under section 29 of the Ontario Heritage Act
- **Evaluate** properties for protection under section 29 using the criteria in Ontario Regulation 9/06 and determine best means of conservation
- **Protect** properties under the Ontario Heritage Act or other conservation measures

DESIGNATION UNDER SECTION 29, ONTARIO HERITAGE ACT

Natural Features

For a natural feature to be designated under section 29, it must have a cultural association. An example is the maple tree in Toronto that inspired Alexander Muir in 1867 to compose “The Maple Leaf Forever.” Natural features without a cultural association can be protected by other mechanisms.

Cultural Heritage Landscapes

A cultural heritage landscape can be designated as a unit under section 29 or protected as part of a larger heritage conservation district under Part V. (See Heritage Conservation Districts, A Guide to District Designation Under the Ontario Heritage Act) These are geographical areas that involve a grouping of features such as buildings, spaces, archaeological sites and natural elements, which collectively form a significant type of cultural heritage resource. Examples might include villages, parks, gardens, battlefields, main streets and other streets of special interest, golf courses, farmscapes, neighbourhoods, cemeteries, historic roads and railways and industrial complexes.

Archaeological Resources

Archaeological resources and areas of archaeological potential (including the grounds associated with a historic structure that may contain artifacts that yield information about the site) can be protected under section 29 (individual properties), Part V (Heritage Conservation Districts) and Part VI of the Ontario Heritage Act. Part VI addresses the management of archaeological resources and areas of archaeological potential. The archaeological assessment process is set out in provincial standards and guidelines. Only an archaeologist licensed under the Act can undertake fieldwork. For these reasons, this guide is not designed for archaeological resources and areas of archaeological potential.



2

COMPILING A REGISTER OF Cultural Heritage Properties

Which Properties Should Be Placed On the Register?

Under subsection 27(1) of the Ontario Heritage Act, the municipal clerk is required to keep a current register of properties of cultural heritage value or interest situated in their municipality.

This register must include all properties in the municipality that are designated under Part IV of the Ontario Heritage Act by the municipality or by the Minister of Culture and shall 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 the heritage attributes of the property. *OHA, ss. 27(1.1)*

The Ontario Heritage Act also allows a property that has not been designated, but that the municipal Council believes to be

of cultural heritage value or interest, to be placed on the register. This is commonly referred to as listing. A description sufficient to identify the property is required.

OHA, ss. 27(1.2)

Under this provision, a municipal council may choose to include for example, properties protected by heritage conservation easements, and/or recognized by provincial or federal jurisdictions, such as properties commemorated by the Historic Sites and Monuments Board of Canada, or properties listed on the provincial register.



Alton Mill, Caledon. (Photo courtesy of Sally Drummond, Town of Caledon)

Cultural heritage properties can be added to the register at any time by council. In municipalities where there is a municipal heritage committee, the Ontario Heritage Act requires that council consult with the committee before a non-designated property is added or removed from the register.

OHA, ss. 27(1.3)

The register is a planning document that can be consulted by municipal decision makers when development proposals or permits are being considered. Mapping listed properties using Geographic Information Systems (GIS) or other cultural mapping also can be a useful component of the broader data collection and management framework of the municipality. Property owners and the public should be aware of the existence of the register, mapping and other cultural heritage property management tools.

Why List a Property?

Listing a property of cultural heritage value or interest is the first step a municipality should take in the identification and evaluation of a property that may warrant some form of heritage conservation, recognition and/or long-term protection such as designation.

In many cases, listed (non-designated) properties are candidates for protection under section 29 of the Ontario Heritage Act. These require further research and an assessment using a more comprehensive evaluation that is consistent with Ontario Regulation 9/06 prescribing criteria for determining property of cultural heritage value or interest.

Although listing non-designated properties does not offer any protection under the Ontario Heritage Act, section 2 of the Provincial Policy Statement of the Planning Act acknowledges listed properties.

A REGISTER OF CULTURAL HERITAGE PROPERTIES:

- Recognizes properties of cultural heritage value in a community
- Fosters civic identity and pride by drawing attention to the heritage and development of a community
- Promotes knowledge and enhances an understanding of a community's cultural heritage
- Provides easily accessible information about cultural heritage value for land-use planners, property owners, developers, the tourism industry, educators and the general public
- Is a central element of a municipal cultural plan that begins with mapping local cultural resources and then leverages these resources for economic development and community building



Waterloo Pioneer Memorial Tower (Photo courtesy of Canadian Parks Service)

PPS Policy 2.6.1 states: “*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*”

The PPS defines built heritage resources as: “One or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic, or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easements under the Ontario Heritage Act, or **listed** by local, provincial, or federal jurisdictions.”

The PPS defines a cultural heritage landscape as: “A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.”

Together, the Ontario Heritage Act and the Provincial Policy Statement of the Planning Act offer methods for conserving cultural heritage properties. This makes listing cultural heritage properties on the municipal register an important tool in managing their conservation.

Getting Started

When creating a register of cultural heritage properties, or adding to an existing register of designated properties, each municipality can decide on the best approach for surveying and researching properties in the community. This decision is based on the available resources and expertise.

Compiling the register can be as simple as completing a survey or recording form and photographing properties from the nearest public vantage point. Good practice includes ensuring that the essential details of street address and legal property description, type of heritage feature, and general observations on the physical characteristics and context are recorded, by description and photography. If maintained as an electronic database, this information can easily be cross-referenced, updated, studied and made available for research.

Registers that use some preliminary evaluation criteria should be compiled by individuals with some training or expertise in recognizing and evaluating cultural heritage properties. An inexperienced recorder is more likely to list the obvious “old looking” buildings or landmarks in good condition. An experienced recorder or heritage consultant will be able to see past the current appearance of a property and recognize its potential for cultural heritage value or interest.

Councils of municipalities with a municipal heritage committee could assign the task of compiling the register to the committee and provide any municipal resources and staff support that might be needed.

Sample: Property Survey Recording Form

This form collects the information useful as an initial survey of properties that may be listed on the municipal register of cultural heritage properties. Other categories of local importance can be added. Recorders are encouraged to learn about the heritage of the community as a whole before undertaking this survey.

Recorder

- 1 Date of recording
- 2 Name of recorder
 - ☐ Municipal Heritage Committee
 - ☐ Municipal Staff
 - ☐ Heritage Consultant
 - ☐ Student
 - ☐ Other
- 3 What is your level of expertise in identifying and describing a cultural heritage property?
 - ☐ Beginner
 - ☐ Some Experience
 - ☐ Expert

Property Identification

- 4 Street address and legal description
- 5 Name of building, if any
- 6 Name and address of owner

Design or Physical Value

- 7 Identify the type of property
Examples: Residential, commercial, institutional, agricultural or industrial building; monument such as a cenotaph, statue or public art; structure such as a water tower, culvert, fence or bridge; natural feature that has cultural heritage value or interest; cemetery, grave-stone or cemetery marker; cultural heritage landscape; spiritual site; interior; ruins or other feature

- 8 Identify the materials used
Examples: Wood, stone, metal, plastic or other
- 9 Does the property display any particular qualities of artistic merit, craftsmanship, technical or scientific achievement, expression or innovation?

Historical or Associative Value

- 10 What do you know about this property from research or local traditions? List sources
- 11 Does the property have any features similar to other properties?

Contextual Value

- 12 Does the property define, maintain or support the character of an area?
- 13 Is the property physically, functionally, visually or historically linked to its surroundings?
- 14 Is the property a landmark?

Status

- 15 Identify any physical or other risks to the condition and/or integrity of the property and/or individual features

Photographs

- 16 Photographs should be taken from the nearest publicly accessible viewpoint. (Do not enter a property without permission.) The front or prominent feature will be used as the key image. Identify all images with north, south, east and west orientation.

Recommendation

- 17 Make an initial recommendation or comment on whether or not to list a property on the municipal register. Give reasons.



Built in 1792, the Hay Bay Church near Adolphustown is the oldest United Church in existence today. The pioneers of Hay Bay were the makers of Canada. Architecturally, the Hay Bay Church is an example of rural public design. (Photo: Ministry of Culture)

Councils of municipalities without a municipal heritage committee may ask municipal staff to compile the register, or seek the assistance of a local heritage or community organization. Another option is to engage a heritage consultant with expertise in cultural heritage properties. The Ministry of Culture can be contacted for guidance on how to develop the register.

The Listing Process

In most Ontario municipalities, it is impractical to survey every (heritage and non-heritage) property and undertake sufficient research and analysis to confidently eliminate those with no cultural heritage value or interest. Some preliminary rationale or criterion for listing a property is needed to make compiling the register an efficient

task that is achievable within a reasonable time frame.

Ontario Regulation 9/06 must be applied to properties being considered for designation under section 29 of the Ontario Heritage Act. Screening properties for potential protection in accordance with the criteria in the regulation is a higher evaluation test than required for listing non-designated properties on the register. The evaluation approach and categories of Design/Physical Value, Historical/Associative Value, and Contextual Value set out in the regulation, however, are useful to consider when developing a preliminary rationale or criteria for listing properties. This also will provide continuity in the evaluation of properties on the register that may later be considered for designation under section 29.

BASICS OF A MUNICIPAL REGISTER OF CULTURAL HERITAGE PROPERTIES

1	<p>The Ontario Heritage Act requires that the register include all properties that are protected by the municipality (under section 29) or by the Minister of Culture (under section 34.5). <i>OHA, ss. 27(1.1)</i> For these properties there must be:</p> <ul style="list-style-type: none"> • a legal description of the property; • the name and address of the owner; and • a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes.
2	<p>The Ontario Heritage Act allows a municipality to include on the register property that is not designated but considered by the municipal council to be of cultural heritage value or interest. There must be sufficient description to identify the property. <i>OHA, ss. 27(1.2)</i></p>
3	<p>A municipality may consider including properties on the register that are protected by heritage conservation easements and/or recognized by provincial or federal jurisdictions.</p>
4	<p>The rationale or selection criteria used to survey the community and compile the register should be clearly stated.</p>
5	<p>The recorder(s) undertaking the survey of properties should have knowledge of the heritage of the community and some training in identifying and evaluating cultural heritage properties.</p>
6	<p>Information about all properties should be recorded in a consistent and objective way.</p>
7	<p>Not all cultural heritage properties are old. Many recent structures hold cultural heritage value or interest in their design, craftsmanship, function, ownership or for other reasons.</p>
8	<p>Using physical condition as a determining factor in whether or not to list a property on the register is not advised. A property may be in an altered or deteriorated condition, but this may not be affecting its cultural heritage value or interest.</p>
9	<p>A commitment to maintaining and revising the register through historical research and analysis of the listed properties will give the register more credibility in local heritage conservation and planning.</p>
10	<p>The register should be readily available to municipal staff and officials, property owners and the public.</p>
11	<p>The register can be a valuable tool for land-use planners, educators, tourism, and economic developers. For example, it can be used to plan Doors Open events, educational programs, celebrate historic events and anniversaries, promote a community and encourage innovative development.</p>

Know Your Community

When first developing a municipal register, it is recommended that the main themes and key developments, and any specific events, activities, people and circumstances that have shaped the community be identified. This is the important community context that should ensure that those properties with characteristics that hold cultural heritage value or interest to the community will be captured in the survey and on the register. Much of this background information can be learned from published histories, as well as libraries, museums, archives, historical associations and from residents. Whoever undertakes the survey should be familiar with the heritage of the community, as this will give them local knowledge and perspective when identifying properties for listing.

For example, knowing the boundaries of the first town plan or survey can help identify where the oldest properties may be found. Areas that were annexed as the town grew may also have value or interest to their original municipality before annexation, such as a bordering hamlet or township. Knowing the patterns of settlement, transportation routes and other local developments may indicate likely locations of former industrial sites, battlefields or

landmarks where ruins or structures associated with that activity or event may exist.

This basic documentation, combined with the recorder's experience in identifying cultural heritage properties, will guide the initial selection of properties to be listed on the register.

Rating a Property

Municipalities may find it useful to develop a system of comparative ratings for properties on the register. This can help with setting priorities for further research, heritage conservation and/or long-term protection under the Ontario Heritage Act.

There are several models for rating cultural heritage properties:

- Some evaluation criteria have a numeric rating system; for example, #1 has no cultural heritage value or interest, while #10 warrants long-term protection.
- An alphabetical rating system may assist to categorize; for example, an A has protection and conservation priority; B is conserved in some manner, but not designated; C should be documented before demolition or has minimal cultural heritage value or interest.
- A checklist of questions about the design/physical, historical/associative and contextual values of the property can generate discussion that concludes with a Yes/No. The discussion response and explanatory notes form the argument for or against heritage conservation. No numeric or alphabetical rating is used.



Mossington Bridge, Georgina (Photo: Ministry of Culture)



Whalen Building, Thunder Bay (Photo: Ministry of Culture)

Making Comparisons

A municipality compiling its first register will learn a great deal about its cultural heritage properties during the surveying phase. Caution should be used in applying rating systems until a sufficient number of properties have been listed and researched to establish some base for comparisons.

If the survey is comprehensive and the information is recorded in a consistent and objective way, patterns or themes in the cultural heritage value or interest of the listed properties often emerge.

For example, the survey may reveal that one architectural style is characteristic of a neighbourhood; a certain type of technology is used for several industries; there is a popular local building material; there were design changes in types of engineering works such as bridges; or some cemetery headstones have unique markings. A particular decorative motif in the gable of a house may

be a clue to the work of a local craftsman; a change in that motif may have some significance in his career.

A comprehensive survey will also show differences and similarities in the features or heritage attributes of the listed properties. Typical or similar examples can be compared to each other, and will also highlight the uniqueness of other examples. Several properties may be associated with a particular event, but only one may stand out as a vivid expression of what that event truly meant to the community.

As the register is compiled, it may become evident that an inventory of a specific type of cultural heritage property would be useful. For example, separate inventories for barns, cultural heritage landscapes or very old and increasingly rare buildings such as those that predate Canada's confederation in 1867 will help with the evaluation of these types of cultural heritage properties.

Selecting Properties for Further Research

Recognizing patterns, themes, similarities and differences is an important part of studying and understanding a community's heritage. It also makes it easier to develop a rating system or checklist of questions that truly reflects what holds cultural heritage value or interest in the community. It can help with choosing properties that warrant further research and heritage conservation.

For example, a community may have been founded when a prospector discovered a valuable mineral. The earliest industrial structures, dwellings and institutions date

to the opening of the mine and the first years of the mine's operation. The mine may now be closed and a secondary economy may have taken its place. The cultural heritage properties associated with the mining heritage of the community are found, through the survey of community properties, to be disappearing. The properties associated with mining will have a higher priority for further research and possibly protection under the Ontario Heritage Act.

Another example could be in a community where a fire destroyed structures built on the main street. Any structures or remnants that survived the fire, or have evidence of the fire, are likely rare. These are important to understanding the character of this early, pre-fire period of community history. Their loss now would have consequences to the study of the community's heritage. These properties should be given priority in undertaking further research and conservation.



*Former Walkerville
Post Office, Windsor
(Photo courtesy of
Nancy Morand,
City of Windsor)*



Dunlop Street Fire in 1875, Barrie (Photo: Simcoe County Archives)

A Work-in-Progress

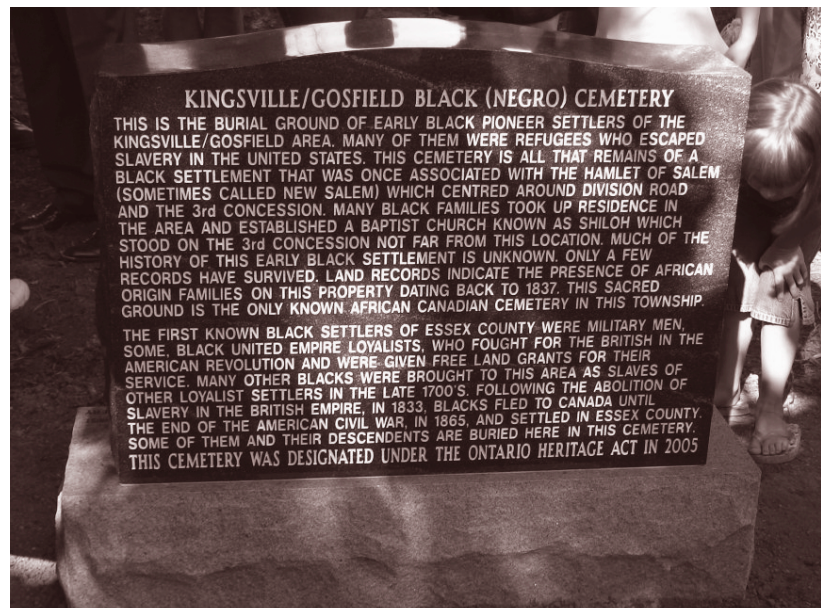
The register is essentially a work-in-progress that is revised and updated as needed and as local resources become available. The register is never a finite document; it should continue to grow, change and be updated as the cultural heritage values or interest of the community also change. No final decisions about the cultural heritage value or interest of a property on the register should be made without undertaking further historical research and site analysis of that specific property.

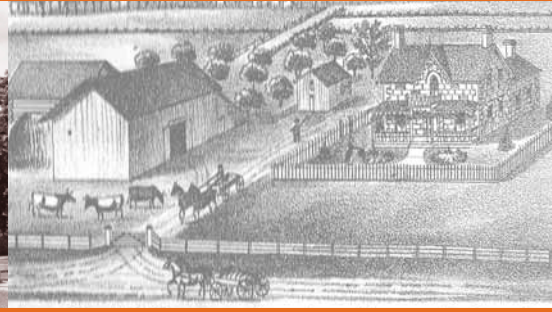


Townsite Shaft 1 Headframe, Cobalt (Photo: Ministry of Culture)



Gosfield Black (Negro) Cemetery, Kingsville (Photo courtesy of Yolanda Asschert, Kingsville Municipal Heritage Advisory Committee)





3

THE IMPORTANCE OF Research and Site Analysis

The historical research and site analysis needed for listing a property on a register of cultural heritage properties is often preliminary in its scope. Properties being proposed for protection under section 29 of the Ontario Heritage Act require more in-depth study by a qualified individual or committee. This involves:

- Understanding and knowledge of the overall context of a community's heritage and how the property being evaluated fits within this context;
- Researching the history and cultural associations of the property being evaluated; and
- Examining the property for any physical evidence of its heritage features or attributes, past use or cultural associations. The physical context and site are also important to examine. For example, other buildings, structures or infrastructure nearby may be associated with this particular property.

This background information is best compiled through extensive historical research and site analysis. Neither is useful without the other. For example, the historical research might suggest that a house was built at a certain date. The architectural style, construction techniques and building materials may confirm or deny this as the date of construction.



*Cenotaph in Confederation Park, Peterborough
(Photo courtesy of City of Peterborough)*

Historical Research

Historical research is necessary for compiling the specific history and development of a property and to identify any association it has to the broader context of community heritage. This involves the use of land records, maps, photographs, publications, archival materials and other documentation.

Research should reveal dates of construction, original and later uses, significant people or events, technologies, philosophy, factors such as natural disasters or fires and other details about the property. This information is useful in the identification and evaluation of the cultural heritage value or interest of the property. It also provides clues for examining and interpreting the physical evidence.

For detailed guidance on how to undertake historical research and site analysis, refer to Section 5: Researching a Property.

Site Analysis

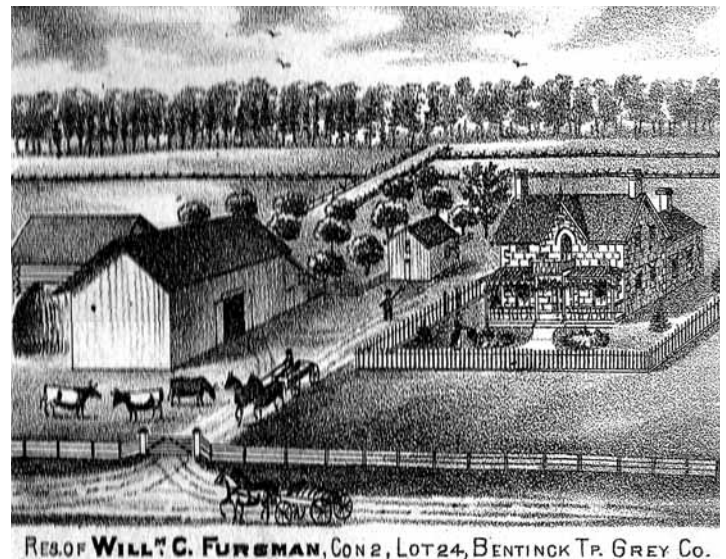
Ideally, a property being evaluated should be examined at least twice. A preliminary site visit will give some context and raise questions to be addressed by the historical research.

The historical research findings may reveal use of the property, key dates or associations not previously known. A second site visit is an opportunity to look for physical evidence of these findings. Explanations or inconsistencies may be revealed in the existing features, missing elements or some hint or remnant that can now be examined in more detail. These are tests of observation and interpretation.

Recording the property using photographs, measurements and notes will help when applying evaluation criteria and compiling a list of heritage attributes. The evolution of architectural style, construction techniques, materials, technology, associated landscapes and other factors are essential clues when analyzing a cultural heritage property.

Evaluation and Report

The findings of the historical research and site analysis constitute the background information that will be used in deciding the appropriate course of action for conserving a cultural heritage property. The findings are best assembled in a written report that is thorough and accurate. The report is a permanent record of the property and should be readily available to council, municipal staff, municipal heritage committees, property owners, heritage consultants and the public.



Fursman Farm, Grey County (Photo: Illustrated Atlas of the Dominion of Canada, 1881)



4

MUNICIPAL CRITERIA

Ontario Regulation 9/06

Non-designated properties listed on the municipal register of cultural heritage properties and newly identified properties may be candidates for heritage conservation and protection. Section 29 of the Ontario Heritage Act enables municipalities to pass bylaws for the protection (designation) of individual real properties that have cultural heritage value or interest to the municipality. Heritage designation is a protection mechanism with long-term implications for the alteration and demolition of a cultural heritage property.

Individual properties being considered for protection under section 29 must undergo a more rigorous evaluation than is required for listing. The evaluation criteria set out in Regulation 9/06 essentially form a test against which properties must be assessed. The better the characteristics of the property when the criteria are applied to it, the greater the property's cultural heritage value or interest, and the stronger the argument for its long-term protection.

To ensure a thorough, objective and consistent evaluation across the province, and to assist municipalities with the process, the Ontario Heritage Act provides that:

29(1) The council of a municipality may, by bylaw, designate a property within the municipality to be of cultural heritage value or interest if,

(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; . . .

Regulation 9/06 prescribes the criteria for determining property of cultural heritage value or interest in a municipality. The regulation requires that, to be designated, a property must meet "one or more" of the criteria grouped into the categories of Design/Physical Value, Historical/Associative Value and Contextual Value.

This does not mean that the property is only evaluated within “one” category or must meet a criterion in each category in order to allow for protection. When more categories are applied, more is learned about the property and its relative cultural heritage value or interest. As a result, a more valid decision regarding heritage conservation measures can be made. Council must be satisfied that the property meets at least one of the criteria set out in Regulation 9/06 before it can be designated under section 29.

Regulation 9/06 was developed for the purposes of identifying and evaluating the cultural heritage value or interest of a property proposed for protection under section 29.



The Rideau Canal Corridor is a unique cultural heritage landscape. (Photo Copyright 2006 Ontario Tourism)



Limestone townhouses, Kingston (Photo courtesy of Marcus Létourneau, City of Kingston)

ONTARIO REGULATION 9/06

MADE UNDER THE

ONTARIO HERITAGE ACT

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

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.



Woodstock Museum, Woodstock (Photo Copyright 2006 Ontario Tourism)

Through the evaluation process of Regulation 9/06, it should be possible to:

- Recognize a property that warrants long-term protection under section 29, and give reasons;
- Recognize a property for which levels of heritage conservation, other than section 29, are more appropriate;
- Determine that a property has no cultural heritage value or interest to the jurisdiction;

- Formulate the statement explaining the cultural heritage value or interest of the property, as required in a section 29 designation bylaw; and,
- Identify clearly the physical features or heritage attributes that contribute to, or support, the cultural heritage value or interest, as required in a section 29 designation bylaw.

A successful municipal cultural heritage conservation program starts with meeting the standards of Regulation 9/06. Many municipalities have methods for evaluating the cultural heritage value or interest of a property being considered for protection. Existing or new evaluation models must apply the criteria specified in Regulation 9/06. Existing evaluation models may have to be revised to take into account the mandatory criteria set out in the regulation.

It is advisable that an approach or model to apply the criteria be adopted as a standard municipal procedure or policy. The adoption of a policy or standard practice enables council, municipal heritage committees, municipal staff including planning and building officials, land use planners, heritage organizations, property owners and the public to apply the criteria in a consistent and defensible manner.

Who does the Evaluating?

Under the Ontario Heritage Act, a municipal heritage committee can be appointed to advise council on matters relating to the Act and other heritage conservation matters. This can include compiling the register of cultural heritage properties and using criteria for evaluating the cultural heritage value or interest of a property. By using a committee, the objectivity of the evaluation is maintained.

For municipalities without a municipal heritage committee, others such as heritage planning staff, municipal staff, community or heritage organizations, a heritage expert, or an individual who understands the purpose of evaluating the cultural heritage value or interest of a property, could undertake the evaluation. Knowledge of the heritage of the community and expertise in cultural heritage properties are recommended.

The municipal evaluation criteria should be such that, whoever undertakes the evaluation, there is a reasonable expectation that the process will lead to valid decisions about the heritage conservation of the property.

Ultimately, a municipal designation bylaw and its statement of cultural heritage value or interest is subject to appeal and must be defensible at the Conservation Review Board. Council has the final decision on whether to proceed with protection under the Ontario Heritage Act. When council refuses to issue a demolition permit for a designated property, the matter can be appealed to the Ontario Municipal Board, which makes the final decision.

ONE STRUCTURE – MANY VALUES AND INTERESTS

Knowing the characteristics and evolution of local construction techniques and materials will help when evaluating cultural heritage properties. For example, depending on the community, a stone structure could hold different cultural heritage values or interests:

- It represents the earliest type of building form, and stone construction is no longer typical; or
- It represents the typical building form and/or has a particular quality in design or physical value, historical or associative value and/or contextual value; or
- The use of stone is unique and its use is possibly a reflection on the owner or builder who went to extraordinary means to acquire the materials; or
- Other reasons depending on the cultural heritage of the community.



*White Otter Castle, Atikokan
(Photo courtesy of Dennis Smyk)*



The St. Cyril & Methodius Ukrainian Cathedral Church in the City of St. Catharines was designed by well-known architect Rev. Philip Ruh in the Byzantine style of Ukrainian churches in Western Canada. The interior is adorned with iconography by artist Igor Suhacev. (Photo: Ministry of Culture)

LISTING AND EVALUATION IN THE MUNICIPAL DESIGNATION PROCESS

1

REGISTER OF CULTURAL HERITAGE PROPERTIES

A property the municipal Council believes to be of cultural heritage value or interest is listed on the municipal register of cultural heritage properties.

2

RESEARCH AND ANALYSIS

When a property on the register becomes a candidate for protection under section 29 of the Ontario Heritage Act, research about the property's history and cultural associations, and a physical site analysis are undertaken.

- **Community Context**

Knowledge of the history, achievements and aspirations of the community gives perspective to what cultural heritage value or interest may be held by the property.

- **Historical Research**

Historical research involves consulting land records, maps, photographs, publications, archival materials and other documentation to learn the history and cultural associations of the property. A preliminary site visit can be useful in formulating research questions about the property.

- **Site Analysis**

A site analysis can involve photographs, measurements, observation and analysis of the physical characteristics of the property. The historical research findings compared with the physical evidence should ensure collaboration in the known information about the property.

3

EVALUATION

Within the context of the heritage of the community, the findings of the historical research and site analysis are used to evaluate the property for Design/Physical Value, Historical/Associative Value and Contextual Value in accordance with Ontario Regulation 9/06.

4

STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

Prepare a statement of cultural heritage value or interest and a description of the physical features or heritage attributes of the property that support that heritage value or interest.

5

CONSERVATION AND PROTECTION

Depending on the outcome of the evaluation, the property may warrant long-term protection under section 29 of the Ontario Heritage Act, or other heritage conservation and land-use planning measures.

Integrity

A cultural heritage property does not need to be in original condition. Few survive without alterations on the long journey between their date of origin and today. Integrity is a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property.

For example, a building that is identified as being important because it is the work of a local architect, but has been irreversibly altered without consideration for design, may not be worthy of long-term protection for its physical quality. The surviving features no longer represent the design; the integrity has been lost. If this same building had a prominent owner, or if a celebrated event took place there, it may hold cultural heritage value or interest for these reasons, but not for its association with the architect.



*Forster-Rawlinson Log House & Barns,
Richmond Hill
(Photo: Ministry of Culture)*

Cultural heritage value or interest may be intertwined with location or an association with another structure or environment. If these have been removed, the integrity of the property may be seriously diminished. Similarly, removal of historically significant materials, or extensive reworking of the original craftsmanship, would warrant an assessment of the integrity.

There can be value or interest found in the evolution of a cultural heritage property. Much can be learned about social, economic, technological and other trends over time. The challenge is being able to differentiate between alterations that are part of an historic evolution, and those that are expedient and offer no informational value.

An example would be a sawmill originally powered by a waterwheel. Many mills were converted to steam turbine technology, and later to diesel or electrical power. Being able to document or present the evolution in power generation, as evidenced in this mill, has cultural heritage value or interest.



Physical Condition

Physical condition is another difficult consideration. Some cultural heritage properties are found in a deteriorated state but may still maintain all or part of their cultural heritage value or interest. The ability of the structure to exist for the long term, and determining at what point repair and reconstruction erode the integrity of the heritage attributes, must be weighed against the cultural heritage value or interest held by the property.

The Case of St. Raphael's Roman Catholic Church

St. Raphael's Roman Catholic Church in South Glengarry County was built in 1818 under the supervision of Alexander Macdonell, the vicar general who was appointed in 1826 as the first Roman Catholic Bishop of Upper Canada. This large stone church served

a congregation of Scottish Highlanders who had settled in the easternmost county of Upper Canada in 1786. St. Raphael's is recognized as the founding church for the English-speaking Catholics of Ontario. A fire in 1970 destroyed the roof, 1830s-era tower and the interior decorations. Fortunately, the outer walls were spared and thus its plan, impressive scale and fine masonry work remain.

Despite its fire-damaged condition, the property was designated under the Ontario Heritage Act and in the 1990s was declared a National Historic Site. Its condition, although regretful, did not take away its cultural heritage value and interest. The ruins silhouetted against the rural landscape "powerfully engages the minds of all who see it, evoking those early days in the history of the Church and preserving the memory of those intrepid settlers."

(Source: Friends of St. Raphael's Ruins)



St. Raphael's Roman Catholic Church, Glengarry County (Photo: Ministry of Culture)



5

Researching a Property

Researching a cultural heritage property involves reviewing documentary sources, merging this primary information with the physical evidence, and making some conclusions about the history and evolution of the property. This background information is needed to evaluate the cultural heritage value or interest of the property to the community.

Community Context

The more that is known about the overall history and development of a community, the easier it will be to make sense of the property research puzzle. Secondary sources such as community, family, institutional and business histories can outline the community context and help answer some initial questions such as:

- When and why was the community established?
- Where is the property located relative to local development? Is it in the historic core or an area of later growth? Is it near an early waterway, road, crossroads or railway line?
- Do any people, events, places, commercial activities or other factors contribute to the cultural heritage of the community?
- Were there any floods, fires, tornadoes or other disasters that may have altered the property?
- When were the local mills, brickworks, iron foundries or other manufacturers of products relevant to the property established?
- When did the railway arrive to bring imported products?
- Are there any traditions associated with a former occupant, builder, event, design, type of engineering or use of the property?



*Originally part of a large complex of pulp, paper, iron and steel and power plant, the St. Marys Paper Inc./Abitibi-Price Building is one of the finest examples of Romanesque revival architecture in an industrial context in Ontario.
(Photo: Ministry of Culture)*

Historical Research

Land Records

Determining dates of construction and use of a cultural heritage property starts with tracing the legal ownership of the real property or land. In Ontario, it is the parcel of land that is bought and sold, not the individual improvements on it (except for condominiums). Few land records accurately record what buildings or features exist on the property over time.

Historically, once an area was surveyed by the “Crown” (province) into a grid of concessions and lots, ranges, or plans, it was opened for settlement. The survey created the legal description. This is not the same as the street address. This legal description, for example, Lot 12, Concession 6, Oro Township, or Lot 6, north side, Blake Street, Plan 6, is key to finding the relevant land records.

Pre-Patent Land Records

An application by an individual for a grant or purchase of Crown land was called a petition. It contained an explanation of why the petitioner might be entitled to receive a land grant (free or paying fees only); or is a request to buy or lease Crown land.

If the Crown approved the petition, the surveyor general assigned a lot and issued a Ticket of Location stating required settlement duties, such as clearing part of the lot and erecting a shanty. Government land agents might later inspect the lot to verify the satisfactory completion of these duties. (Township Papers Collection) Once all requirements were met, a first deed was issued.

The final step in transferring ownership from the Crown involved having the lot surveyed and paying a fee for the Crown patent. The patent was only mandatory when the lot was to be sold to a non-family member. Generations of one family could live on the lot before the patent was issued. This needs to be considered when studying early structures and compiling a complete history of the lot. The patent date is rarely the date of arrival of the owner or the date of construction of the first features on the property. Many of these events predate the patent.

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ONTARIO ARCHIVES LAND RECORD INDEX
ALPHABETICAL LISTING BY NAME OF LOCATEE

NAME OF LOCATEE	TOWNSHIP / TOWN / CITY	LOT	CONC.	DATE ID	ISSUE DATE	TRANS. TYPE	TYPE OF LEASE / FG, SALE	ARCHIVAL REFERENCE RG SERIES VOL PG
DRINKWATER JAMES RESIDENCE	CHINGUACOUSY	E 1/2 20	4WHST	8	18241124 18241208	FG	FF DEED NO.	01 C13 054 105
DRINKWATER JRS RESIDENCE	COCHRANE	S1/2 6	3	1	19080620 19080727	FG	V DEED NO.	01 CV118 003 043
DRINKWATER JNO SR RESIDENCE	ORILLIA NO		2	1	18320804 NO	FG	DEED NO.	01 C14 023 011
DRINKWATER JNO SR RESIDENCE	ORILLIA NO	W1/2 1	3	1	18320804 NO	FG	DEED NO.	01 C14 023 011
DRINKWATER JOHN RESIDENCE	ORILLIA ORILLIA	W1/2 1	3ND	5	18350522 NO	S	CR DEED NO.	01 C1114 010 016
DRINKWATER JOHN H S RESIDENCE	ORILLIA ORILLIA	1	2ND	8	18400527 NO	S	CR DEED NO.	01 C1114 010 069
DRINKWATER THOS H RESIDENCE	TISDALE ORILLIA	W1/2 1	5	1	19040722 19080603	FG	V DEED NO.	01 CV118 007 022

Ontario Archives

The Ontario Archives Land Record Index is organized alphabetically by surname of the locatee (person issued the lot) and by township/town/city. Each entry is coded and notes the archival reference to the original record ("RG Series, Vol., Pg"). The extract provided above is by locatee: The first entry in the above sample indicates that James Drinkwater was a resident of Chinguacousy township when he received the east half of Lot 20, Concession 4, West Hurontario Street ("E1/2 20 4WHST") by an Order-in-Council (Date ID "8") issued November 24, 1824. This was a free grant (Transaction type "FG") for which he paid full fees (Type FG. "FF"). He was "located" (Date ID "1" issued a Ticket of Location) on December 8, 1824.

It is also possible that the person issued the patent is not the original occupant of the lot. The patentee may have been a non-resident owner who leased the lot to a tenant. The first occupant may have abandoned the lot before receiving the patent and the lot was re-issued by the Crown. The first occupant may have negotiated the “sale” of the lot on the condition that the next “owner” could apply for the patent using the occupant’s name. (This was a common, but illegal, practice.)

When disputes arose over who was entitled to apply for the patent, the matter was referred to the Heir and Devisee Commission. The heir or family descendant, devisee (recipient through a will), or person “sold” the lot by the first occupant, could present evidence of their patent claim to this court of review.

The early system of granting Crown land in Ontario involved several steps and was frequently adjusted. Before making any conclusions about the early history of a property, several records should be checked. Hopefully, the findings will collaborate and give some insight into the origin of the earliest physical evidence on the property.

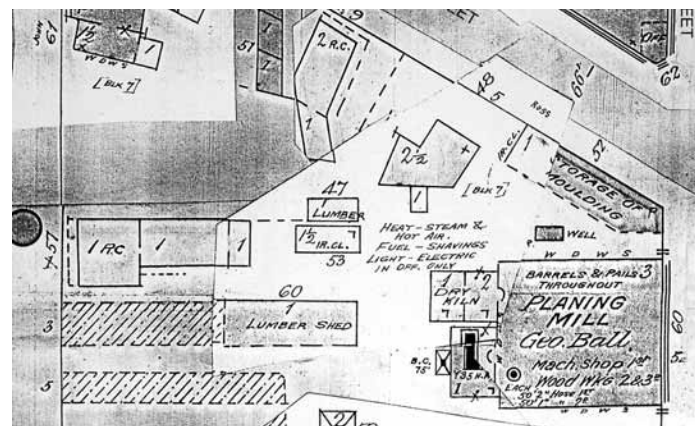
Several collections relating to pre-patent transactions are indexed as the Ontario Archives Land Record Index (1780s to about 1918). The Upper Canada Land Petitions, Heir and Devisee Commission records (1804-1895), and Township Papers are available at the Ontario Archives in Toronto and the National Archives of Canada in Ottawa. Some public libraries, regional archives, and genealogical resource centres may have copies.

Land Registry Offices

It is only when the patent is issued that a file for the lot is opened at the county or district Land Registry Office. There were two systems of filing all subsequent legal documents relating to the lot: the land registry system and the land titles system.

In the land registry system, this lot file is known as the conveyances abstract or Abstract of Title. It starts with the patent and assigns a number to each legally registered transaction (called instruments) for the lot, listing them in chronological order to today. These include mortgages, deeds (sometimes called Bargain and Sales, B&S), grants, leases, discharges, deposits, liens, bylaws, wills, court orders, surveys, site plans and other documents regarding the property. The Abstract is the index to these registered instruments.

The land titles system was primarily used in northern Ontario. The legal ownership of the lot is certified and entered into land titles. When the lot is sold again, it is not necessary to verify any transactions earlier than the date it was entered into land titles. Lots in the land registry system have been slowly converted to land titles. A system based on land titles is now used at all Land Registry Offices. Each parcel of land is assigned a



Fire insurance plans are a useful source of information
(Photo: Insurers' Advisory Organization Inc.)

Property Identification Number (PIN).

The PIN number is used to access the recent (40-year average) history of a parcel of land.

For historical research, it is usually necessary to go beyond the 40-year history.

The current legal description (or PIN) of the parcel of land being researched is the key to accessing the Abstract and instruments that relate to the parcel and eventually to the larger lot of which the parcel may only be a part. The history or "root" of the parcel is traced from today, back through all the subdivisions, to the original size of the whole lot at the date of the patent. It is critical to trace only the chronology of the specific parcel of interest by tracking the survey boundaries or assigned description of that parcel. It may be necessary to look at a second or third Abstract, as the parcel is reconstituted to its original lot and concession or plan description.

Reading the Abstract and the instruments can reveal information about a property. Clues such as the occupation of the owner, for example an innkeeper or miller, may identify the use of the property. When a parcel too small for farming is severed from a larger lot, it may mean the construction of possibly a second dwelling, inn, church, school or cemetery. When industries are sold, the physical assets may be described. Right of way agreements suggest the need to access a new or existing structure, water source, road or railway line. Family relationships, court settlements, mechanic's liens describing unpaid work done and other clues contained in the instruments establish a framework of names, dates and uses that are relevant to the property and needed to search other documentary sources.

Ontario,
REGISTRY OFFICE,
BARRIE,
County of Simcoe.

Abstract does not purport to give entries from the general register.

3 Certify, that the following are correct Extracts from the
Lot Number *Twenty three in the Town*

REGISTERED No. OF THE INSTRUMENT.	THE NATURE OF THE INSTRUMENT.	THE DATE.	THE DATE OF REGISTRY.	NAME, RESIDENCE AND ADDITION OF GRANTOR, LESSOR DEVISOR, OR PLAINTIFF, MENTIONED IN SAID INSTRUMENT.	NAME, RESIDENCE DEVISOR
	<i>Patent</i>	<i>15 Oct 1835</i>		<i>Mc Crann</i>	<i>Septu</i>
<i>2622</i>	<i>BrS</i>	<i>15 Nov 1836</i>	<i>10 Aug 1838</i>	<i>Septu's Heir? & son</i>	<i>John J</i>
<i>2623</i>	<i>BrS</i>	<i>8 Aug 1838</i>	<i>10 Aug 1838</i>	<i>John Jant elux</i>	<i>Thomas</i>
<i>P 13819</i>	<i>BrS</i>	<i>23 Aug 1844</i>	<i>27 Nov 1854</i>	<i>Thomas Chris elux</i>	<i>Thomas</i>
<i>P 58616</i>	<i>BrS</i>	<i>6 Oct 1870</i>	<i>8 Oct 1870</i>	<i>Charles J Chapman elux</i>	<i>William</i>
<i>P 58617</i>	<i>BrS</i>	<i>6 Oct 1870</i>	<i>8 Oct 1870</i>	<i>William Thompson elux</i>	<i>James</i>

Land Registry Offices are open to the public. Abstracts and instruments before 1958 are also available on microfilm at the Ontario Archives.

Property Tax Assessment Rolls

Property tax assessment rolls have been compiled annually since the early 19th century. The rolls that survive are usually found in municipal offices, regional archives, museums and in provincial and national archives. Each identifies the name of the occupant (tenant or owner), the legal description, some personal and statistical information and a breakdown of real and personal property assessed values. Real property includes the land, buildings and fixed assets. Personal property includes taxable income and movable assets such as carriages and livestock. An increase in the

assessed value is a good indicator of some improvement on the property being completed, such as building construction. A few municipalities have dates of construction recorded on the tax roll.

The tax rolls should be reviewed for each year but particularly for the years that correspond to significant names or dates learned at the Land Registry Office. The information in each tax roll needs to be compared within the single year and from one year to the next. There are several possible comparisons:

- Compare the real property value with nearby properties of equal size, as examples:
Your lot is assessed at \$50 and most lots in the vicinity are assessed at \$200 each, it may be that your lot is vacant; or,

ABSTRACT OF TITLE.

HART & RIDDELL, Stationers, 27 Wellington St. West, Toronto.

only Instruments Recorded at this Office upon The East Bay of Toronto
Concession of the Twp of Toronto in the County of Simcoe and Province of Ontario.

NAME AND ADDITION OF GRANTEE, LESSEE, OR DEFENDANT, MENTIONED IN THE INSTRUMENT.	CONSIDERATION OR MORTGAGE MONEY.	THE PART OF SAID LOT MENTIONED IN THE INSTRUMENT... AND REMARKS.
James Mackey		Lot 29 Containing Toronto = 200 acres
of the County of Simcoe	\$826	Lot 29 Containing Toronto = 200 acres
Christie	\$100.	Lot 29 Containing Toronto = 200 acres,
of the County of Simcoe	\$150.	Lot 29 Containing Toronto = 200 acres,
Chapman	\$3800.	all of lot 150 acres, "called Broken Lot,"
of the County of Simcoe	\$3800.	all of lot 150 acres "called Broken Lot"
Thompson		
of the County of Simcoe		
Chapman wife of		

Simcoe County Land Registry Office

Your lot is assessed at \$200 and comparable lots are valued at \$400, you may have a frame house while the others are brick and therefore of a higher assessed value; or,

Your lot may be assessed at \$3,000, in which case it may be a substantial estate or it has other assets such as a commercial or industrial operation.

This answer may be obvious from the occupation of the resident (and other research findings).

- Note the changes in the assessed value of the real property from one year to the next.
For example, in 1875 and 1876 the value is \$50, but in 1877, it rises to \$400. A building may have been completed enough by 1877 to account for the higher assessed value. This may coincide with a change in ownership or mortgaging registered at the Land Registry Office.

There are some factors to consider when using tax assessment rolls. Few assessors made annual inspections of each lot so any change in value may be one to several years behind the actual date of the improvement. A slight increase in the assessed value may be indicative of a major renovation to an existing structure, not new construction.

Fluctuation in value can be the result of a widespread economic situation, such as a recession that devalues the real estate market. There is also the possibility that the structure burned, was not reassessed during reconstruction and returned at the same assessed value as before the fire. Investigating other research sources should explain these apparent puzzles and inconsistencies.

Other Research Sources:

- Personal and agricultural census records exist for most jurisdictions each decade from 1842 to 1911. Some identify individuals and family groups, location, dwelling, industries, production rates, and other information.
- Directories are published lists of individuals and businesses organized by location. Some were compiled by commercial publishers using tax assessment rolls or land records. Others list only subscribers, with the result that the lists are incomplete.
- Photographs are a valuable source. Many institutional collections are filed by location, name or type of structure.
- Illustrated atlases may plot buildings on a map and have artistic depictions of structures and landscapes. Historic maps can also be useful.
- Newspapers contain an assortment of information and some are indexed.
- Insurance plans of urban areas are measured outlines of structures coded for type of construction, building materials, use and fire risk.
- Business records, private manuscript materials (for example, diaries, letters, scrapbooks) and municipal records may provide relevant information.
- Other materials held by the National Archives of Canada, Ontario Archives, local archives and libraries, museums, and historical, architectural and genealogical research societies and groups.



Bird's Eye View drawings depict the locations of buildings in a community. Orillia 1875 (Photo: Beautiful Old Orillia, Orillia Museum of Art and History)

Site Analysis and Physical Evidence

Through historical research, a profile of the ownership, use, history, development and associations of a property should begin to emerge. For some properties, it is the association with certain people, events or aspects of the community that have value or interest, not the physical appearance. For other properties, there is a need to examine, interpret, and evaluate the physical evidence. When trying to identify and interpret any physical evidence presented by the property, knowledge of the following topics is useful:

- architectural styles
- construction technology
- building materials and hardware
- building types including residential, commercial, institutional, agricultural and industrial
- interiors

- infrastructure such as bridges, canals, roads, fences, culverts, municipal and other engineering works
- landscaping and gardens
- cemeteries and monuments
- spiritual places that have a physical form

Having a sense of what to look for will help develop observation skills and answer some important questions such as:

- What is the architectural style? When was it popular in your community? Are there additions or upgrades that can be dated based on style?
- What elements or features are typical of the architectural style or building type?
- What level or type of technology seems to be original? For example, are there remnants of earlier methods of accomplishing some mechanical task?
- What building materials are used in the basic construction and any additions? Is it log, frame, concrete, steel, glass or some unique material?

- What are the decorative features such as coloured and patterned brick, terracotta tiles, ornamental stone, wood trim, brackets or carvings? Do they appear to be handmade and unique, or commercially made and common in the community? (Some of these innovations and trends can be dated.)
- Are similar examples of the style, form, type, decoration or engineering works found elsewhere in the community?
- What is the original shape of the window opening and type of sash?

Benchmark Dates

There are benchmark dates for the popularity of an architectural style, new developments in construction techniques, building materials, philosophies toward a particular practice and other innovations. This is true overall for Ontario but also applies to when each community was willing and able to incorporate these developments and innovations locally. It is this variation in local experience that is the overriding factor in identifying which properties have cultural heritage value or interest to each community.



Fireplace Mantel, 1904 (Photo: Universal Design Book)

Building Materials

The closer the initial development of a property is to the date of the founding of a community, the more likely the building materials were locally available. The most common early structures used logs cut from the lot, notched together and raised to the height that could be reached by non-mechanical means. Timber framing, where the logs were squared with an axe or pit sawn, was the next level of sophistication. It required someone capable of joining the structural frame together using, for example, mortise and tenon construction. Communities with an abundance of natural building stone could have early stone structures.

The early 19th century development of steam power reliable enough to drive sawmill machinery resulted in the production of standard dimension lumber. The use of logs and timbers for construction could be replaced with lumber. The availability of lumber and the development of cut or “square” nails that were less expensive than blacksmith made nails signalled an end to the complex joinery of mortise and tenon construction. Dimensioned lumber could be quickly nailed together to create a building frame.

The 19th century also witnessed the decline in hand craftsmanship and the rise in manufactured products produced locally or stocked by local suppliers. Examples are the planing mills producing mouldings and trim; lath mills that meant the narrow strips of wood needed for plastered walls no longer needed to be hand split; window sash and door factories; and foundries casting iron support columns, decorative ironworks and hardware. Knowing the dates these mills or manufacturers were established or their products available locally can help to date a structure.



Advertisement, 1899 (Photo: Canadian Architect and Builder)

Brick making is an old technology but brick construction was not universal in early Ontario. Enough bricks needed for the fireplace hearth and chimney or a brick structure could be made in a temporary kiln on the site. Communities on waterways may have acquired the bricks used by ships as ballast weight and removed to reload the hull with cargo. Once a machine to commercially produce bricks was patented, and the expansion of the railway network allowed their transport, more communities had the option of brick construction. Opening local brickworks would, over time, change the look of a community. Locally available clay and sand may have produced a regional brick colour and texture. A local mason may have favoured a combination of brick colours and laid them in a particular bond and decorative pattern.

The 20th century brought innovations such as structural steel, reinforced concrete, elevators, plastics, composite materials and artificial stone.

These resulted in increased height, scale, interior spaciousness and embellishment to structures. Structural steel and reinforced concrete also allowed load bearing to be allocated to selected points. Now window openings could be large, delicate and thinly separated as they were no longer integral to the structural strength of the wall. A new approach to design developed in the architectural community.

Glassmaking made advances from hand blown with obvious imperfections, to glass rolled in sheets. The size of the glass for window panes increased, while the number of panes used in each window sash, decreased. A window with two sashes of 12 panes each (12 x 12), became a 6 x 6, then a 2 x 2, 1 x 1, until large sheets of glass were capable of becoming a wall structure. The exception to this chronology are the 20th century Period Revival styles that used multipaned sash to introduce a sense of antiquity.



This would be described as a 12 over 12 window sash (Photo: Su Murdoch)

Some architectural styles favoured certain shapes of window openings such as flat, pointed or round-headed. Gothic Revival re-introduced the use of stained glass.

As urban areas became densely populated, etched and art glass was used to let in light and maintain privacy. Glass was used as door panels, transoms over doors and dividers in an attempt to lighten otherwise dimly lit interiors.

Architectural Style

In Ontario, the founding architectural styles of the 18th and early 19th century are Georgian, Neoclassical and Regency.

The Gothic Revival style and its increasing level of complexity and decoration dominated the 19th century, but there were other popular styles during this period. The 20th century saw the rise of Period Revivals and “modern” styles with simple lines and often innovative designs made possible by the new materials available.

Many publications about architectural styles are available as reference. These will also identify which design features or elements are typical of each style.

For example, the balanced façade, returned eaves and classical doorcase with its sidelights and a transom, are elements typical of Georgian styling.

Pointed window openings and roof gables, steep roofs and fanciful trim are featured on Gothic Revival buildings.

Although many structures are a mix of styles, most have a dominant style impression. Recognizing that dominant style is a clue to its date.



*Georgian Style,
McGregor-Cowan House,
Windsor (Photo courtesy
of Nancy Morand,
City of Windsor)*



Gothic Revival Style, Burton House, Allandale (Photo: Simcoe County Archives)

Interiors

Interiors also changed with technological developments. For example, in some communities the fireplace as the only source of heat, cooking and evening light may have dominated the interior of a settlement period dwelling. Open hearths were a fire hazard and as soon as possible the kitchen was segregated to an outbuilding, basement, rear or side wing. Smaller heating fireplaces and heating stoves were installed in the main house and eventually replaced with central heating. As cooking stoves became safer and affordable, more kitchens became part of the main floor plan. (Just as many bathrooms came indoors with the invention of flush toilets and availability of pressurized water.)

Physical evidence of this evolution may be found, for example, in the discovery of the hearth behind a wall, or stovepipe holes that were later cut through a wall as they were not part of the original framing.

Another example of technological evolution is in lighting. By the mid 19th century, candle and oil lamps were being replaced with kerosene lamps. Gaslight was soon available but its sulphurous fume killed plants, tarnished metal, and discoloured paint. Most kept it outside until the 1886 invention of a safer gas mantle. It brought brilliant light into rooms after dark and changed the way interiors were designed. If a local gasworks was established, gaslight became possible and buildings were equipped with the necessary pipes and fixtures. The early 20th century witnessed the development of local hydroelectric plants, changing the standard in many communities to electric lighting.

Each change in lighting may have left some physical evidence such as ceiling hooks for oil and kerosene lamps, gas pipes and early knob and tube electrical wiring.



Dining room, Kingsmith House, Toronto (Photo: Ontario Association Architects, 1933)

Context and Environment

A cultural heritage property may have a single feature, or it may be in some context or environment that has associative value or interest. These could be, for example, a unique landscape feature, garden, pathways or outbuildings. An industrial site may have evidence of the flow of the production process. The neighbourhood may have workers' cottages. A former tollbooth or dock may be near a bridge. There may be ruins on the property that represent an earlier or associated use. These elements are also important to examine for clues to the property. There is often evidence of these "lost" landscape features or remnants such as fences, hedgerows, gardens, specimen and commemorative trees, unusual plantings, gazebos, ponds, water features or walkways. These may have made a significant difference to how the main building related to the street or another structure on the property.

Consideration should always be given to adjacent properties. This is especially important in an urban or traditional town setting where properties abut. The front, side and rear yard setbacks may have been prescribed by early zoning regulations within a planned community, or perhaps evolved over time without any plan.

The views to and from a property can also be significant. Views can be considered from an historic perspective, how did views develop or was there a conscious effort to create and/or protect views), and the relevance of views to and from the site today.

Evaluation

A cultural heritage property does not have to be a pure form or best example of a style, or incorporate the latest available in technological innovation, materials or philosophy.

Its cultural heritage value or interest is in what was created given the resources of the community at a particular time in its history. Ultimately, the questions to be answered are those posed in the criteria for determining property of cultural heritage value or interest as outlined in this guide.

RESEARCHING A PROPERTY

Community Context

- Learn about community history and activities that may hold cultural heritage value or interest

Visit the property

Historical Research

- Search pre-patent land records for early properties
- Search Land Registry Office property Abstracts and registered documents
- Review property tax assessment rolls
- Review sources such as census records, directories, photographs, maps, newspapers, insurance plans, business records and family materials

Site Analysis and Physical Evidence

- Develop knowledge of construction, materials, architectural style and other related topics
- Analyse and record the physical characteristics of the property

Evaluation and Report

- Merge the historical research information with the physical evidence
- Make conclusions and deductions based on the supporting documentation
- Identify any cultural heritage value or interest of the property
- Describe the heritage attributes that support that value or interest



RESOURCES AND Further Information

Strengthened in 2005, the Ontario Heritage Act was passed in 1975 and has resulted in the protection of several thousand properties in Ontario. Many of these designated properties are identified in the Ontario Heritage Properties Database available online through the Ministry of Culture website (www.culture.gov.on.ca). The Ontario Heritage Trust, as an agency of the Ministry of Culture, maintains a register of all designated and easement properties in Ontario as well as properties of cultural heritage value or interest.

The Canadian Register of Historic Places, an on-line, searchable database showcasing historic properties Canada-wide, is being developed under the Historic Places Initiative, a federal-provincial-territorial partnership. It can be viewed at www.historicplaces.ca

Several publications providing guidance on conserving Ontario's cultural heritage properties are available from the Ministry of Culture and Publications Ontario.

For more information on the Ontario Heritage Act and conserving your community heritage, contact the Ministry of Culture or the Ontario Heritage Trust at:

Ministry of Culture

900 Bay Street
4th Floor, Mowat Block
Toronto, ON M7A 1C2
Tel: 416-212-0644
1-866-454-0049
TTY: 416-325-5170
www.culture.gov.on.ca

Ontario Heritage Trust

10 Adelaide Street East
Toronto, ON M5C 1J3
Tel: (416) 325-5000
www.heritagetrust.on.ca

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The Government of Ontario gratefully acknowledges the Government of Canada's contribution to this publication.

**Ontario Heritage Act****ONTARIO REGULATION 9/06****CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST**

Consolidation Period: From January 25, 2006 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(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. O. Reg. 9/06, s. 1 (2).

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. O. Reg. 9/06, s. 2.