



Municipality of Port Hope Staff Report

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Report Title: Formal Adoption of Heritage Register

Report to: Planning & Development Committee

Date of meeting: August 2, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-27-22

Recommendation:

That a resolution be presented to Council to formally adopt the Municipality of Port Hope Heritage Register.

Highlights:

- Under Section 27 of the Ontario Heritage Act, every municipality in Ontario is required to maintain a Register of Properties of Cultural Heritage Value or Interest.
- The Municipality of Port Hope currently maintains a list of addresses of all properties in the Municipality that are designated under Section 29, Part IV and Section 29, Part V of the Ontario Heritage Act.
- The list has been updated as per the new information requirements of the Ontario Heritage Act.
- The updated list must be formally adopted by the Council as a Municipal Heritage Register.

Background:

The Ontario Heritage Act provides two general options for municipalities to recognize their community's cultural heritage assets—designation and listing properties of cultural heritage value or interest. Under Section 27 of the Ontario Heritage Act, every municipality in Ontario is required to maintain a Register of Property of Cultural Heritage Value or Interest (also known as a Municipal Heritage Register) through the Clerk. The Municipal Act allows for the Clerk to delegate the authority to maintain the Municipal Heritage Register. A Municipal Heritage Register must be formally adopted by Municipal Council.

The Municipality of Port Hope currently maintains a list of addresses of all properties in the Municipality that are designated under Section 29, Part IV and Section 29, Part V of the Ontario Heritage Act which also references the associated designation by-laws, and

this list met the requirements for a Municipal Heritage Register in accordance with the Ontario Heritage Act. However, staff could not find evidence that this register has been formally adopted by the Council in the past, which has informed this report.

Municipal Heritage Register Current Status

The Municipality of Port Hope's Heritage Register only includes designated properties under Section 29, Part IV and Section 41, Part V of the *Ontario Heritage Act*. The Municipality maintains a list of Designated Properties that serves as a Municipal Heritage Register. Staff could not find evidence if this document has been formally adopted as the Municipal Heritage Register by Council. Properties designated under the *Ontario Heritage Act* are still designated whether or not Council has formally adopted the Municipal Heritage Register.

The current list of designated properties includes:

- the civic address of designated properties;
- the legal description of the properties;
- the building name—if relevant;
- the designating by-law number;
- the date a designating by-law was passed;
- a registration number;
- a municipal file number; and,
- if the property has been designated under Part IV and/or Part V of the *Ontario Heritage Act*.
- Statement of Cultural Heritage Interest and Value;
- Property Owner's name and address

The Municipal Heritage Register is not available on the Municipality's website, meaning members of the public cannot easily access the full list or search for all designated properties. Furthermore, the Municipal Heritage Register does not include any undesignated ('Listed') properties as allowed under Section 27 (3) of the Ontario Heritage Act.

Discussion:

Ontario Heritage Act, Requirements for Designated Properties on a Municipal Heritage Register

Under Section 27 of the Ontario Heritage Act, there is a requirement that municipalities maintain a formal register of properties designated under the Ontario Heritage Act. A municipality may also include property that has not been designated under the Act but that Council of believes to be of cultural heritage value or interest. A formally adopted register has more weight under the Ontario Heritage Act than an inventory and

increasingly is being used as one of the tests before the Ontario Land Tribunal (and its predecessors, LPAT, CRB, OMB) and Divisional Court to determine if a municipality has expressed an interest in the heritage of a property.

The recent changes to the Ontario Heritage Act from Bill 108 include new requirements under Section 27(2) on content of the Municipal Heritage Register. The register shall include the following for each property that has been designated under Section 29, Part IV the Ontario Heritage Act:

- (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.

It is important to note that the content requirements under Section 27(2c) may be a Statement of Cultural Heritage Value or Interest (SCHVI) as written for the heritage designation Notice of Intention to Designate or By-law, but it could be interpreted as a simpler statement that explains the heritage value and lists the heritage attributes.

The register did not contain all the information required as per new regulation under the Ontario Heritage Act. However, if the Municipality needs to adopt a Municipal Heritage Register the new register must include this information. Therefore, considering the new requirements, staff has updated the register with the information mentioned above for all the properties listed in the register.

Municipal Policy Relevant to the Municipal Heritage Register

Municipality of Port Hope Official Plan (2017)

The Municipality of Port Hope Official Plan contains a number of policies related to properties on the Municipal Heritage Register and properties adjacent to them, as well as the protection of areas of archaeological potential. Indicating importance of Cultural Heritage Resources within the Municipality, Policy C11.23 (Manage Cultural Heritage Resources) of the Official Plan states that:

“Council shall ensure that Cultural Heritage Resources are identified, protected and managed in a manner that maintains their cultural heritage value and interest and benefit to the community. In order to achieve this goal, Council will:

- d) Encourage and foster public awareness, participation and involvement in the conservation of Cultural Heritage Resources;

e) Support and maintain the existing Cultural Heritage Resource information base, resulting in comprehensive Heritage site inventories and master plans;

Policy C11.2.3. (Use of the Ontario Heritage Act) of the Official Plan states that: “Council may utilize the Ontario Heritage Act to conserve, protect and enhance property of cultural value or interest in the Municipality through designation by by-law of individual properties under Part IV and designation of a group of properties by by-law as a heritage conservation district under Part V.”

Policy C11.2.3 (Municipal Heritage Committee) of the Official Plan states that: The Clerk shall maintain a registry of all properties designated under Part IV and V of the Ontario Heritage Act.

The completion of the heritage register and listing process addresses the priority, “Intentional Growth Planning” contained within the Municipality of Port Hope Strategic Plan 2019-2022.

Financial Considerations:

There are no financial implications to the Municipality directly related to this report.

Communication and Public Engagement:

Under Section 27 (5), Part IV of the *Ontario Heritage Act*, if a property that has not been designated under this Part has been included in the register under subsection (3), Council shall, within 30 days after including the property in the Register, provide the owner of the property with notice that the property has been included in the register.

The owner of a property who objects to a property being included in the register under subsection (3) shall serve on the clerk of the municipality a notice of objection setting out the reasons for the objection and all relevant facts.

Conclusion:

The spreadsheet “Municipality of Port Hope Heritage Register” updated in 2022 meets the new information requirements of the Ontario Heritage Act and Heritage Port Hope recommends that Council move forward to formally adopt the Municipal Heritage Register.

Attachments:

Attachment 1 – Municipality of Port Hope Heritage Register 2022