

# **Cultural Heritage Training Manual**

## **Niagara-on-the-Lake**



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## PURPOSE AND INTRODUCTION

DSHC was asked to create an updatable manual for use by staff, council, and the Municipal Heritage Committee to better understand and help manage cultural heritage resources within the Town of Niagara-on-the-Lake.

Building on the training presentations to Council and the Municipal Heritage Committee in March 2023, this manual explores the concept of heritage conservation, the surrounding policy framework, the tools available to municipalities, the appeals process and the role of municipal heritage committees and other topics of relevance to the Town of Niagara-on-the-Lake. The included hyperlinks and reference list are intended to serve as additional resources that can be consulted for more specific information about a given topic. This document is a broad overview of heritage conservation and its policies and legislative context and should be read alongside the referenced resources. It is intended as guidance material. In acting on the information provided in the manual, the Town should consult with heritage professionals and legal counsel as appropriate.



Figure 1: View of Niagara vineyards<sup>1</sup>

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<sup>1</sup> Niagara Vintage Wine Tours, “What is Happening in Niagara Vineyards During the Spring?,” <https://www.niagaravintagewinetours.com/what-is-happening-in-niagara-vineyards-during-the-spring/>.



# PART 1: HERITAGE AND CONSERVATION

## 1. Heritage

Heritage tends to be associated with built features such as buildings, gardens, and sometimes archaeology; however, it is more than just these elements. Heritage is inextricably linked with the natural environment requiring a holistic approach that recognizes the inseparability between natural and cultural heritage. Cultural heritage landscapes demonstrate this interrelationship through the inclusion of both the built environment as well as the topography and vegetation of an area.



Figure 2: Queenston Quarry<sup>2</sup>

## 2. Cultural Heritage

Organizations such as UNESCO and the Ontario Ministry of Citizenship and Multiculturalism (MCM) have sought to define heritage. UNESCO defines cultural heritage as “the entire spirit of a people in terms of its values, actions, works, institutions, monuments, and sites.” The Ministry goes even further by defining cultural heritage as “everything from the past that a community values in the present and wishes to pass on to the future.”

It is important to recognize that cultural heritage is not exclusive to positive aspects. Communities often choose to recognize the heritage of sites that might be associated with dark

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<sup>2</sup> Scott Rosts, “Queenston Quarry Revitalization Project Quietly Forging On,” *Niagarathisweek.com*, <https://www.niagarathisweek.com/news-story/7188687-queenston-quarry-revitalization-project-quietly-forging-on/>.

or difficult historical events or practices. Such sites are sometimes known as Sites of Conscience. One example of this is the Mohawk Institute in Brantford, once a residential school.



Figure 3: Mohawk Institute in Brantford, Ontario<sup>3</sup>

Cultural heritage is both tangible and intangible and is often divided into three main types: immovable heritage, movable heritage, and intangible heritage. Immovable heritage includes real property such as buildings and landscapes; movable heritage encompasses chattels, individual artifacts, objects, and documents; and intangible heritage is the customs, traditions, stories and names of a people or community. These three broad categories do overlap and are not mutually exclusive. An example of this is Fort George where some buildings (Navy Hall and Gunpowder Storage) remain as well as archaeological resources along with the traditions of the use of the fields around the fort and the fort itself for community activity.

In terms of land use planning and heritage property protection systems, cultural heritage refers to immovable or real property. This includes many kinds of cultural heritage property including, but not limited to:

- Buildings of all types;
- Gardens / landscapes;
- Structures such as bridges and fences;
- Monuments and statues;

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<sup>3</sup> Michele Sponagle, "How a former residential school is being transformed into a place for healing," *tvoToday*, <https://www.tvo.org/article/how-a-former-residential-school-is-being-transformed-into-a-place-for-healing>.



- Cemeteries;
- Ruins and archaeological sites;
- Spiritual or sacred sites; and
- Streetscapes.

### 3. Why Are Heritage Places Important?

Our heritage tells us who we are, where we have come from, and what we have accomplished. Heritage places provide a sense of place and identity both for individuals and communities. Old architecture and design creates character with distinctive buildings and landscapes serving as a source of local pride and drawing strong tourism interest. In the face of increasing globalization, heritage places have become more important in distinguishing local communities.

Beyond the more traditional values associated with heritage, we are now seeing that cultural heritage is an integral part of sustainable, resilient, and healthy communities. This recognizes that heritage can help us to build a better future. This idea is furthered by notable theorists such as Jane Jacobs, who said that “new ideas must use old buildings,” and Richard Florida, who explored the role of structures and resources and the development of the creative class. Studies have also noted that heritage environments attract people with historic buildings often serving as the first home for small businesses. The retention and reuse of their older structures is now recognized as helping communities reduce carbon emissions. In sum, retaining older buildings and neighbourhoods offers important cultural, economic and environmental benefits and combats climate change.



Figure 4: Downtown Niagara-on-the-Lake<sup>4</sup>

### 4. Cultural Heritage Value

Cultural heritage value is what a community values about a place. Community in this sense can have a duplicity of meanings. Generally, community refers to a geographic area that can be local, provincial, national, or even international (e.g., UNESCO’s World Heritage Sites); however, it can also include communities of interest, such as BIPOC or Indigenous communities. In addition, a place can have more than one heritage value – physical value, historical value, contextual value – and be valued for different or even conflicting reasons by

<sup>4</sup> Destination Ontario, “Niagara-on-the-Lake,” <https://www.destinationontario.com/en-ca/regions/niagara-region/niagara-on-the-lake>.

different communities. While we tend to focus on a single main value, it is important to recognize that there may be multiple and diverse values. Similarly, the value of a place can change over time as the understanding of its history develops and the community itself evolves. Recently, places associated with specific individuals or events are being reconsidered, including Niagara-on-the-Lake's Ryerson Park, which is being looked at for its potential connections with Egerson Ryerson, a primary figure in the residential school system.<sup>5</sup>

## 5. Heritage Conservation: What it is and what it isn't

Heritage conservation is the Canadian term normally used in our policy and legislation and it has a particular meaning. In general, it is about protecting the heritage value of a place and extending its life. Conservation is a process that can be broken down into five steps or parts. The first is identify, which involves the determination of what heritage resources may be present. Evaluate is the second part and encompasses the assessment of the heritage value of these resources and the physical features that manifest that value. Protect, the third part, is completed in two ways: through maintenance, repair and restoration work and through legislation and regulation. Use, ensuring the resource has a function within the life of the community, is the fourth part. This has been increasingly recognized as a key part in conserving heritage in the long term. The final part of the process of conservation is to interpret and celebrate heritage resources. While this is often overlooked, it is important to make the heritage resource known and understandable for transmitting its value to current and future generations.

Important as it is to know what heritage conservation is, it is also important to understand what heritage conservation is not. Heritage conservation is not about stopping change but rather managing the inevitable need for change in a way that ensures that the cultural heritage value or interest of a property or resource is safeguarded. Heritage conservation is also not about nostalgia or NIMBYism. Heritage is not to be used as a tool to stop otherwise legitimate development. It is about a community's best efforts to keep, fix, use or reuse its heritage assets.



Figure 5: The Marks House in Barriefield (Kingston), Ontario.

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<sup>5</sup> Satbir Singh, "Niagara-on-the-Lake Reviewing the Possible Renaming of Ryerson Park," [https://www.thestar.com/local-niagara-on-the-lake/news/2021/06/25/niagara-on-the-lake-reviewing-the-possible-renaming-of-ryerson-park.html?itm\\_source=parsely-api](https://www.thestar.com/local-niagara-on-the-lake/news/2021/06/25/niagara-on-the-lake-reviewing-the-possible-renaming-of-ryerson-park.html?itm_source=parsely-api).

## PART 2: POLICY AND LEGISLATION CONTEXT

### 2.1 Why Heritage as Public Policy?

It is important, particularly for municipal councils, to see heritage as a key responsibility. The reality is that heritage places are non-renewable resources. While a building can be re-built to resemble the original, the new structure is fundamentally not the same.

Heritage places are often threatened for a variety of reasons including neglect, by insensitive or inappropriate alteration, and by demolition and replacement by new development. It has been said that the two situations when heritage is most often at risk are when there is too little money or too much. For example, programs that encourage the upgrading of windows for environmental efficiency may require the removal of existing viable windows.

To address the public and community interest in heritage places, governments at all levels have responded with programs, policies, and processes.



Figure 6: Aerial Image of Fort George looking across the Niagara River to Fort Niagara<sup>6</sup>

### 2.2 Government's Role

In Canada, our constitution gives provinces and territories the responsibility for property and civil rights. There is sometimes a perception that the provincial government can be by-passed by seeking assistance from the federal government; however, it is the province that is primarily responsible for setting the legal and policy framework for heritage conservation, with the federal government having a more limited role. This role includes working with Indigenous communities, identifying national historic sites, setting national conservation standards, and creating federal incentive programs (e.g., income tax credits).

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<sup>6</sup> McGarr Realty Corp. Brokerage, "St. Davids Offers Seclusion with Services," <https://www.mcgarrrealty.com/blog/title/st-davids-offers-seclusion-with-services>.



Ultimately, through provincial legislation, most of the powers to conserve cultural heritage resources lie with the municipality. Municipalities are responsible for community heritage policies and programs as well as implementing provincial direction.

### 2.3 The Provincial Framework

The provincial framework for heritage conservation includes (but is not limited to):

- The [Ontario Heritage Act](#) (OHA);
- The [Planning Act](#) and [Provincial Policy Statement](#) (PPS);
- The [Municipal Act](#);
- The [Environmental Assessment Act](#);
- [The Funeral, Burial, and Cremation Services Act](#).

The OHA, the Planning Act, and the PPS are the three main pieces of legislation and policy that govern cultural heritage resources. These are explored in more depth below.

The *Municipal Act* requires municipalities to be responsible and accountable governments within their jurisdiction.<sup>7</sup> It authorizes powers and duties for providing good government and is administered by the Ministry of Municipal Affairs and Housing. Among the many powers enabled by the *Municipal Act* is the power to create by-laws within the municipality's sphere of jurisdiction.<sup>8</sup> Both lower and upper tier municipalities are given the power to pass by-laws on matters including culture and heritage, subject to certain rules.<sup>9</sup> This enables municipalities to adopt a by-law or a resolution by Council to protect heritage. The Act and its regulations also enable property tax relief measures, including for heritage purposes.

The *Environmental Assessment Act* (EAA) is legislation whose purpose is the "betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment."<sup>10</sup> It applies to public sector projects and specific types of private sector projects in the province and aims to provide for the protection, conservation and wise management of Ontario's Environment. The Minister of the Ministry of Environment, Conservation and Parks administers this Act.

Under the (EAA) the meaning of environment is broad and includes the social, economic and cultural conditions that influence the life of humans or a community, and any building, structure, machine or other device or thing made by humans.<sup>11</sup> Cultural heritage sites must therefore be considered part of the environment.

The *Funeral, Burial, and Cremation Services Act* provides the framework for the regulation of the bereavement sector with particular focus on the consumer and making informed bereavement-related purchases. The Act is administered by the Minister of Government Services with some provisions being administered by the Bereavement Authority of Ontario.

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<sup>7</sup> Municipal Act, 2001, S.O. 2001, c.25, last modified December 9, 2021, <https://www.ontario.ca/laws/statute/01m25>.

<sup>8</sup> Municipal Act, section 11.

<sup>9</sup> Municipal Act, section 11(3).

<sup>10</sup> *Environmental Assessment Act*, section 2.

<sup>11</sup> *Environmental Assessment Act*, section 1(1)(c) and (d).

Under this Act, there is a requirement that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

### 2.3.1 Provincial Players

The lead responsibility for cultural heritage lies with the Ministry of Citizenship and Multiculturalism. The Ministry oversees the OHA and its regulations, works with the Ministry of Municipal Affairs and Housing on setting the PPS heritage policies, licenses archaeologists, oversees the Heritage Property Tax Relief (HPTTR) legislation with the Ministry of Finance, and is responsible for the development and distribution of the Ontario Heritage Toolkit guides and advice. The current version of the Ontario Heritage Toolkit (the “Toolkit”) is from 2006; an updated version based on recent changes to the OHA and PPS is in the process of development.

The Ministry of Municipal Affairs and Housing (MMAH) does not typically come to mind when thinking about cultural heritage; however, they have the lead responsibility for land use planning and administer the Planning Act, the PPS, and other legislation that have specific references to the conservation of heritage property.

The Ontario Heritage Trust (OHT) is an agency of the Ministry of Citizenship and Multiculturalism (MCM) and has a different role. The OHT owns and manages a large portfolio of cultural and natural heritage property (e.g. the Niagara Apothecary), holds heritage conservation easements on both publicly and privately owned property (e.g. the NOTL courthouse), hosts the [Ontario Heritage Register](#), and runs Ontario’s Doors Open program.

Lastly, the Ontario Land Tribunal hears all appeals under the OHA and the *Planning Act*. It has been in existence since 2021 and is an amalgamation of several other tribunals including the Local Planning Appeal Tribunal and the Conservation Review Board.



Figure 7: Old Niagara District courthouse



### 2.3.2 Ontario Heritage Act

The *Ontario Heritage Act* (OHA) was proclaimed in 1975 and underwent comprehensive amendments in 2005. Recent changes and new regulations took effect in 2021 and 2022 through Bills 108 and 109. It is administered by the Ministry of Citizenship and Multiculturalism (MCM). In addition to providing municipalities with powers to regulate cultural heritage resources at the municipal level, the Act:

- provides governing legislation for the Ontario Heritage Trust;
- gives MCM authority over archaeological licenses / practices; and,
- mandates the conservation of provincially owned heritage property, which is exempt from heritage designation.

The OHA and its associated regulations establish the protection of cultural heritage resources as a key consideration in the land-use planning process, set minimum standards for the evaluation of heritage resources in the province, and give municipalities power to identify and conserve individual properties and areas of cultural heritage value or interest.<sup>12</sup>

Part I of the OHA enables the Minister to determine policies, priorities, and programs for the conservation, protection, and preservation of the heritage of Ontario.

Parts IV and V of the OHA are enabling legislation for local municipalities whereby council may designate individual property and districts, list property, hold heritage easements, and make grants.

Importantly, the OHA does *not* apply to the use of land.

### 2.3.3 Planning Act

The *Planning Act* is the primary legislation governing municipal and provincial land use planning in Ontario. This Act identifies the provincial interest in cultural heritage. It states:

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.<sup>13</sup>

The *Planning Act* also says:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter...shall be consistent with [the PPS].<sup>14</sup>

Details about provincial interest as it relates to land use planning and development in the province are outlined in the PPS.

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<sup>12</sup> Ontario Heritage Act, R.S.O. 1990, c. O.18, <https://www.ontario.ca/laws/statute/90o18>.

<sup>13</sup> Planning Act, R.S.O. 1990, c. P.13, <https://www.ontario.ca/laws/statute/90p13>, Part I (2, d).

<sup>14</sup> Planning Act, Part I S.5.

### 2.3.4 Provincial Policy Statement

The PPS provides further direction for municipalities regarding provincial requirements and sets the policy foundation for regulating the development and use of land in Ontario. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the PPS. The Province deems cultural heritage and archaeological resources to provide important environmental, economic, and social benefits, and the PPS directly addresses cultural heritage in Section 1.7 and Section 2.6.

Section 1.7 of the PPS addresses long-term economic prosperity and promotes cultural heritage as a tool for economic prosperity. The relevant subsection states that long-term economic prosperity should be supported by:

*1.7.1(d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;*

*1.7.1(e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.*

Section 2.6 of the PPS articulates provincial policy regarding cultural heritage and archaeology. Five policies are set out:

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

*2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

*2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

*2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.*

*2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.<sup>15</sup>*

The definition of “significant” in the PPS states that criteria for determining significance for cultural heritage resources are determined by the Province under the authority of the OHA.<sup>16</sup>

Note that the PPS makes the consideration of cultural heritage equal to all other policy considerations and recognizes that there are complex interrelationships among environmental,

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<sup>15</sup> Provincial Policy Statement, 2020, <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>, page 29.

<sup>16</sup> Provincial Policy Statement, 2020, page 51.

economic and social factors in land use planning. No one policy trumps another. The PPS is intended to be read in its entirety and relevant policies applied in each situation.

It should be noted that as of April 2023 the Provincial Policy Statement was under review and the province was signaling that significant changes were being considered.

## 2.4 The Municipality's Role

### 2.4.1 General

The local municipality is on the front lines for conserving heritage places. Municipalities are required to follow provincial legislation and policy direction in making planning decisions (Official Plan policies, zoning, development approvals, etc.) and must find ways to integrate heritage planning into the planning process. It is important to understand and utilize all the different tools to conserve heritage places, especially those within the OHA and under the *Planning Act*, through regulation, incentives, and promotion. In understanding and using the tools available the municipality should work with local communities, businesses, builders, private owners, and other organizations and agencies.



Figure 8: Ravine Vineyard Estate Winery in St. Davids<sup>17</sup>

### 2.4.2 Niagara-on-the-Lake Key Municipal Players

In Niagara-on-the-Lake, the key municipal players are the Town Council, the Municipal Heritage Committee (MHC), Town staff, and the Town Historian. Council has the final decision on cultural heritage matters including the granting of heritage permits and grants (unless there is an appeal to the OLT). The MHC is a committee of Council that is meant to represent the community voice and serves in an advisory capacity to Council. The MHC will be discussed in more detail in Part 6: The Municipal Heritage Committee.

Town staff conduct administrative functions and prepare information for the MHC and for Council's review and final decision. Staff liaise between Council and the MHC and heritage

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<sup>17</sup> Natalie Maclean, "Ravine Vineyard Estate Winery," <https://www.nataliemaclean.com/wineries/info/ravine-vineyard-estate-winery/2233>.

property owners and other agencies. Town staff are a valuable resource with specialized expertise.

The Town Historian has a unique role exclusive to the Town of Niagara-on-the-Lake. The Town Historian is not an employee and is a person or group appointed by council for a four-year term concurrent with the Council's term. The Town Historian's mandate is to support Town planning staff by researching properties being considered for designation and writing articles for local media about the Town's history, buildings, events, or people. Currently, this role is occupied by the Niagara-on-the-Lake Museum.<sup>18</sup>



Figure 9: Niagara-on-the-Lake Museum<sup>19</sup>

### 2.4.3 Instruments / Tools for Heritage Conservation

A successful municipal heritage program will include tools or measures of three broad types:

- Regulatory measures;
- Incentive programs; and
- Awareness / education and promotion approaches.

All these tools must be employed and are mutually reinforced. They are discussed in more detail below.

#### 2.4.3.1 Regulatory Measures

As the name suggests, regulatory measures encompass the policies, processes, and procedures that govern cultural heritage including designation and heritage permits. These policies, processes and procedures must be clearly defined to be successful. They are addressed in Part 3 below.

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<sup>18</sup> Niagara-on-the-Lake Museum, "About," <https://www.notlmuseum.ca/about/>. See [Appendix D](#) for the Town Historian's Mandate and Terms of Reference.

<sup>19</sup> Niagara-on-the-Lake Museum, "About."



### **2.4.3.2 Incentive Programs**

Incentive programs provide an inducement for property owners to maintain, repair and restore their heritage properties. These are generally in the form of grants or tax incentive programs that provide compensation for proposed work; however, they can also take the form of non-financial incentives.

Financial incentive programs help to offset the cost of more traditional materials and methods and encourage heritage conservation practices. In general, the main forms of financial incentives are:

- Grants;
- Façade improvement grants or loans for commercial areas; and,
- Heritage Property Tax Relief programs.

Grants have proven to be effective for designated properties and have been employed by many communities including the Town of Niagara-on-the-Lake. Façade improvement grants or loans have been employed by other communities and are also effective. Both grants and loans provide the opportunity to partner with other local organizations such as credit unions. Partnerships with local organizations for grant and loan programs are relatively rare, but there are some examples within the province.

Heritage Property Tax Relief programs are enabled under the Municipal Act and allow municipalities to provide property tax relief to designated property owners for 10-40%. The Province shares in the cost of these programs by funding the education portion of the property tax. For owners to get the full benefit of the program, upper-tier municipalities in a two-tier structure, such as in NOTL, must also adopt a companion measure. These programs can be targeted to certain areas or classes of property; however, their effectiveness varies and the only way to know if a program will be effective is to try a tax relief program for a few years. As of 2022 the Town of Niagara-on-the-Lake is in the process of developing a heritage property tax relief program.

In terms of non-financial incentives, here the focus is often on building a sense of community among heritage property owners. This can be achieved through social events such as parties, educational events specific to heritage properties like workshops or lectures by industry professionals, newsletters, and plaquing and commemoration programs like the one already in place within the Town. These kinds of incentives are at the discretion of the municipality and can take other forms limited only by the imagination.

### **2.4.3.3 Awareness / Education and Promotion Approaches**

Awareness, education, and promotion approaches are just as important as regulatory measures and incentive programs. This can include guidance material and interpretative signage as well as heritage property owner exclusive events and heritage awards.

Awareness provides the opportunity for residents to learn about, appreciate, and become involved in heritage matters within their community. Education can have a similar goal to awareness while also providing the opportunity for heritage property owners to learn about the incentives available to them, what it means to be a heritage property owner, the specific processes and considerations involved with heritage properties and other topics. Promotion



takes a different approach by recognizing heritage projects, heritage owners, and heritage properties and encouraging good heritage practices.



Figure 10: Images from the Architectural Conservancy Ontario's 2019 Award Ceremony<sup>20</sup>

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<sup>20</sup> Architectural Conservancy Ontario, "ACO Heritage Awards," <https://acoheritageawards.ca/>.

## PART 3: MUNICIPAL HERITAGE TOOL KIT

### 3.1 Ontario Heritage Act Tools

#### 3.1.1 Inventories and Listing

The inventory is one of the first strategies for a heritage program and serves as the foundation for the entire heritage planning process. This strategy takes stock of what is present within the municipality, what is significant, what can be protected, and what is the best way of protecting specific places. Ultimately, this creates a database of properties that can be selected for formal recognition under the OHA.

Under Section 27 of the OHA, a property can be listed as a non-designated property on the official municipal register of heritage properties.<sup>21</sup>

Listing provides an interim control on demolition. Under section 27(3), owners must provide the Town with 60 days' notice of the application for a demolition permit on a listed property. The Town then has the opportunity to decide whether to designate the property. Owners of listed properties are required to provide any information that the Council requests regarding their property in relation to the demolition application. It is recommended that the required information for a demolition permit be outlined in a document to make this process clear.

Listing can also result in some obligations under the Provincial Policy Statement and due to local planning policies.

To list a property, Council must believe the property to be of cultural heritage value, which suggests some preliminary evaluation of the property against the provincial criteria for designation found in [Ontario Regulation 9/06](#) (O.Reg. 9/06). Under the PPS, 'significant' properties are those that have been evaluated against the provincial criteria under the OHA. . Under the OHA provision for listing properties, only the municipal address is required; however, to effectively conserve and protect these properties, additional information is needed. It is recommended that a preliminary O. Reg. 9/06 evaluation be conducted for each property and as much detail as seems reasonable for managing these properties be included in the listing. Owners must be notified and given an opportunity to object to the listing. The council must then consider any such objection and decide whether or not to remove the property from the register.

Listings can be done individually, but they can also be undertaken in batches.

A flow chart of the listing process can be found in Appendix A. For additional information, refer to the Ontario Heritage Toolkit document for [listing and evaluation heritage properties](#).

#### 3.1.2 Part IV Designation

Part IV designation under section 29 is the one of the most widely used heritage property protection measures within the OHA. It is used for an individual property. Designation can be requested by anyone; however, Council must consult with the Municipal Heritage Committee (if one existing) before designating a property.

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<sup>21</sup> The Town is required to maintain a Municipal Register of Heritage Properties.

An OHA designation applies to real property, including buildings and structures on the property, and allows municipalities to control alteration, demolition, and new construction on the property, subject to the owner's right to appeal municipal decisions to the Ontario Land Tribunal. The Act specifically states that no compensation is to be paid to property owners for designations.

To be designated, a property must satisfy at least one of the provincial criteria outlined in [O. Reg. 9/06](#). The criteria are of three types each with three sub-types. The three types are:

- Physical / Design Value – the property's significance for its architectural or other character or design;
- Historical / Associative Value – the property's associations with significant themes, people, or events; and,
- Contextual Value – the property's significance as part of its context or surroundings.

Once it is decided that a property is eligible for designation, and a decision is made to proceed, a notice of intention to designate (NOID) must be served on the property owner, the Ontario Heritage Trust and published in a local paper. This notice must include a statement of the property's cultural heritage value or interest and a description of the heritage attributes of the property. Heritage attributes can only be aspects of real property (buildings, aspects of buildings, landscaping features, etc.) and cannot be personal property or chattels (e.g., furniture, machinery). Designation controls come into effect as of the date of the publication of the NOID meaning that alterations to the property and any demolition of the property requires the Council's consent. An owner can object to the designation at this stage and can also appeal the final designation. Details about this appeal process can be found in section [3.1.6](#) below.

Any violation of the OHA (i.e., alteration or demolition without consent once a NOID is issued or when a property is designated) is considered a provincial offence.

A flow chart of the designation process can be found in Appendix B. For additional information, refer to the Ontario Heritage Toolkit document for [designating heritage properties](#).

### **3.1.3 Part V Designation**

Part V designation is another key heritage property protection measure provided in the OHA. It is for the designation of areas or districts and follows a different process than Part IV designations. Since the 2005 changes to the OHA, district designations require a Heritage Conservation District (HCD) Study and Plan. A Plan must now include:

- A statement of the district's cultural heritage value and description of its heritage attributes;
- Policies and guidelines for managing changes in the district; and,
- Types of alterations that are minor do not require a heritage permit.

The OHA allows for interim controls for a year while an area is being studied for designation.

It is important to note the difference between policies and guidelines. Policies are concrete directions that must be followed whereas guidelines suggest directions to follow but are not binding and can be ignored. Policies use firm language like 'shall' and are defensible while

guidelines use language like 'should' and cannot be enforced. This distinction should be taken into consideration when creating policies and guidelines.

The changes to the OHA in 2005 and the subsequent requirement for HCD plans have created strong HCD plans that require that the municipality's by-laws and public works be consistent with the plan. Older plans (pre-2005) do not have these strengths and are considered to be only guidance documents. In other words, post-2005 HCD Plans are regulatory while pre-2005 plans are discretionary. The province advises that pre-2005 HCD plans should be reassessed, updated as needed and re-adopted.

The process for designating a heritage conservation district starts is as follows:

1. A request or a proposal to designate a district is submitted.
2. The council decides if a study area should be determined. If the Council decides to proceed, the Municipal Heritage Committee is consulted, and a Heritage Conservation District Study commences. This study considers boundaries of a potential district, evaluates heritage value of the area and its properties, and recommends if a heritage conservation district should be established.
3. The Council and the Municipal Heritage Committee review the results of the study and Council decides if the study area should be designated as a heritage conservation district. If the decision is to designate, then a Heritage Conservation District Plan, which outlines the policies and guidelines for the district, is prepared with public consultation.
4. The Municipal Heritage Committee and Council review the Heritage Conservation District Plan and the Council makes a final decision on whether the area should be designated.
5. Notice of the passing of the designation by-law is served on the property owners within the new district, the Ontario Heritage Trust, and the public.
6. There is an opportunity for a property owner or member of the public to appeal the designation by-law once notice is served. If there are no appeals, the designation by-law comes into force. Appeals are heard by the OLT.

For additional information, refer to the Ontario Heritage Toolkit document for [heritage conservation districts](#).

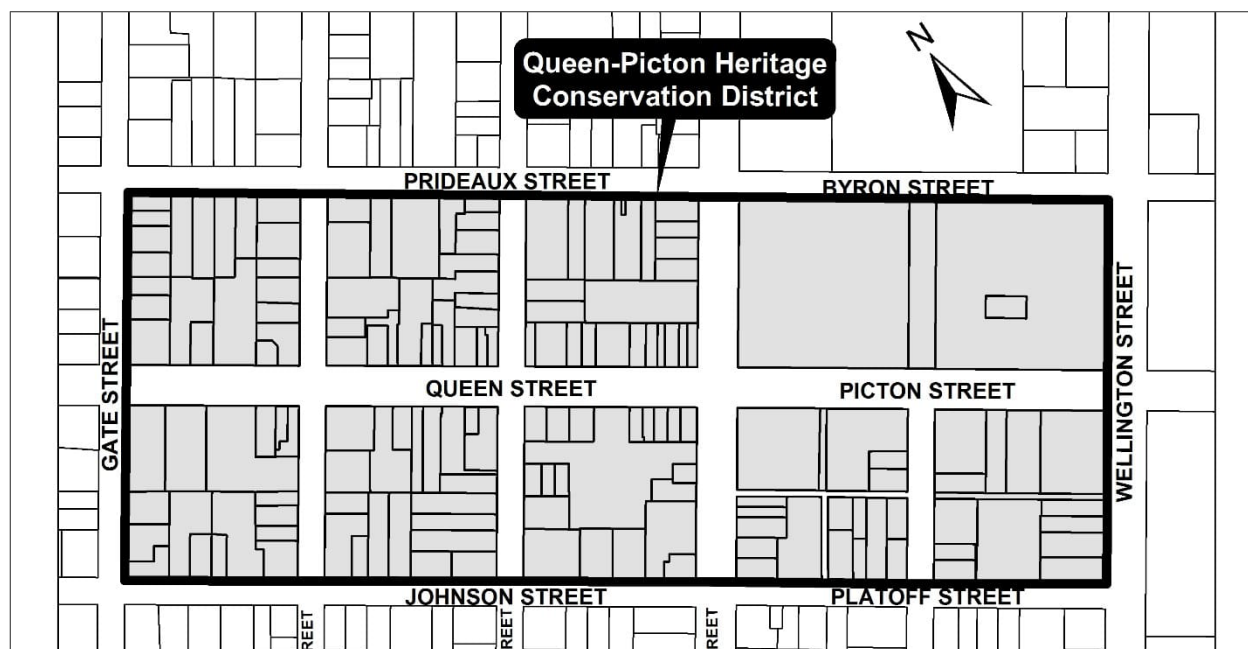


Figure 11: Boundaries of the Queen-Picton Heritage Conservation District<sup>22</sup>

### 3.1.4 Heritage Property Standards

In addition to the designation and listing of properties, there are other protection tools under the OHA. One of these is the provision for special property standards for designated heritage properties, known as heritage property standards. These provisions help prevent the loss of heritage features and demolition by neglect. The Town of Niagara-on-the-Lake does currently have these provisions under its Property Standards By-law but as of November 2022 they need to be updated.<sup>23</sup>

### 3.1.5 Heritage Easements

Another protection tool under the OHA is heritage easements. These are legal agreements that can be acquired by the municipality or the Ontario Heritage Trust on property with the owner's agreement. The terms of the easement are registered on the property title and apply to present and future owners of the property. This is often a tool that is used as a condition of funding assistance like a heritage tax relief program; it can sometimes also be used as a condition for development approval.

As with heritage designation, owners must seek the approval of the easement holder for changes to heritage features. Heritage easements also provide protections that are above and beyond those of designation, such as maintenance and insurance requirements, and can provide more options to the municipality in terms of protecting a specific heritage resource. The Ontario Heritage Trust uses [this tool](#) to protect provincially significant heritage resources, with

<sup>22</sup> Town of Niagara-on-the-Lake, "Heritage Planning," <https://www.notl.com/business-development/planning-services/heritage-planning>.

<sup>23</sup> However, it only applies to designated properties and does not include properties that are subject to a notice of intention to designate. These provisions should be revisited and updated.



two [examples](#) in the Town of Niagara-on-the-Lake: Willowbank and the Niagara District Courthouse. To date, the Town itself has not utilized the heritage easement tool.



Figure 12: Willowbank Estate<sup>24</sup>

### 3.1.6 Recent Changes to Provincial Legislation

The province has made significant amendments to the *Ontario Heritage Act* and other legislation as part of recent omnibus bills.

Bill 108, the *More Homes, More Choice Act*, was passed in 2019, although its changes to the OHA (together with a new OHA regulation, Ontario Regulation 385/21) only took effect on July 1, 2022. Bill 23, the *More Homes Built Faster Act*, was passed in late 2022 and its changes to the Act largely took effect on January 1, 2023.

Both have made the listing and designation tools examined above more restricted and complicated to use.

Changes to listing include:

- A formal review / appeal process for listing a property on the municipal heritage register. Previously, a municipality could list a property without appeals or without even notifying the property owner. (While not required, it was considered best practice to notify the owner when listing a property.) Now, the municipality must serve notice to the property owner when it has listed a property and the owner can request that the property be removed from the register, which the Council must consider. Owners of currently listed properties can also make this request. It is ultimately still the Council's decision whether properties remain on the register.
- A two-year expiry date on all property listings. Currently listed properties must come off the register by Jan. 1/25, unless they are designated. New listings will similarly expire

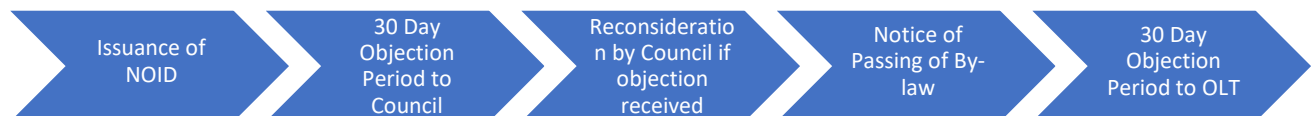
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<sup>24</sup> Exploring Niagara, "Willowbank," [https://www.exploringniagara.com/places\\_to\\_explore/historic\\_destinations/willowbank.html](https://www.exploringniagara.com/places_to_explore/historic_destinations/willowbank.html).

after a two-year period. Once a property comes off the register it cannot be re-listed for five years. (As of Jan. 1/23, the Town had about 200 listed properties.)

Changes to designation include:

- A higher threshold for Parts IV and V designation:
  - To be designated under Part IV a property must now meet two or more of the criteria prescribed in O. Reg. 9/06 (previously the standard was one or more);
  - To be designated under Part V as a Heritage Conservation District at least 25% of the properties in the district must meet two or more of the prescribed criteria (previously there was no such requirement).
- Restrictions on designation where there is a Planning Act application for development on the property:
  - The municipality has a maximum of 90 days if it wishes to begin a designation. The 90 days runs from the point when an application is deemed complete – within that time, research must be conducted and a notice of intention to designate issued in order to protect the property; and
  - Designation cannot proceed unless the property is (already) listed at the time of the development application.
- New requirements for designation by-laws (overall relatively minor):
  - In the description of the heritage attributes of the property, heritage attributes must be directly linked to the heritage values of a property; and,
  - the by-law must include a plan, drawing or description that identifies each area of the property that has cultural heritage value or interest;
- An additional opportunity to object / appeal by the property owner has been added – property owners can now appeal the by-law within 30 days of the notice of its passing to the Ontario Land Tribunal for final decision; however, owners can still object at the earlier stage by giving notice of objection within 30 days of the issuance of the NOID. This triggers a reconsideration by Council before the by-law is passed.



- The Conservation Review Board, which was an advisory board that heard objections to municipal designations, has been disbanded and replaced with the Ontario Land Tribunal which hears appeals and makes binding decisions.

In addition, Bill 109, the *More Homes for Everyone Act*, introduced a number of changes to the *Planning Act* focused on streamlining the approvals process. The change that may impact heritage planning practice is the new Community Infrastructure and Housing Accelerator Tool (CIHA). This tool grants the Minister of Municipal Affairs and Housing the power to issue orders (similar to Minister's Zoning Orders or MZOs) for the purpose of speeding up approvals for housing and community infrastructure. However, like MZOs, this tool could override PPS requirements for property development decisions, including heritage considerations, and also forecloses appeals. Unlike with MZOs, a local municipality must make a request for use of the CIHA tool.

## **3.2 Planning Tools**

### **3.2.1 Planning Act Tools**

Under the Planning Act, there are tools available to assist with the conservation of cultural heritage resources. Not all these tools are widely used, but all provide different approaches that can be valuable. Tools under the Planning Act that can be applied through the *Planning Act* to ensure conservation of cultural heritage resources include:

- Section 29 – Agreements regarding studies and development;
- Section 30 – Agreements for grants in aid of community improvement;
- Section 32 – Grants or loans for repairs;
- Section 33 – Demolition control area;
- Section 36 – Holding provision by-law;
- Section 38 – Interim control by-law;
- Section 40 – Agreement exempting owner from requirement to provide parking; and,
- Section 42 – Conveyance of land for park purposes.

#### **3.2.1.1 Official Plan**

An Official Plan is a legislative document that describes a municipal council or Planning Board's policies on how land in a community is to be used. These are documents that are prepared with community consultation and set the goals and objectives for the growth and development of a municipality over a set number of years. Official Plans are expected to be updated, can be appealed, and provide the baseline framework for other planning tools such as the Zoning By-law and other plans identified for development and adoption like an Archaeological Master Plan.

Heritage and archaeological policies are required to be included within the Official Plan to set the specific expectations and requirements for heritage resource management within a community. The Official Plan for the Town of Niagara-on-the-Lake includes policies for heritage and archaeology with stronger policies and additional heritage considerations having been added to the [draft new Official Plan](#) (see Chapter 6) that is currently going through the approval process as of November 2022.

### **3.2.1.2 Secondary Plans**

Secondary Plans are a secondary layer to the Official Plan that applies only to a defined geographic area, unlike the Official Plan, which is a municipality-wide planning document. This tool helps to understand opportunities and address issues related to land use within a specific area, provides specific policies for areas that need more detailed direction, and provides an opportunity to promote consistency and compatibility. Like the Official Plan a Secondary Plan is also prepared with community consultation, can be appealed, and provides the baseline framework for other planning tools in the specified area including the Zoning By-law.

Similar to the Official Plan, heritage and archaeological policies can and are recommended to be included within the Secondary Plan to set the specific expectations and requirements for heritage resource management within the specified area of the community. The Town of Niagara-on-the-Lake currently has three secondary plans: Old Town & Dock Area, Glendale, and Village of Queenston.

### **3.2.1.3 Zoning**

Zoning Bylaws control the use of land in a community by stating how land is to be used, the location of buildings and other structures, the types of buildings that are permitted, how buildings are to be used, and other specifics like setbacks, lot sizes, dimensions, heights, densities, and parking requirements. The Official Plan sets the general policies for land use and the Zoning Bylaw puts these general policies into effect. Typically, this is done through dividing the municipality into different land use zones with permitted uses and required standards for each zone. The Zoning Bylaw can be amended as needed with the Council's approval to permit specific changes on a case-by-case basis. In relation to heritage, the Zoning By-law can be used to outline specific land use and property details (setbacks, height, etc.) for heritage properties and heritage areas. In addition, form-based zoning can be used as a tool for heritage conservation. This last tool is not widely used; however, there are examples within the Province, such as the Town of Pelham and the Town of LaSalle.

### **3.2.1.4 Community Improvement Plans**

Community Improvement Plans are a tool that municipalities can use to plan for and, if required, direct funds to implement policy initiatives in a defined project area. Section 28 of the Planning Act grants municipalities the ability to establish enabling policies that grant authority to prepare Community Improvement Plans. These are intended to encourage revitalization initiatives or stimulate development and redevelopment within a specified area using the unique opportunities and challenges associated with the chosen area. Community consultation is generally part of the process of developing the plan. There are no defined parameters for what must be included in a community improvement plan allowing the plan to include a variety of strategies based on the needs of the chosen area ranging from financial incentives to changes in land use and zoning regulations. This strategy focuses public attention on local priorities, encourages community change, and can stimulate private-sector investment. Community Improvement Plans could be implemented in heritage areas or heritage conservation districts to outline the unique opportunities and requirements of the area while allowing for revitalization and stimulation of development or redevelopment in character-enhancing ways.

### 3.2.1.5 Community Design Guidelines

Community Design guidelines are documents that establish parameters to guide new development and ensure its compatibility with the character of the surrounding area as well as to guide the development of secondary plans and other planning tools to work alongside these guidelines. They are intended to be used in conjunction with Official Plan, Secondary Plan, and Zoning By-law requirements and are encouraged to be used by both staff and developers and property owners. The guidelines set expectations of what the municipality is looking for when it comes to development and can expedite the development approval process. It is important to note that these are only guidelines and are not legally enforceable unless granted authority through other planning tools like the Official Plan.



Figure 13: St. Davids Urban Design Guidelines

### 3.2.1.6 Sign By-laws

Sign By-laws regulate all outdoor signs and advertising space within a given municipality ensuring that signs are not a safety hazard, are compatible, and maintain a positive image for the municipality. The by-law controls what types of signs can be used, their size, their location, how many, and their display timeline. Within the Town of Niagara-on-the-Lake, the sign by-law works alongside the policies in the Queen-Picton Heritage Conservation District Plan to ensure that signs are also compatible with the area's heritage character.

### 3.2.1.7 Conservation Plans

According to Info Sheet #5 of [Heritage Resources in the Land Use Planning Process](#) in the Ontario Heritage Toolkit, a conservation plan is:

*a document that details how a cultural heritage resource can be conserved. The conservation plan may be supplemental to a heritage impact assessment, but it is typically a separate document. The recommendations of the plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures.*



Through the definition of “conserved” in the Provincial Policy Statement, municipalities are granted authority to request conservation plans to ensure the conservation of cultural heritage resources.

The Toolkit recommends that a conservation plan identify the appropriate conservation principles, analyze the cultural heritage resource, recommend conservation measures and interventions, a schedule for completing the work, and a plan for ongoing monitoring of the cultural heritage resource. However, a municipality can establish its own requirements for conservation plans through a terms of reference document.

### **3.2.2 Cultural Heritage Evaluation Reports**

A Cultural Heritage Evaluation Report (CHER) is a study to determine if a property has cultural heritage value or interest and, if it does exhibit cultural heritage value, to provide a draft statement of cultural heritage value or interest and description of the property’s heritage attributes. These reports explore the history of the property and its context and assess these against the criteria outlined in [Ontario Regulation 9/06](#) (or other provincial criteria as needed) to determine cultural heritage value(s). This process informs the listing and designation processes as well as planning / development decisions.

### **3.2.3 Heritage Impact Assessments**

A Heritage Impact Assessment (HIA), sometimes called Heritage Impact Statements, is a study to determine if and how heritage resources are impacted by a development proposal and what might be done to avoid or mitigate impacts. HIAs are cited in the definition of “conserved” in the PPS as a means to facilitate conservation. They are widely used as a pre-condition of approval for development on designated or listed properties and on properties that are adjacent to a designated or listed property. Some communities have broad definitions of when an HIA can be requested. Councils are not obligated to accept HIAs and can opt to have them peer reviewed. NOTL, like most municipalities, has set terms of reference to outline what to include.

A Heritage Impact Assessment may be required by a municipality in response to Section 2.6.1 and 2.6.3 of the PPS to conserve built heritage resources, cultural heritage landscapes, and the heritage attributes of a protected heritage property.

### **3.2.4 Cultural Heritage Landscapes and Character Areas**

A cultural heritage landscape (CHL), as defined in the PPS, is a larger area that usually comprises multiple features that can include buildings, structures, spaces, views, and archaeological sites or natural areas that are valued together. While official identification of a CHL confers no automatic protection, it can inform planning and protection policies and measures including HCD designation and the municipality’s decisions on infrastructure and public works. In addition, the identification of a CHL provides the basis for legislative mechanisms for managing development within the area of the CHL through the definitions provided in the PPS (i.e., the definition of significant).

This is a tool that many Ontario municipalities have used, some of which have developed an inventory of cultural heritage landscapes. Cultural Heritage Landscapes and Character Areas have been identified in the Town of Niagara-on-the-Lake through the draft new Official Plan.

Through the same process, policies have been developed to help conserve those that have been identified.

### 3.3 Municipally Owned Heritage Property

Municipalities themselves own or control heritage properties. In Niagara-on-the-Lake, these include such sites as the Courthouse and Simcoe Park. The Town can lead-by-example by demonstrating good stewardship of municipally owned heritage assets. Some communities are strict with heritage property owners, but do not demonstrate the same level of dedication to their own heritage properties. By demonstrating good stewardship, the municipality is encouraging other public and private owners to do the same.



Figure 14: Simcoe Park<sup>25</sup>

### 3.4 Archaeology

Within a heritage program, it is important to remember that archaeological resources are also governed under provincial legislation, and in some cases a matter of concern for Indigenous communities. This is particularly after the TRC and the federal adoption of the United Nations Declaration on the Rights of Indigenous Peoples. Part VI of the *Ontario Heritage Act* provides automatic protection for archaeological sites, grants the Province (MCM) the authority to issue and manage licenses for archaeologists, grants the Province (MCM) the authority to set standards and guidelines for archaeologists, and makes it illegal for anyone but a licensed archaeologist to knowingly alter or disturb an archaeological site. Similarly, the Provincial Policy Statement includes policies for the prohibition of development and site alteration on lands containing archaeological resources or areas of archaeological potential unless resources have been conserved according to a standard archaeological assessment process.

The Town currently has its own Archaeological Master Plan dating from 2001. More recently, Niagara Region has been developing a region-wide document with updated archaeological mapping and planning provisions.

<sup>25</sup> Exploring Niagara, "Simcoe Park," [https://www.exploringniagara.com/places\\_to\\_explore/parks\\_beaches/simcoe\\_park.html](https://www.exploringniagara.com/places_to_explore/parks_beaches/simcoe_park.html).

The Town should review these new provisions as well as its new Official Plan with these findings in mind. Among the recommended changes is ensuring archaeological assessments are required up-front as part of a complete planning application.<sup>26</sup>



Figure 15: Archaeology at Fort George<sup>27</sup>

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<sup>26</sup> Many municipalities prefer to maintain archaeological assessments as a condition for approval; however, many archaeological firms are overwhelmed with projects requiring longer timelines to complete them. Setting an archaeological assessment as a condition means that an archaeologist may not be able to move forward with the project in time to meet the condition, creating problems for both the property owner and the municipality. From an expediency perspective, it is preferable that archaeological assessments be included as part of a complete application to prevent additional delays, administrative issues, and other problems for the property owner and the municipality.

<sup>27</sup> Parks Canada, "Parks Canada Heritage Gourmet Recipes," <https://www.pc.gc.ca/en/culture/gourmand-gourmet/recette-recipe28>.

## PART 4: ONTARIO LAND TRIBUNAL

### 4.1 Appeal Process

The concept of an appeal of a heritage decision made by the Council has always been an integral part of the *Ontario Heritage Act*. Although it is desirable to have the agreement of a property owner when it comes to listings and designations, it is not required as part of the process. For owners who object, there is a need for an appeal process and an appeal body to assess cases and decide between the interests of the owner and the public interest in protecting the heritage value of the property. With the changes to the *Ontario Heritage Act* through Bill 108, additional points of appeal have been included in the process of designating properties and refusing alteration and demolition approvals. In addition, the appeal body that oversees appeals has been changed from the now dissolved Conservation Review Board and Ontario Municipal Board / Local Planning Appeal Tribunal to the newly created Ontario Land Tribunal (OLT). The OLT has the final decision on these types of decisions. There are some special cases where OLT decisions can be appealed, but these are rare and should be discussed with legal counsel.

Listing does not involve the OLT.

In terms of designation, there are two points at which a property owner can submit an objection or appeal. The first is within 30 days of the issuance of the notice of intention to designate. This triggers a reconsideration by Council before the designation by-law is passed. The main right of appeal comes with the passing of the designation by-law. This must happen within 30 days of the notice of its passage and the matter goes before the OLT for a final decision.

Decisions on a development application can also be appealed to the OLT. Heritage can be a component of such a hearing; however, it is not usually the only component or issue.



Figure 16: Ontario Land Tribunal Logo

## PART 5: NIAGARA-ON-THE-LAKE INCENTIVES FOR



# HERITAGE CONSERVATION

## 5.1 Grant Program

In 2005 the Town Council passed a heritage grant/loan by-law (By-law 3989-05). This by-law was amended in 2016 (By-law 3989A-16).

The grant/loan by-law enables the Council to provide a grant or a loan to heritage property owners within the Town in order to assist in the restoration and improvement of these properties. The grant/loan program only applies to Part IV or Part V designated properties (both residential and commercial) and is subject to the following conditions:

1. The alteration is recommended by the Municipal Heritage Committee and approved by Council;
2. The owner signs a written agreement indicating that the proceeds of the grant or loan are used only for the proposed alteration on a specific property;
3. This agreement must also be signed by the Lord Mayor and the Town Clerk; and
4. All municipal taxes and other charges levied against the specific property are paid in full and in good standing.

A grant or loan must be applied for by the owner of the property (an agent can act on behalf of the property owner, but the form must be signed by the owner) with the maximum amount of any one grant or loan being determined by the Council on a yearly basis. Two price estimates or quotes from independent contractors, a professional design study, and photographs of the heritage features to be restored/repared must be included with the application form. An application fee of \$200 for residential properties and \$400 for commercial properties applies. This fee is non-refundable if the application is approved and partially refundable (50%) if the application is not approved. Loans are interest free, added to property taxes, and repayable in five years. Overdue unpaid amounts are subject to a penalty and interest of 1.25%.

Niagara Region provides matching grant funding through its Heritage Restoration and Improvement Grant program that is part of a larger program of initiatives called the Smarter Niagara Incentive Program (SNIP). Following review of its incentive programs in 2021, the Regional Council decided to remove this grant from its suite of programs. Complete applications will be accepted until October 1, 2023, with all work needing to be completed by October 1, 2024. The Town of Niagara-on-the-Lake can continue to offer its grant program after this date through its grant/loan by-law; however, matching regional funding will no longer be available.

## 5.2 Heritage Property Tax Relief

The Heritage Property Tax Relief program has been under development for many years. Interest in such a program goes back to 2001 with Niagara-on-the-Lake Chamber of Commerce petitioning for participation in a heritage property tax relief program. Work on the program began in 2014 by Town staff with community consultation taking place the following year. An in-house working group was established in 2020 to re-evaluate the program created by staff in the hopes of approving and implementing the program in 2021. In January 2021, Council passed a motion directing that a new Heritage Tax Rebate Program be developed by a consultant with



community consultation. In September 2021, the Heritage Tax Rebate Program was developed by LHC | Heritage Planning & Archaeology in consultation with the community. As of November 2022, the program was under review by the Town's legal department.

To be eligible for the proposed Heritage Property Tax Rebate Program, a property must be designated under Part IV or Part V of the *Ontario Heritage Act* and subject to a heritage conservation agreement or easement. In a previous report to the Council, it recommended that the program be limited to all types of properties outside of the Queen-Picton Heritage Conservation District and only commercial properties within the District. It was also recommended that the heritage conservation agreement take the form of a Heritage Conservation and Maintenance Agreement that is registered on title.

A more recent version of the program developed by LHC | Heritage Planning & Archaeological was designed on a tax refund model with a minimum rate of 20% and a maximum cap of \$2000 per year. The application process would involve annual application between July and September for a maximum period of five years. After the five years of the program, property owners would not be eligible to re-apply for another five years. Properties receiving the Heritage Tax Rebate would be ineligible for Heritage Incentive Grants during the agreement period. This program is currently under review.

### 5.3 Other Incentives

The only other incentive program currently within the Town of Niagara-on-the-Lake is the plaquing and heritage awards ceremony. This is a program facilitated by the Heritage Council, a subcommittee of Town Council comprised of Council members and MHC members, whereby approximately four properties a year are chosen for receipt of a heritage plaque to commemorate the heritage value of the property. Heritage projects and heritage property owners are also chosen for recognition through heritage awards and commendations to commemorate restoration, adaptive reuse, exceptional maintenance, and complimentary design. Plaques and awards/commendations have not been issued since 2019.



Figure 17: Mackenzie Printery and Newspaper Museum in Queenston<sup>28</sup>

<sup>28</sup> Kelly Hayes, "10 Historical Things To Do in the Niagara Region," <https://travellinghistory.com/10-historical-things-to-do-in-the-niagara-region/>.

## **PART 6: THE MUNICIPAL HERITAGE COMMITTEE**

### **6.1 General**

Municipal Heritage Committees represent a community voice and can be a tremendous asset for a community. Heritage committees were first established in 1958 and are statutory committees created under Section 28.1 of the OHA. Municipalities are not required to establish a Municipal Heritage Committee; however, once established, the Council has a duty to consult the Committee on heritage-related matters before a decision is made. However, MHCs are advisory to Council, and Council provides the final decision on heritage related matters. Currently, there are almost 150 Municipal Heritage Committees in the province.

To establish a Municipal Heritage Committee, Council must pass a by-law, appoint its members, and establish a mandate and terms of reference for the Committee. Staff support, resources, and a budget are also necessary to allow the Municipal Heritage Committee to fulfill its duties and be successful.

There are a variety of benefits associated with Municipal Heritage Committees. One of the chief benefits of an MHC is the ability to harness local volunteer talent and expertise to assist Council. Another benefit is the ability of a committee to offer a more considered and objective look and new perspectives on heritage evaluation, impacts, and decisions than one person could provide. A third benefit is the building of relationships with and recognition of the efforts of property owners. Some MHCs have included property owners as members allowing for an opportunity for peer-to-peer conversations between the committee and owners of properties under consideration for listing and designation.

### **6.2 Mandate and Terms of Reference**

A mandate and terms of reference outline the responsibilities of the Municipal Heritage Committee. They include what the Committee is and is not responsible for and consider how the Committee might be structured to handle the workload of the Town's priority initiatives to deliver results. This is not to say that the Committee should replace staff as they both serve as essential parts of a successful heritage program. It is important to update the mandate and terms of reference as provincial and municipal policies and practices shift. A review of the MHC's budget should be included as part of any updates to the mandate and terms of reference.

A copy of the current mandate and terms of reference for the Town of Niagara-on-the-Lake's Municipal Heritage Committee can be found in Appendix C.

The Terms of Reference for the MHC should explicitly allow for the creation of both standing subcommittees and working groups. Standing subcommittees include only MHC members and can be used to divide up the responsibilities of the MHC. For example, a subcommittee for heritage permits would allow them to be addressed in more detail while providing more opportunity for monthly MHC meetings to focus on other matters and larger initiatives. Working groups can include non-MHC members and can be used to spearhead specific projects. For example, a working group could conduct an inventory of properties within the municipality to



guide the listing and designation of properties. The meeting minutes from these subcommittees and working groups would be added to the monthly meeting agenda to provide an opportunity for other MHC members to comment on and approve items as appropriate.



Figure 18: Silversmith Brewing Company in Virgil, Ontario<sup>29</sup>

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<sup>29</sup> Silversmith Brewing Company Facebook Page, post from 28 January 2016, <https://www.facebook.com/silversmithbrewing/photos/pb.100063605589936.-2207520000../801124413347937/?type=3>.

## REFERENCES

- Canada's Historic Places. "Standards and Guidelines for the Conservation of Historic Places in Canada." 2010.
- Hill, Nicholas. *Queen & Picton Streets Niagara-on-the-Lake: A Heritage Conservation District Plan*. London, ON: Nicholas Hill, Architect, Planner, 1986. Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/NOTL%20District%20Plan.pdf>.
- Legislative Assembly of Ontario. "Bill 108, More Homes, More Choice Act, 2019." Accessed September 21, 2022. <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-108>.
- Legislative Assembly of Ontario. "Bill 109, More Homes for Everyone Act, 2022." Accessed September 21, 2022. <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-109>.
- McIlroy, Brook. "Village of St. Davids Urban Design Guidelines." Last updated March 2005. Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/St.%20Davids%20Urban%20Design.pdf>.
- Ministry of Tourism, Culture and Sport. "Designating Heritage Properties: A Guide to Municipal Designation of Individual Properties Under the Ontario Heritage Act." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_DHP\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf).
- Ministry of Tourism, Culture, and Sport. "Heritage Conservation Districts: A Guide to District Designation Under the Ontario Heritage Act." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_HCD\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HCD_Eng.pdf).
- Ministry of Tourism, Culture and Sport. "Heritage Places of Worship: A Guide to Conserving Heritage Places of Worship in Ontario Communities." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_POW.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_POW.pdf).
- Ministry of Tourism, Culture and Sport. "Heritage Property Evaluation: A Guide to Listing, Researching and Evaluating Cultural Heritage Property in Ontario Communities." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_HPE\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_HPE_Eng.pdf).
- Ministry of Tourism, Culture and Sport. "Heritage Resources in the Land Use Planning Process." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_Heritage\\_PPS\\_infoSheet.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Heritage_PPS_infoSheet.pdf).
- Ministry of Tourism, Culture and Sport. "Your Community, Your Heritage, Your Committee: A Guide to Establishing and Sustaining an Effective Municipal Heritage Committee." The Queen's Printer for Ontario, 2006. Accessed September 21, 2022. [http://www.mtc.gov.on.ca/en/publications/Heritage\\_Tool\\_Kit\\_Your\\_community\\_Eng.pdf](http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Your_community_Eng.pdf).

Ontario Heritage Trust. "Conservation Easements." Accessed September 21, 2022. <https://www.heritagetrust.on.ca/en/pages/tools/conservation-easements>.

Ontario Heritage Trust. "Easement Properties." Accessed September 21, 2022. <https://www.heritagetrust.on.ca/en/property-types/easement-properties>.

Ontario Heritage Trust. "Ontario Heritage Act Register." Accessed September 21, 2022. <https://www.heritagetrust.on.ca/en/pages/tools/ontario-heritage-act-register>.

Province of Ontario. "Environmental Assessment Act, R.S.O. 1990, c. E.18." Last modified January 1, 2022. Accessed September 21, 2022. <https://www.ontario.ca/laws/statute/90e18>.

Province of Ontario. "Funeral, Burial, and Cremation Services Act, 2002, S. O. 2002, c.33." Last modified March 1, 2022. Accessed September 21, 2022. <https://www.ontario.ca/laws/statute/02f33>.

Province of Ontario. "*Ontario Heritage Act*, R.S.O. 1990, c. O.18." Last modified October 19, 2021. Accessed September 21, 2022. <https://www.ontario.ca/laws/statute/90o18>.

Province of Ontario. "Municipal Act, 2001, S.O. 2001, c.25/" Last modified December 9, 2021. Accessed September 21, 2022. <https://www.ontario.ca/laws/statute/01m25>.

Province of Ontario. "O. Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest – Under *Ontario Heritage Act*, R.S.O. 1990, c. O.18." Last modified January 25, 2006. Accessed September 21, 2022. <https://www.ontario.ca/laws/regulation/060009>.

Province of Ontario. "The Planning Act, R.S.O. 1990, c. P.13." Last modified December 8, 2020. Accessed September 21, 2022. <https://www.ontario.ca/laws/statute/90p13>.

Province of Ontario. "The Provincial Policy Statement 2020." Last modified May 1, 2020. Accessed September 21, 2022. <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>.

Town of Niagara-on-the-Lake. "Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value or Interest." Last updated February 2021. Accessed September 21, 2022. <https://www.notl.com/media/908>.

Town of Niagara-on-the-Lake. "Town of Niagara-on-the-Lake Official Plan." Last updated July 17, 2017. Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/NOTL%20Official%20Plan%20%28Amended%20to%20July%2017%2C%202017%29.pdf>.

Town of Niagara-on-the-Lake. "Town of Niagara-on-the-Lake Official Plan Schedules." Last updated July 17, 2017. Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/Official%20Plan%20Schedules.pdf>.

Town of Niagara-on-the-Lake. "Zoning By-laws." Accessed September 21, 2022. <https://www.notl.com/business-development/planning-services/zoning-laws>.



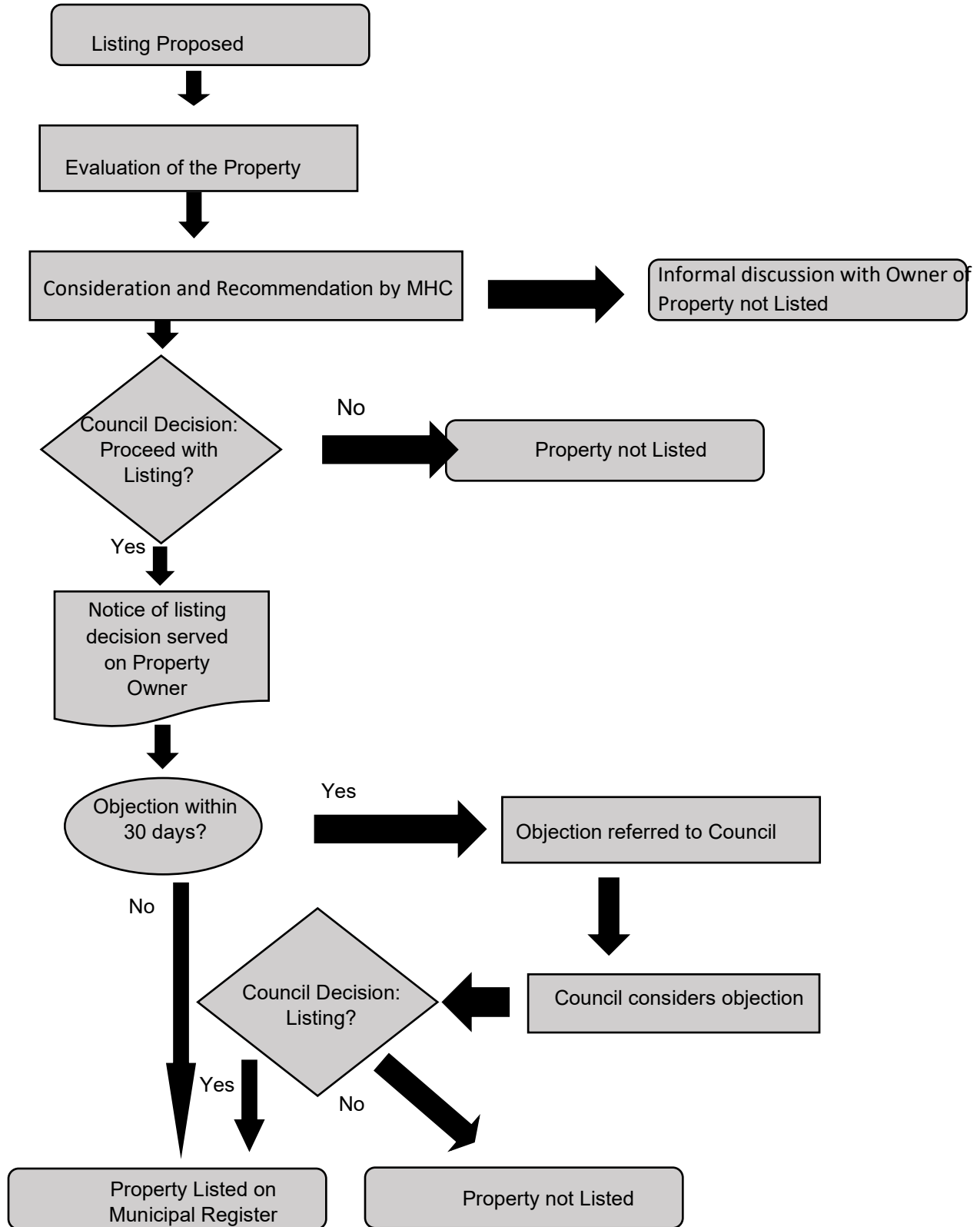
Urban Strategies Inc. “Glendale Plan: Secondary Plan for the Glendale Community, Town of Niagara-on-the-Lake.” Last updated August 26, 2010. Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/Glendale%20Secondary%20Plan%20-%20August%2030.10.pdf>.

Urban Strategies Inc. “The Town of Niagara-on-the-Lake Dock Area Secondary Plan.” Last updated July 20, 2010. Accessed September 21, 2022. [https://www.notl.com/sites/default/files/2021-11/Dock%20Area%20Scndry%20Plan%20\\_%20Schedules%20July%2020%2010.pdf](https://www.notl.com/sites/default/files/2021-11/Dock%20Area%20Scndry%20Plan%20_%20Schedules%20July%2020%2010.pdf).

Urban Strategies Inc. “Village of Queenston Secondary Plan.” Accessed September 21, 2022. <https://www.notl.com/sites/default/files/2021-11/Queenston%20Secondary%20Plan%20-%20Final%20Version.pdf>.

# APPENDIX A: LISTING PROCESS FLOWCHART

Listing a Non-Designated Property on the Municipal Heritage Register  
(Section 27(3) of the Ontario Heritage Act)

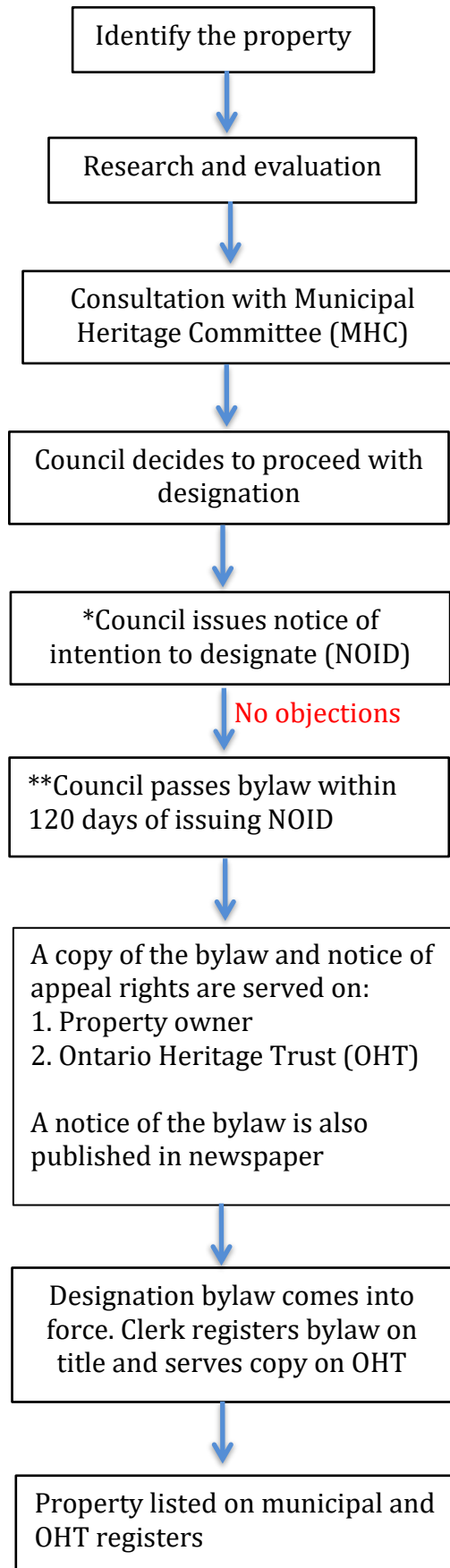


# APPENDIX B: DESIGNATION PROCESS FLOWCHART

## Timelines

### Designation by Municipal Bylaw (no objections)

Section 29 of the Ontario Heritage Act

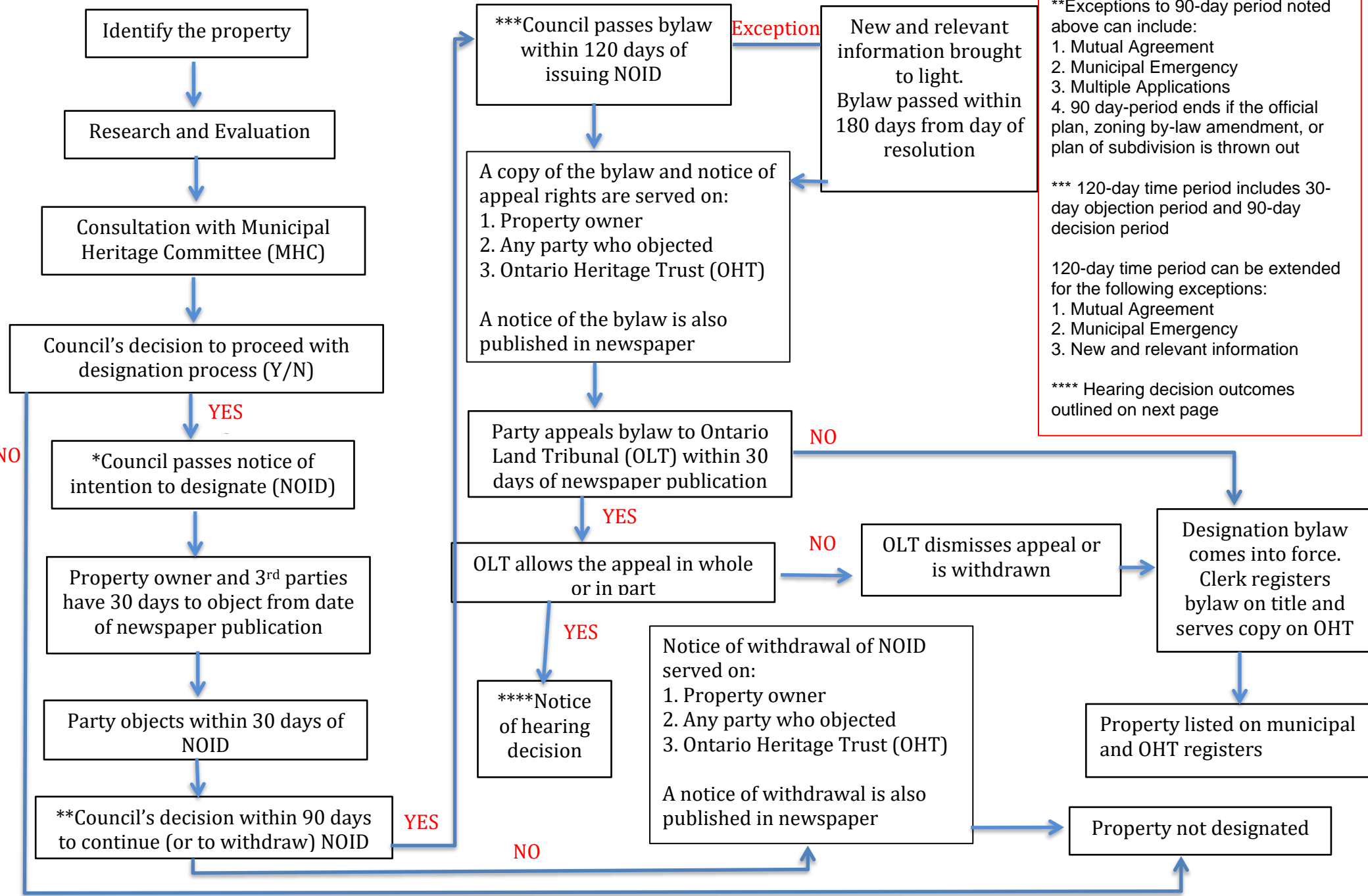


\*Once NOID has been issued and published in a newspaper, the 120-day timeframe begins

\*\*120 days includes a 30 day period for objections

# Timelines

## Designation by Municipal Bylaw (process for objections and appeals)



\*Council has a 90-day period to give NOID when a property is subject to an application for:

1. Official Plan Amendment
2. Zoning By-law Amendment
3. Plan of subdivision

\*\*Exceptions to 90-day period noted above can include:

1. Mutual Agreement
2. Municipal Emergency
3. Multiple Applications
4. 90 day-period ends if the official plan, zoning by-law amendment, or plan of subdivision is thrown out

\*\*\* 120-day time period includes 30-day objection period and 90-day decision period

120-day time period can be extended for the following exceptions:

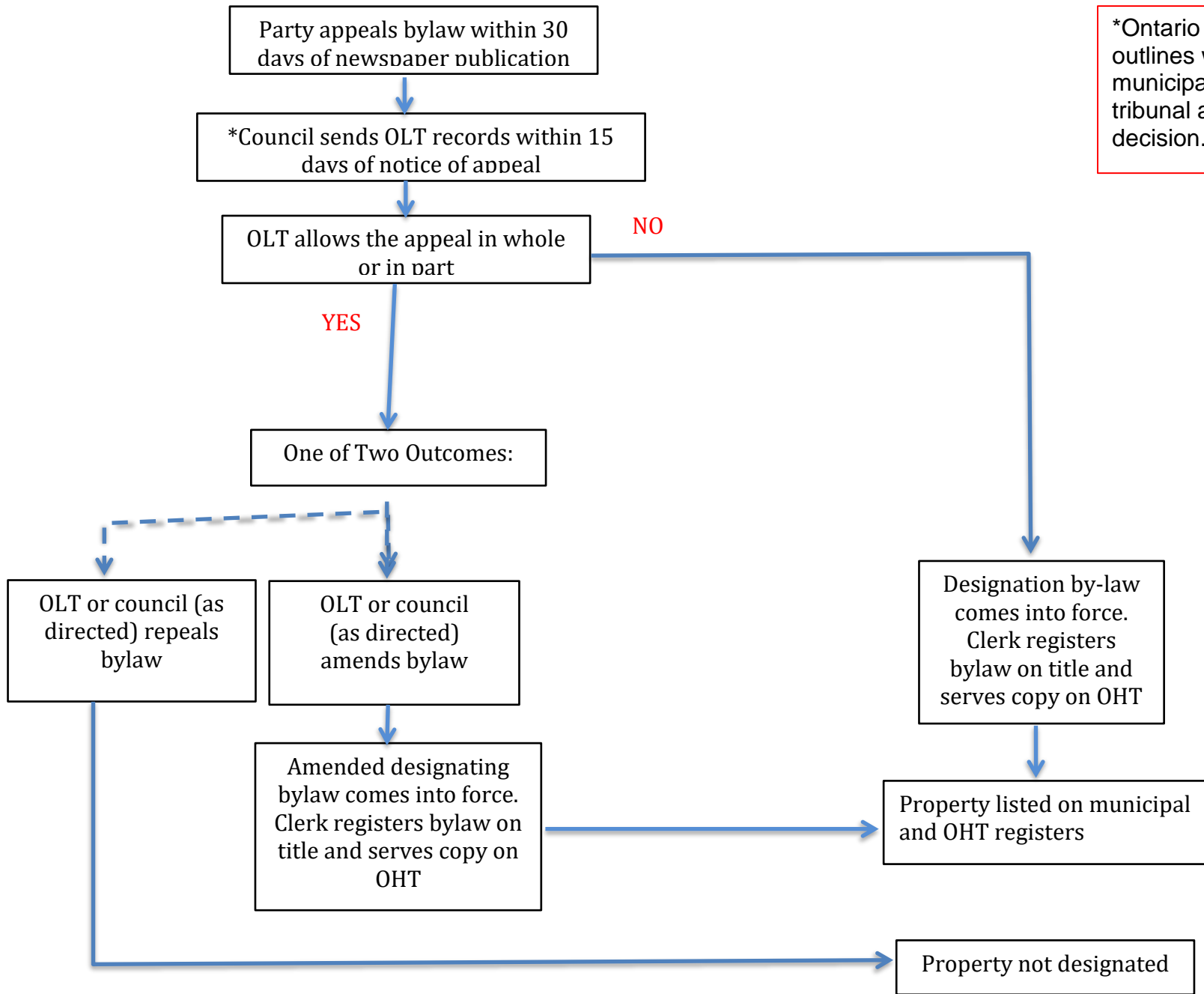
1. Mutual Agreement
2. Municipal Emergency
3. New and relevant information

\*\*\*\* Hearing decision outcomes outlined on next page



### Designation by Municipal Bylaw (when the decision goes to OLT)

\*Ontario Regulation 385/21 outlines what materials a municipality must forward to the tribunal as part of the record of decision.



**APPENDIX C: MUNICIPAL HERITAGE COMMITTEE  
MANDATE / TERMS OF REFERENCE**

## Municipal Heritage Committee

### MANDATE

The Niagara-on-the-Lake Municipal Heritage Committee (MHC) is an advisory committee to Council established by by-law under the provisions of the *Ontario Heritage Act* to advise and assist Council on matters relating to:

- Establishing and maintaining a recording and evaluation system for cultural heritage resources;
- Providing advice to Council in regard to the inclusion of properties with potential cultural heritage value or interest on the Town's Municipal Register as per Section 27(1) of the *Ontario Heritage Act*;
- Identifying properties and areas within the municipality that are worthy of designation under Part IV or Part V of the Ontario Heritage Act and to provide a recommendation to Council in regard to their designation;
- Reviewing and providing recommendations to Council on Heritage Permit Applications;
- Advising Council on potential funding sources for the preservation of cultural heritage resources
- Advising Council on any new heritage legislation or government programs that may affect cultural heritage resources;
- Advising Council on all planning applications that have a direct impact on cultural heritage resources and which fall into the following categories:
  - Non-designated properties that are listed on the Town's Municipal Register as per Section 27(1) of the Ontario Heritage Act,
  - Designated properties under Section 29 of the Ontario Heritage Act
  - Properties within a Heritage Conservation District that are designated under Section 41 of the Ontario Heritage Act, or that are being considered for designation under Section 40.1 of the Ontario Heritage Act,
  - Properties adjacent to those designated under Part IV or Part V of the Ontario Heritage Act, and
  - Development and site alteration on adjacent lands to protected heritage property as defined in the Provincial Policy Statement;
- Advising Council in regard to whether required plans and information have been provided as required under Sections 27(5), 33(2), 34 (1.2) and 42 (2.2) of the Ontario Heritage Act.
- Advising Council on means of conserving cultural heritage resources and on other heritage matters as considered to be appropriate by Staff.
- To advise and assist Council in all other matters of cultural heritage conservation, including educating and promoting cultural heritage resources within the community, funding initiatives and the Heritage Property Tax Relief program, and Official Plan policies pertaining to cultural heritage.

### QUALIFICATIONS

- Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files.
- Members shall be residents of the Town of Niagara-on-the-Lake (Town), work in the municipality or have a place of business in the municipality.
- A demonstrated commitment to and interest in the Community.
- Members shall have a special interest or knowledge in one or more of the following: architecture, cultural landscapes, archaeology, urban design and planning, natural heritage, land development, law, local history, culture, education, heritage trades and crafts (mason, carpenter etc).

### ORGANIZATION

- The committee is established by The Town of Niagara-on-the-Lake Council (Council) in accordance with these Terms of Reference. Members are guided by these Terms of Reference.
- Applications for Municipal Heritage Committee appointments are requested at the beginning of the term of Council. Members will be appointed by resolution of Council for the current four (4) term until and until their successors are appointed.

- This committee will consist of up to nine (9) members, two (2) being members of Council, one (1) being a member of the Niagara Historical Society Museum Board, and up to six (6) appointed by Council.
- Any committee member missing three (3) consecutive meetings without reasonable cause or explanation will be deemed to have resigned from the committee, filling of vacancies for the committee will be considered by Council.
- Working Groups
  - A working group (a sub-group of the Municipal Heritage Committee), may be created to assist in the research or review of a given item and will provide a detailed written report back to the Municipal Heritage Committee. A working group is normally comprised of Municipal Heritage Committee members, however, when required, volunteers may be called upon for their expertise to assist a working group by providing required information. The membership of a working group will not constitute a quorum of the committee. Working groups will operate by consensus and formal motions will not be required. Administrative support will generally not be available to working groups and consequently, the preparation of agendas, minutes, and meeting requirements will be the responsibility of the working group, if required. Support staff will not be required to attend working group meetings.

## **DUTIES & RESPONSIBILITIES**

The members elect a Chair and a Vice Chair at the first meeting.

### Chair

- Chair all regular meetings of the committee and exercises authority and performs duties as required.
- Ensure that decorum is maintained at each meeting and that the rules of procedure and conduct are observed in accordance with By-law No. 4675-13 (Procedure by-law for the Town).
- Ensure that all committee members are provided an opportunity to comment.
- If applicable, assure that all applicants are provided an opportunity to present and comment.
- Provides guidance and leadership to the committee in the completion of its mandate.

### Vice-Chair

Assume all functions of the Chair in the Chair's absence.

### Members

- Attend meeting of the committee (if unable to attend notification should be sent the staff liaison as soon as possible prior to the meeting).
- Review agendas and reports sent prior to the meeting.
- Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate.
- Are cognizant of any conflict of interest or perceived conflict in terms of issues that may service to benefit them personally.
- Act to protect the privacy of individuals with respect to personal information contained in reports and information circulated to the committee.
- Any committee member missing three (3) consecutive meetings without reasonable cause or explanation will be deemed to have resigned from the advisory committee, filling of vacancies for the committee will be considered by Council.
- Periodically review the committee Terms of Reference and recommend changes as required.

### Quorum

- A majority of the members of any committee of Council shall constitute a quorum.



- If quorum is not attained within fifteen (15) minutes after the hour set for a meeting, the recording secretary shall call the roll and take down the names of the Members present and the meeting shall stand adjourned until the next meeting.

### Support Staff

This committee shall be assisted by staff of Community & Development Services - Heritage Planner, who will provide expert advice, technical reports, background information and will prepare the recommendations of the committee. Applicants will submit applications and notices as required under the Ontario Heritage Act to Town Staff.

## **MANAGEMENT OF THE COMMITTEE**

### Meeting Schedule

- This committee shall meet generally meet the second Tuesday of each month.
- Established meeting dates and times will not be changed unless circumstances warrant special consideration.
- Meetings will be held in public in the Council Chambers unless otherwise directed by Council.
- All notices of meetings will be posted on the Town's web-calendar.
- The meeting agenda and presentation packages for each Committee meeting will be sent electronically to members one (1) week prior to each meeting.
- Members shall notify the staff liason of their attendance status to ensure quorum.

### Deputations

- Delegations will be limited to the following:
  - i) Applicants seeking comments on their applications under the Planning Act
  - ii) Proponents of heritage permit applications and those seeking comments on their future heritage permit applications.
  - iii) Proponents seeking the designation of properties under their ownership.
- Delegations shall be limited to a ten (10) minute presentation after which the MHC shall make its comments and recommendations.
- Written comments may be submitted to the Committee through the Staff liaison to the Municipal Heritage Committee on other heritage matters.
- The Committee can request to receive a delegation. The request shall be voted and approved by a majority of the members.

### Conflict of Interest

- Members shall avoid conflicts of interest. Members shall take proactive steps to mitigate conflicts of interest in order to maintain public confidence in the Town and its elected officials. Members are encouraged to seek guidance from the Integrity Commissioner and/or legal advice when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest.
- All members have the duty to advise of any conflict of interest with respect to all matters before the committee. Members should decline to participate in the disposal of a matter where a real or apparent conflict is present.
- If a member has any conflict of interest on any matter and is present at a meeting at which the matter is the subject of consideration, the member:
  - Should, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - Should not take part in the discussion of any question in respect of the matter; and

- Should not attempt in any way whether before, during or after the meeting to influence the discussion of the application.

### Reporting

- Minutes of this committee will be forwarded directly to Council.
- The Municipal Heritage Committee may make recommendations on issues within their mandate that warrant Council's consideration.
- Staff may provide a separate report, should there be concerns in regard to the recommendations of the Municipal Heritage Committee
- Site visits to properties may occur by Staff and/or Committee members, through motion of the Committee and consent from the owners of the property for the purpose of evaluating cultural heritage significance and applications under the Ontario Heritage Act or the Planning Act. Site visits shall not be considered a meeting. Town Staff shall provide support to the Committee by arranging any site visits.
- In accordance with Sections 33(3), 34(1.2), and 42(3) of the Ontario Heritage Act, following the review by the Municipal Heritage Committee of an application to alter a designated property, or demolish a property within a Heritage Conservation District, the Municipal Heritage Committee shall provide a recommendation to Council with respect to whether required plans and information have been provided. Only after Council determines that required plans and information have been provided, shall Staff issue Notice of Receipt.
- In accordance with Section 27(5) of the Ontario Heritage Act Council shall consider the date that notice has been provided to be the date that such notice with required plans and information has been received at a Council Meeting. Required plans and information shall include advice from the Municipal Heritage Committee in regard to whether required plans and information have been provided.

### Remuneration

- Applicable at \$50.00/meeting attended; and
- Travel allowance to be determined by a measurement of distance in kilometres in accordance with the Town's current rate for mileage reimbursement, and only to be paid in the event of a member attending site visit(s) in person.

### Enabling Legislation

By-law No. 4675-13 (Procedure by-law for the Town)

By-law No. 5103-18 – Municipal Heritage Committee

By-law No. 4675-13 - Procedural By-law

By-law No. 4987-17 – Town Official Plan

Ontario Heritage Act, R.S.O. 1990, c. O.18

Planning Act, R.S.O. 1990, c. P.13

**APPENDIX D: TOWN HISTORIAN MANDATE / TERMS  
OF REFERENCE**



# Terms of Reference

## Town Historian

**To be reviewed and updated**

### MANDATE

Support the Town Planning Staff by researching properties being considered for designation and writing articles to be placed in media about important history of the Town, its buildings, events or people. The Town Historian(s) may be a person or group.

### QUALIFICATIONS

- The Town Historian(s) shall have access to a computer and an email address.
- Shall be a resident(s) of the Town of Niagara-on-the-Lake (Town), work in the municipality or have a place of business in the municipality.
- A demonstrated commitment to and interest in the Community.
- Strong knowledge of the History of Niagara-on-the-Lake.
- Familiarity with respect to sources for Niagara-on-the-Lake History, including but not limited to people, collections and libraries.
- Knowledge of tools and techniques needed for historical research.
- Strong written communication skills.

### ORGANIZATION

- The Town Historian(s) will be appointed by the Town of Niagara-on-the-Lake Council (Council) in accordance with these Terms of Reference. The Historian(s) are guided by these Terms of Reference.
- Applications for the Town Historian(s) appointment are requested at the beginning of the term of Council. The Advisor(s) will be appointed by resolution of Council for the current four (4) term and until their successors are appointed.

### DUTIES & RESPONSIBILITIES

- Acquiring, preparing, recording and reporting facts about historically significant Town of Niagara-on-the-Lake events, facts and people.
- Assembling research required for commemorating sites and landmarks.
- Assist Planning staff in conducting historical research regarding properties listed on the Municipal Register as designated or non-designated.
- Collaborates with other Town and Provincial organizations.
- Reports to Town Council as required on history-related issues.
- Consolidates information as required, for distribution on the Town's media platforms, at the discretion of the Manager of Planning.
- Provides support in historical research to the Municipal Heritage Committee, Town Staff, and Committees of Council.
- Assists in research for the purpose of designating properties under the Ontario Heritage Act.

### Reporting

- The Town Historian will forward their findings and research to the Manager of Planning, or their designate.

### Remuneration

- Not applicable

### Enabling Legislation

By-law No. 4675-13 (Procedure By-law for the Town)