

Bill 23 and Heritage Designation

What does it mean for my property?

In November 2022, the Ontario Government passed Bill 23, More Homes Built Faster Act which made significant changes to land use planning and development legislation in Ontario. The intention of the Act was to help Ontario built 1.5 million homes over the next ten years and help ease the housing supply issues in our communities. The Act also made a range of amendments to various pieces of provincial legislation unrelated to housing, including the Ontario Heritage Act with governs heritage preservation in Ontario.

The biggest change in the Ontario Heritage Act was with regard to listed properties. Prior to the amendments to the Act, municipalities were able to identify and list historic properties which placed minimal restrictions on properties to help protect their heritage value. The government is now phasing out listing as a method of heritage protection and has directed municipalities to review their listed properties and designate them if they meet the provincial criteria for designation. Properties that are not designated will have their heritage protection removed.

We have many listed properties in Kawartha Lakes that are impacted by this direction from the provincial government. This package has been prepared to give you some information about what is happening, how it impacts you and your property and how we are working to minimize the impact of this provincial direction on you as the owner of a heritage property.

What is a listed property?

Listed properties are heritage properties that have a demolition restriction placed on them. If an owner wishes to demolish a listed property, they must provide the City with 60-days notice, as well as additional information as part of the application to demolish such as information on the history of the building and their rationale for seeking a demolition permit. The City then reviews the demolition application in light of the heritage value of the building and may refuse a demolition permit if warranted.



Listing is an administrative process where Council identifies and lists properties if they fit the criteria for listing. When Council decides to list a property, it is added to the City's Heritage Register, a document that identifies all of the heritage properties in the City. These criteria are determined by the province and evaluate whether a property is important because of its architecture, because of its history such as if an important local citizen lived in a property, or because of its context such as where a building forms part of a historic downtown area.

In Kawartha Lakes, we have used listing a lot to protect heritage properties as it is a generally hands-off process that is both effective in ensuring historic buildings are retained and easy for both property owners and municipal staff to administer.

What is a designated property?

A designated property is a historic property that is protected by a municipal by-law. Unlike listed properties, where Council just passes a motion to list a property, designation is a much more involved process (see below) that ultimately results in the passage of a by-law that identifies why a property has historic value and what architectural features of a property are important and should be preserved.

Designation allows municipalities to regulate alterations to heritage properties more closely than listing, although all municipalities do this differently (see below). In general, it allows a municipality to say no to the demolition of a historic property as well as changes that would impact its heritage value, such as removing important architectural features.

Like listed properties, designated properties must meet certain criteria to be designated. These criteria are determined by the province and evaluate whether a property is important because of its architecture, because of its history such as if an important local citizen lived in a property, or because of its context such as where a building forms part of a historic downtown area.

Why did the government decide that properties can no longer be listed?

The rationale for the changes in legislation is that the provincial government sees listing properties as a hindrance to new development and building new houses, although studies have shown this is not necessarily true. Beyond this, the province has not provided any good rationale for forcing municipalities and property owners to transition



the heritage status of local properties from listed to designated. Local municipalities and property owners were not consulted in any meaningful way about this change.

How does designation work?

The process for designation is determined by the province. First, a property must be evaluated to see if it has heritage value based on nine criteria related to architectural, historic, and contextual value. A property must meet two of these criteria to be eligible for designation. A heritage evaluation report is prepared which outlined the history and architectural features of the property and how it meets the provincial criteria.

This report is then presented to Council which reviews it and passes a motion telling staff to reach out to owners to let them know about the designation. This is known as a Notice of Intention to Designate. This notice is mailed to property owners along with any additional information – such as this package – and includes the reasons that the property has heritage value and information about objecting to a designation. Once this notice goes out, property owners are encouraged to reach out to staff to discuss designation and what it means for them. There are lots of unhelpful myths about heritage designation out there so reaching out to staff means that you get the right information and have access to appropriate resources to assist you.

Property owners are allowed to object to a designation by filing a formal objection. If this occurs, Council reviews the objection and decides if it wants to proceed with the designation or not. While Council must review any objections it receives, Council can designate a property even if the owner objects.

If there is no objection or Council decides it wants to proceed anyway, a by-law is passed which outlines the property's value and its important historic features. In Kawartha Lakes, we like to review the by-law with the property owner before it goes to Council for passage because we want property owners to understand what is in the by-law and be happy about its contents. Once the by-law is passed, it is provided to the property owner along with any other documentation for their records.

Can I get copies of the heritage evaluation report and other historic documentation about my property?

Yes, we provide a copy of the heritage evaluation report to the property owner as well as any other historic documentation that was used in its preparation. This may include abstract pages, newspaper clippings or historic photographs, depending on the



property. We provide this information to property owners free of charge in a digital format.

Are there fees associated with designation?

No, there are no fees associated with designation. Designation is a process undertaken by the City and we do not charge owners for this work. Documents related to a designated property, such as heritage evaluation reports, research material, and by-laws, are also provided to owners free of charge.

Do I have to get permission to do work on my property?

As with most building work you might undertake on your property where you would be required to get a building permit from the City, you also need permission to undertake certain types of work on heritage properties. We provide permission through heritage permits which are issued to a property owner when work is approved.

In general, you need a heritage permit to undertake any work where you would also need a building permit, such as constructing additions, making structural changes to a building, or rebuilding a porch or deck. You will also need a heritage permit if you are undertaking work that will impact heritage features of the building such as changing or removing decorative brickwork or woodwork or cornices on commercial buildings. We also required commercial heritage properties to obtain permission to install new commercial signage as part of our sign permitting process.

You do not need a heritage permit to undertake any kind of maintenance, such as painting, repairing masonry or woodwork, reroofing, installing or replacing eavestroughing and downspouts, or repairing paths or walkways. You also do not need a heritage permit to undertake soft landscaping, such as planting gardens or trees, or putting up sheds or garden structures. You are also not required to obtain a heritage permit to install utilities such as air conditioning units or heat pumps, unless you are making significant changes to the property as part of the installation. The majority of work that heritage property owners regularly do on their properties does not require a heritage permit.

The intention of the heritage permitting system is to ensure that new work taking place on a property maintains its heritage character. There is no expectation that your property will look like a museum as we recognize that people need to live and work in our heritage buildings and sometimes that means making changes to them. Staff are



here to assist you with the permitting process to make it as seamless as possible and work with our Building Division staff to ensure that the heritage permitting process is aligned with our building permits to prevent delays in getting your work done.

I have heard that getting a heritage permit is really difficult. Is that true?

No, obtaining a heritage permit in Kawartha Lakes is relatively easy and staff are here to help you through the process. We want you to be able to undertake work on your property so that it works for you. Our heritage permit form is available in both hard and digital copies and we have a variety of options for submission so that it is convenient for you. Our turnaround times for applications can be as quick as one or two business days and we have a single point of contact for inquiries regarding heritage permits either by email at heritage@kawarthalakes.ca or by phone at 705-324-9411 ext. 1366. For work that requires a building permit or planning permission, heritage staff can also help guide you through those processes.

It is important to understand that the regulations around heritage permitting are determined at a municipal level, so how easy it is to undertake work on heritage properties is different in different places across the province. While you may hear information about challenges undertaking work on heritage properties in other places in Ontario, they probably have very different regulations to what we have in Kawartha Lakes. In general, the regulations in Kawartha Lakes are more lenient than in other municipalities as we recognize that it makes more sense to work together with a property owner to preserve a heritage building than placing stringent and unobtainable restrictions that make it difficult to undertake work on a heritage property. We want you to succeed in maintaining and renovating your historic property and our heritage permitting process is designed with that in mind.

Does the City regulate paint colour?

No, the City does not regulate paint colour and you are not required to obtain a heritage permit to paint your property. There are some municipalities that do regulate paint colour, but Kawartha Lakes does not. We do have a heritage colour palette with suggested historic colour schemes for property owners who are looking for some guidance on colour, but you are not obligated to use it.

Are there fees for permits?

No, the City does not charge fees for heritage permits, unless you are demolishing the building on the property. You are still required to pay for a building permit, if you need one, for the work you are looking to do. The regular building permit fee schedule applies.

What parts of my property are impacted?

Generally, designations only protect the exterior of properties. There are a few properties in the City where there are interior features that are protected, but these are relatively rare and the City prefers to only protect exterior elements as it makes it easier for both the property owner to undertake renovations and easier for the City to administer. If there are important heritage features on the interior of your property that you would like to see protected, you should contact City staff.

Do I get a plaque?

Yes, you are able to receive a bronze plaque from the City identifying your property as a heritage property, but only if you want one. You are not obligated to have a plaque on your property, although many owners want one. The City provides these plaques to owners for free, but it is your job to install it on your property. If you would like a plaque, let City staff know who will order one for you.

Do I have to restore my property to what it looked like when it was built?

No, you do not have to restore your property to what it looked like when it was built. Features that have been removed or altered over the years do not have to be reconstructed or replaced. We recognize that this is not realistic and cannot force owners to do this. If you are looking to undertake restoration work, you are certainly welcome to do so and staff are here to assist you with resources and to guide you through City permitting and planning processes.

How does this impact the use of my property?

Heritage designation does not impact the use of your property. If you have a downtown commercial property, for example, with a ground floor business and upper storey apartments, you are able to continue that use with no issue. Heritage designation does

not allow municipalities to regulate use or force owners to use certain buildings in certain ways. If you would like to change the use of your property, you may be required to rezone the property and the heritage designation of your property will not impact a rezoning unless you are making major physical changes – such as demolishing the building – to the structure. Inquiries regarding change of use and the rezoning process should be directed to our Planning division at planningadmin@kawarthalakes.ca.

Will it impact my insurance?

No, heritage designation should not impact your property insurance. The Insurance Bureau of Canada and the Province of Ontario have provided direction to insurance providers across the province that insurance premiums for heritage designated properties should not be increased simply because of local heritage status. A heritage designated building should have similar insurance rates to a comparable non-heritage designated building of a similar type and age because their value and risk factors are the same. Designation does not require you to have certain types of insurance, or insurance at all, but you are encouraged to carry appropriate insurance for your property that is suitable to the building itself and your own needs.

Sometimes insurance providers are not familiar with heritage designation and how it related to insurance coverage. The City regularly fields calls from property owners and insurance providers in relation to coverage for heritage properties and is happy to meet with you or your insurance provider to discuss coverage and how that is impacted by heritage designation. We will also provide confirmation of heritage status and requirements to rebuilding and repairs as it relates to new insurance policies, renewals and claims.

Finding insurance coverage that is suitable for an older building often requires more research than for a new build, whether the building is heritage designated or not. We recommend that you shop around for an appropriate insurance provider who can provide you with competitive rates and coverage appropriate to your unique property.

Additional information from the province regarding heritage properties and insurance can be found at: www.ontario.ca/page/heritage-properties-and-insurance

Will it impact the sale of my property?

Heritage designation should not impact the sale of your property. There are a lot of myths surrounding heritage designation and property value and we understand that

most people are concerned about their property value and its impact on potential future sales. Because this is a concern that a lot of people have, studies have been undertaken in jurisdictions across Canada to determine what impact heritage designation has on property sales and it has been found that its impact is negligible, in either a positive or negative way, when sale prices and days on the market are compared with non-designated properties of a similar age, location and condition. The wide variety of factors, of which heritage designation is only one, that go into determine the saleability and price of a property mean that people look at many different things when they are buying a property: its location, its physical condition, their needs versus what the property offers, and local market conditions.

It is important to recognize that not every buyer wants to purchase a historic building, whether it is designated or not. Historic buildings are not suited for everyone's needs and so your pool of buyers will not include people looking to purchase a new house or commercial building. This, however, is the case whether or not a building has heritage protection or it doesn't, as many people simply do not want a building over a certain age.

Will it impact my property taxes?

No, heritage designation will not impact your property taxes. The assessments undertaken by MPAC that inform your property taxes do not take into account heritage designation and your property taxes with neither go up nor down as a result of heritage designation.

Are there grants available to help heritage property owners?

Yes, the City of Kawartha Lakes offers grants to heritage properties through its Million Dollar Makeover Program. The City recognizes that there are costs associated with maintaining historic buildings and is committed to supporting property owners in doing so as the work done by heritage property owners is extremely important in maintaining both historic buildings and the look and feel of our unique communities. The Million Dollar Makeover program was started by the City in 2018 as part of our Community Improvement Plan. The Heritage Conservation grant offers matching grants up to \$4,000 for businesses and residential properties to undertake work on their property that conserves or repairs its historic features. Each property can receive up to \$10,000 in grant funding through several applications. Commercial property owners can stack the Heritage Conservation Grant with other grants offered by the City specific to



commercial properties which are also offered through our Million Dollar Makeover program. There are two intakes for applications each year in October and February. If you are interested in accessing grant funding, you should reach out to staff to discuss the grant application process and eligible projects. You can contact staff about the program at makeover@kawarthalakes.ca.

Who can I contact to discuss this further?

To discuss the impact of Bill 23 on your property and any thing else regarding heritage designation in Kawartha Lakes, please contact our heritage planning staff. We are happy to meet with you to discuss the designation process and any questions or concerns you might have.

Economic Development Officer – Heritage Planning

heritage@kawarthalakes.ca

705-324-9411 ext. 1366

180 Kent Street West

Lindsay ON K9V 2Y6