



Property Owner's Guide to Heritage Designation



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Context

The *Ontario Heritage Act* was passed in 1975 in order to give the Province and its municipalities a framework and legal basis upon which to conserve our heritage resources for the public interest. The Act and the City of Kingston's Official Plan provide guidance in identifying and protecting our heritage resources. Heritage resources include:

- **buildings** of all types;
- **cultural landscapes**, such as parkland and streetscapes; and
- **archaeological resources**.



Rideau Canal Waterway UNESCO World Heritage Site

Under the *Ontario Heritage Act*, the City of Kingston is able to designate properties based on a provincial set of criteria. By protecting these important heritage resources, the City will conserve its sense of community and promote tourism while preserving the quality of life that makes Kingston a truly unique and authentic city.

Benefits of Owning a Designated Property

In addition to the enhanced public experience and protection of local identity that are fostered by heritage designations, there are also a series of benefits for individual property owners, such as:

- **free guidance** on completing maintenance and alterations that are appropriate and help to celebrate the heritage value of the property and/or the overall district;
- **grants** for restoration work, up to \$2000 for eligible projects; and
- **tax refunds** for completed restoration works, up to \$5000 for eligible property owners.



James Medley House, Barriefield Heritage Conservation District

James Medley House, Barriefield Heritage Conservation District

Furthermore, studies on Ontario's heritage designated properties have revealed above-average performance in terms of property value changes, as well as resistance to market downturns.

Types of Heritage Designations

The *Ontario Heritage Act* describes two broad designation types:

- **individual properties** (Part IV); and
- **Heritage Conservation Districts** (Part V)

An individual property may also be 'Listed' as a property of cultural heritage value – a lower level of protection than designation and one that does not involve a by-law. The City of Kingston's Heritage Properties Register currently contains over 1200 listed and designated properties and 2 Heritage Conservation Districts (HCDs), Market Square HCD and Barriefield HCD.

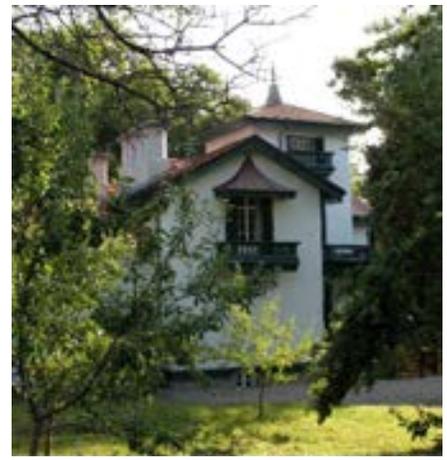


Approximate boundaries of the Barriefield Heritage Conservation District

Criteria for Designation

A designation by-law for a property sets out the cultural heritage value of the property, including a list of the features which are important to its value as a heritage resource. At least one of three broad criteria types must be identified in order for a property to be considered for designation:

- **design/physical** (representative of a particular architectural style, for example);
- **historical/associative** (previously owned by a historical figure, for example); and
- **contextual** (contributes significantly to the area's character or is a landmark).



Bellevue House National Historic Site of Canada, former residence of Sir John A. Macdonald



The Heritage Designation Process

The decision to put a heritage designation on a property is one that is made for the public's long-term benefit. Anyone can recommend designation, and while it is not required, it is preferable for the property owner to support the designation and work with City staff throughout the designation process. In Kingston, an application for heritage designation can be submitted to the Heritage staff at City Hall or 1211 John Counter Boulevard, who will offer a recommendation to the Municipal Heritage Committee based on its consistency with the *Ontario Heritage Act*. The Committee will then either recommend approval or denial to City Council, and

while decisions are appealable, Council ultimately makes the final decision on the designation of the property.

Application Process for Alteration, Demolition, and Removal

The application process for designated properties is similar to the designation process described above, in that the proponent seeks City Council's approval by way of a recommendation from the Municipal Heritage Committee. Such an application is required where alterations are proposed which may affect the property's "reasons for designation," as defined in its designation bylaw. There is no cost to apply for a heritage permit, and the application is considered approved unless City Council makes a decision within 90 days. Many alterations do not need to go before the Municipal Heritage Committee and can be approved through staff's delegated authority. For more information about the application process, please see the City of Kingston's Heritage Permit webpage at <http://www.cityofkingston.ca/> or contact Heritage and Urban Design staff at City Hall.



Ongoing alteration work-former Queen Street United Church

Appeals for Denied Applications

If an application is denied, the applicant can appeal the decision within 30 days. In the case of properties designated under Part IV, the decision would be appealed to the Conservation Review Board. If the Board recommends approval, City Council has an opportunity to reconsider the application. For properties located in Heritage Conservation Districts, or for demolition permits, appeals are filed with the Ontario Municipal Board, which can overturn Council's decision.

Some Common Misconceptions about Heritage Designations

“Heritage designations are put in place to prevent change.” The purpose of a heritage designation is to guide alterations to the property, not to prohibit them. This is to ensure that they complement, rather than compromise, the integrity of its cultural heritage value. As such, when thoughtfully designed, modern features such as swimming pools and garages can certainly be added to heritage properties.

“All changes to heritage properties must be approved by City Council.” Most designations apply only to the exterior of the property, most commonly the area which can be seen by the general public. Works that do not require a heritage application include:

- **interior work**, except where specifically designated; and
- **minor alterations, landscaping and maintenance work** as defined in By-law No. 2013-141.

Moreover, many types of approvals have been delegated to the City’s Heritage and Urban Design staff, such as:

- **repairing** sidewalks and driveways;
 - **repainting** in the same or similar colour;
 - **replacing** roofing where there is little or no change in material, colour or design;
 - **re-pointing** masonry according to the City’s *Policy on Masonry Restoration in Heritage Buildings* and limited to 10% of the total surface area;
 - **removing** or **altering** signage within its current configuration and building coverage;
 - **amending** previously approved heritage permits that involved works delegated to staff; and
 - **issuing** heritage grants for work completed in accordance with a provisional approval.
- Please see Part IV of By-law No. 2013-141 for the full list of potentially delegated works.



Compatible addition at the side of an 1850s limestone cottage, Barriefield Heritage Conservation District

A heritage designation does not restrict the owner’s right to sell of the property, or its particular use as that is addressed through requirements contained in the applicable planning documents, such as the zoning by-law.

“Heritage designation places a financial burden on the property owner.” The owner of a heritage property is not required to restore or maintain the property beyond what is expected of any property owner. Moreover, the City offers financial incentives to property owners for eligible restoration projects.

“Insurance premiums are higher for designated properties.” Although older properties may involve greater risk due to outdated features, a heritage designation does not prevent these features from being updated and therefore should not affect insurance premiums. Furthermore, since it is not a requirement for destroyed features to be replicated, there should be no added cost to insurance companies or owners in that regard.



McIntosh Castle, constructed in 1852

“Heritage designation negatively impacts property values.” Studies have found that heritage designated properties most often perform at or above the average property in terms of changes in economic value, thus allaying the financial worries of prospective heritage property owners.