

## DESIGNATION CHECKLIST

### DESIGNATION OF PROPERTIES BY MUNICIPALITIES

#### **Designation by municipal by-law**

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

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1).

#### **Notice required**

(1.1) Subject to subsection (2), if the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause notice of intention to designate the property to be given by the clerk of the municipality in accordance with subsection (3). 2005, c. 6, s. 17 (1).

#### **Consultation**

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property under subsection (1), consult with its municipal heritage committee. R.S.O. 1990, c. O.18, s. 29 (2); 2002, c. 18, Sched. F, s. 2 (9).

#### **Notice of intention**

- (3) Notice of intention to designate under subsection (1) shall be,
- (a) served on the owner of the property and on the Trust; and
  - (b) published in a newspaper having general circulation in the municipality. R.S.O. 1990, c. O.18, s. 29 (3); 2005. c. 6. s. 1.

#### **Contents of notice**

- (4) Notice of intention to designate property that is served on the owner of property and on the Trust under clause (3) (a) shall contain,
- (a) an adequate description of the property so that it may be readily ascertained;
  - (b) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and
  - (c) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of

intention in a newspaper of general circulation in the municipality under clause (3) (b). 2005, c. 6, s. 17 (2).

### **Same**

[\(4.1\)](#) Notice of intention to designate property that is published in a newspaper of general circulation in a municipality under clause (3) (b) shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement explaining the cultural heritage value or interest of the property;
- (c) a statement that further information respecting the proposed designation is available from the municipality; and
- (d) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality under clause (3) (b). 2005, c. 6, s. 17 (2).

### **Objection**

[\(5\)](#) A person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts. R.S.O. 1990, c. O.18, s. 29 (5); 1996, c. 4, s. 55 (2); 2009, c. 33, Sched. 11, s. 6 (4).

### **If no notice of objection**

[\(6\)](#) If no notice of objection is served within the 30-day period under subsection (5), the council,

- (a) shall,
  - (i) pass a by-law designating the property,
  - (ii) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property,
    - (A) to be served on the owner of the property and on the Trust, (note: send to Mr. Mark Warrack at Ontario Heritage Trust) and
    - (B) to be registered against the property affected in the proper land registry office, and
  - (iii) publish notice of the by-law in a newspaper having general circulation in the municipality; or

- (b) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,
- (i) to be served on the owner of the property and on the Trust, and
  - (ii) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (11); 2005, c. 6, ss. 1, 17 (3).

### **Referral to Review Board**

[\(7\)](#) Where a notice of objection has been served under subsection (5), the council shall, upon expiration of the thirty-day period under subsection (4), refer the matter to the Review Board for a hearing and report. R.S.O. 1990, c. O.18, s. 29 (7).

### **Hearing**

[\(8\)](#) Pursuant to a reference by the council under subsection (7), the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection (5) and such other persons as the Review Board may specify, are parties to the hearing. R.S.O. 1990, c. O.18, s. 29 (8).

### **Place of hearing**

[\(9\)](#) A hearing under subsection (8) shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing. R.S.O. 1990, c. O.18, s. 29 (9).

### **Review Board may combine hearings**

[\(10\)](#) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing. R.S.O. 1990, c. O.18, s. 29 (10).

[\(11\)](#) Repealed: 2005, c. 6, s. 17 (4).

### **Report**

[\(12\)](#) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. R.S.O. 1990, c. O.18, s. 29 (12).