



Introduction

The Province of Ontario, through the *Ontario Heritage Act*, has enacted legislation to assist with the protection and conservation of the Province's heritage resources. The City of Hamilton has over 240 individually designated properties and seven Heritage Conservation Districts, which include another 360 properties.

Once a property is designated under the *Ontario Heritage Act*, the City is enabled to manage physical changes to these heritage resources through the Heritage Permit process. The Heritage Permit process allows the City to review site-specific applications to determine how the proposed changes to the property may enhance or adversely affect the integrity of the heritage resources. There are two types of adverse effects to heritage resources: changes that result in the damage or loss of heritage features or materials; and, changes that result in the disruption of the overall character of the heritage resources.

How does the Heritage Permit process work?

According to the *Ontario Heritage Act*, no owner of a designated property shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, unless the owner applies to Hamilton's City Council and receives written consent. This consent is obtained through a Heritage Permit and is administered by

Heritage staff in the Planning and Economic Development Department.

Heritage Permits are required for all individually designated properties (under Part IV of the *Ontario Heritage Act*), where the proposed alteration affects the property's heritage attributes as described in the designation by-

law, and all properties located within the boundaries of a Heritage Conservation District (under Part V of the *Ontario Heritage Act*). To determine whether or not your property is designated, please refer to the City of Hamilton, Heritage Planning website or contact Heritage staff. There is no application fee for a Heritage Permit.

A Building Permit, Sign Permit or certain other City approvals will not be issued for a property that is designated under the *Ontario Heritage Act* until the applicant has received an approved Heritage Permit. A Heritage Permit should not be confused with a Building Permit that is required under the *Building Code Act*.

When is a Heritage Permit required?

The following are a few examples of typical alterations that require a Heritage Permit, please contact Heritage staff directly to confirm if your specific project requires this permit:

- Additions to the portions and elevations of individually designated heritage buildings as described in the designated by-law;
- New construction within a Heritage Conservation District;
- Demolition of all or part of individually designated heritage buildings;
- Demolition of buildings and structures within a Heritage Conservation District;
- Masonry cleaning and repointing;
- Replacement or installation of new windows, doors, cladding material (vinyl, aluminium, stucco, masonry veneers, etc.), roofing materials, soffits, eaves troughs, and down spouts;
- Porch/verandah or chimney reconstruction or construction;
- Installation of dormers, skylights, awnings or shutters;
- Installation of signage to a designated façade or on property in a Heritage Conservation District;
- Installation of temporary/removable storm windows and doors;

- Installation of vents, satellite dishes, meters, utility boxes, A/C units, etc.;
- Painting of previously unpainted masonry or wood cladding;
- Removal of architectural decorative details defined in the Reasons for Designation/Heritage Attributes;
- Major landscaping alterations, including the erection of fences, grading and the installation of a swimming pool, on Part IV designated properties where they affect the Reasons for Designation/Heritage Attributes and within a Heritage Conservation District;
- Removal of materials for testing or testing of new materials and repair methods for any of the above; and,
- Installation of scaffolding and railings attached to a building or structure.

As a general rule, alterations to heritage properties should repair rather than replace original features, and should not permanently damage heritage materials and construction methods. Where replacement of materials or new construction is necessary, these should match or be compatible with the original. Reversible alterations that allow for the future restoration or reinstatement of heritage features are also preferred.

When is a Heritage Permit not required?

It is always best to contact Heritage staff directly to confirm if your specific project can proceed without a Heritage Permit. However, the following are a few examples of alterations that do not usually require approval of a Heritage Permit:

- Any interior alterations, unless interior elements are specifically defined in the Reasons for Designation/Heritage Attributes or if interior work will affect the external appearance of the property;
- Structural repairs, unless they affect the external appearance of the building or overall structural integrity;



- Painting, unless on previously unpainted masonry;
- Continuing maintenance or small repairs with the same materials such as, repairs to soffits, weather stripping, eavestroughs, and downspouts;
- Replacement of cladding material or roof treatments with the same materials, scale and dimensions (e.g. asphalt shingles with asphalt shingles, or wood siding with wood siding);
- Repair of broken window glass;
- Repairs to an existing fence, unless specifically defined in the Reasons for Designation/Cultural Heritage Attributes;
- Planting and/or removal of minor vegetation; and
- Replacement and repair of driveways and walkways with the same materials.

What information is required to be included in the Heritage Permit Application?

The information required varies depending on how you want to alter your property. As a minimum you should be prepared to provide the following information:

- Plans and Elevation Drawings, to scale, of the existing and/or proposed building(s) or structures, including:
 - Overall dimensions;
 - Specific building elements (signs, windows, awnings, etc.); and
 - Construction materials and details.
- A Survey/Site Plan: an accurate plan of the property showing its area and boundaries, as well as the footprints of all existing buildings, driveways, and major landscape features;
- Photographs: overall photographs of the property and photographs of the specific area you wish to alter (electronic copies are encouraged). Additional photographs of the streetscape (showing the existing site and adjacent buildings) should be included wherever possible and when applicable;

- Catalogues, product samples and/or paint chips showing the products to be used; and
- Applications for restoration of original features can also be supported with research or historical documentation, including archival photographs of the property, or pictures or plans of similarly styled buildings.

For large and complex construction activities, the applicant should seek assistance from an architect, architectural technologist, or others familiar with heritage buildings.

What are some of the important considerations in the application process?

It is highly recommended that applicants meet with staff to discuss their application prior to submission, as this may save significant time in the application process. If in doubt about the heritage status of your property and/or if a Heritage Permit is required, please contact staff. We are here to help.

Providing all of the requisite information and completing the application form in full will also expedite the approvals process. An incomplete application cannot be processed and the official notice of receipt (as required under the *Ontario Heritage Act*) will not be issued until all of the documents have been submitted and the application is complete. The submission of electronic copies of drawings and photos, in addition to hard copies, is also encouraged.

How do I proceed with submitting my application for a Heritage Permit?

1. Heritage staff are available to meet with applicants to review all documentation prior to the formal submission of an application. Consultation with the Heritage Permit Review Sub-committee or the Cross Melville Heritage District Advisory Committee prior to formal submission of an application is encouraged, particularly for complex projects, such as the construction of a new building in a Heritage Conservation District or additions to existing structures.
2. When an application is submitted, staff will review the application and the supporting documentation. Once the application is considered to be complete, staff will issue an official notice of receipt as required by the *Ontario Heritage Act*.
3. A brief staff report is prepared and the application is included on the agenda for the monthly meeting of the Heritage Permit Review Sub-committee or the Cross-Melville Heritage District Advisory Committee. Applications must be received at least one week prior to the meeting date. Meeting dates and deadlines are posted on the City's website.
4. Applicants and/or their agents are encouraged to attend the committee meeting(s) to explain the application and answer any questions.
5. Following review by the Heritage Permit Review Sub-committee or the Cross-Melville Heritage District Advisory Committee a decision is made to approve, approve with conditions or deny the application and the applicant is notified in writing.

The decision is made by:

- a) Staff - the approval of minor alterations is delegated to the Director of Planning; or,
- b) Council - for the approval of complex applications, applications for demolition and applications for new buildings or structures or if the staff recommendation is for denial. Under the

Ontario Heritage Act, a decision must be made within 90 days of issuing a notice of receipt.

6. The issuance of a Heritage Permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any by-laws of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other application legislation.

What can I do if my Heritage Permit application is denied?

The City of Hamilton's Heritage staff and the volunteer review committees endeavour to arrive at a satisfactory solution for each Heritage Permit application. Discussions with the applicant along with minor revisions to the application usually result in successful applications. Pre-submission consultation with staff and the volunteer review committees can identify these issues prior to the initiation of the formal process.

However, if the municipality denies an application, the applicant can appeal the decision to the Conservation Review Board (for alterations to individual properties designated under Part IV of the Act) or the Ontario Municipal Board (for demolition of individual properties designated under Part IV of the Act or for any work to property in a Heritage Conservation District under Part V of the Act).

What happens if I make alterations without a Heritage Permit?

Undertaking work without an approved Heritage Permit is an offence and the *Ontario Heritage Act* allows for financial and other penalties. Anyone convicted of contravening the Act may receive a maximum fine of \$1,000,000. In addition, the Act allows the Council of the municipality the option of restoring the property, building or structure to its previous condition and to recover the cost of this restoration from the owner.



How do I apply for a Heritage Permit?

The Heritage Permit application form may be downloaded from the Heritage Planning section of the City of Hamilton website:

www.hamilton.ca/HeritagePlanning.

Or by contacting Heritage staff via phone, email, mail or fax. (contact information provided on the next page).

The completed Heritage Permit application form, along with the necessary supporting documentation, must be submitted directly to Heritage staff in the Community Planning and Design Section of the Planning and Economic Development Department. Please note that there is no application fee for a Heritage Permit.



Where can I find additional online resources?

City of Hamilton's Building Division:

www.hamilton.ca/building

Ontario Ministry of Culture:

www.culture.gov.on.ca/english/culdiv/heritage/index.html

Parks Canada:

www.historicplaces.ca/nor-sta/norm-stan_e.aspx

United States National Parks Service, Preservation Briefs:

www.cr.nps.gov/hps/tps/briefs/presbhom.htm

All Department brochures can be found at:

www.hamilton.ca/pedpublications

All department applications can be found at: www.hamilton.ca/pedapplications



This pamphlet is intended only as an aid to prospective applicants on the processing of Heritage Permit applications in the City of Hamilton. It has been prepared for information purposes only and should not be relied upon as legal advice. The City does not warrant or certify the contents and accepts no liability on the part of itself, its elected officials and staff with respect to the provision of this information. In all cases, the provisions of the *Ontario Heritage Act* apply and applicants should consult a lawyer when required.

Information collected in an application related to the Heritage Permit process, including personal information, is collected under the authority of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, and is subject to *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

For more information contact:

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Hamilton

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