Kitchener has its own unique culture and heritage. Our places, spaces and stories are **integral to our identity** and play a role in economic development by enhancing our citizens’ quality of life, stimulating revitalization and attracting visitors.

This guide provides a **general overview** of individual property designation under Part IV of the *Ontario Heritage Act* as a way to protect and manage Kitchener’s cultural heritage resources. It explains what designation is, describes the steps in the process, and explores how it helps to conserve heritage properties into the future.

**BACKGROUND**

The Province of Ontario passed the *Ontario Heritage Act* in 1975. It provides municipalities with the **tools and responsibility** to identify, evaluate and conserve cultural heritage resources that have value or interest to the community. Municipalities can pass bylaws to formally designate properties to ensure the conservation of these important places for the benefit and enjoyment of present and future generations.

The Act allows municipalities to establish a **municipal heritage committee** (MHC) to advise Council on matters relating to the Act and other heritage issues. First known as *Kitchener LACAC*, the City’s MHC was formed in 1979. The City of Kitchener formally established a **Heritage Planning function** in the early 1990s with the creation of the Heritage Planner position within the Planning Division.

**REGISTER**

One of the first tasks Kitchener LACAC carried out was the development of an **Inventory of Historic Buildings**, eventually identifying more than **800** properties. This process continued into the 1990s.

Changes to the *Ontario Heritage Act* in 2005 allowed municipalities to **List** non-designated properties on the **Municipal Heritage Register**, previously just a record of designated properties. Today called **Heritage Kitchener**, the MHC re-evaluated all inventoried properties between 2007 and 2015.

Through a four-step **Listing Process**, developed to ensure thorough and objective evaluation of each property, the following steps were undertaken:

1. initial evaluation;
2. short listing by a sub-committee and preparation of a Statement of Significance which was shared with the property owner;
3. Public review by Heritage Kitchener; and
4. Listing on the Municipal Heritage Register by City Council.
There are now 231 properties Listed on the Municipal Heritage Register. These properties may be good candidates for future designation.

**Designation**

The City may designate properties under Part IV of the *Ontario Heritage Act* – individual designations – or under Part V – properties within a Heritage Conservation District.

<table>
<thead>
<tr>
<th>Ontario Heritage Act</th>
<th>Type of Protection</th>
<th>Number to Date (November 2016)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part IV</td>
<td>Listed</td>
<td>231</td>
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<tr>
<td>Part IV</td>
<td>Individual Designation</td>
<td>89</td>
</tr>
<tr>
<td>Part V</td>
<td>Heritage Conservation District</td>
<td>1,035</td>
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**Why Designate?**

The designation of property under the *Ontario Heritage Act* is the main tool that municipalities have to provide long-term protection of our built heritage resources for future generations. Designation:

- recognizes the importance of a property to the local community;
- protects the property’s cultural heritage value;
- encourages good stewardship and conservation; and
- promotes knowledge and understanding about the property.

Designation not only publicly recognizes and promotes awareness of heritage properties, it also provides a process for ensuring that changes to a heritage property are appropriately managed and that these changes respect the property’s heritage value. This includes protection from demolition.

An individual property owner can also benefit through:

- **free guidance** from Heritage Kitchener volunteers and Heritage Planning staff on good heritage conservation practices for their buildings;
- **bronze plaque** to recognise the importance of a property;
- **grants** from the City for restoration work, currently up to $3,000 for eligible projects, and access to Waterloo Regional Heritage Foundation grants; and
- **tax refunds** of up to 40% of the municipal and education portions of property taxes, with a heritage conservation easement or preservation and maintenance agreement.

In the largest study of its kind in North America, University of Waterloo researchers evaluated 3,000 properties in 24 communities in Ontario, including Kitchener, to determine whether heritage designation impacted the value and resale of those properties. Results showed there is a robust market in designated heritage properties. They perform well, with ¾ doing average or better than average, and the value of heritage properties tends to be resistant to down-turns in the market. [Shipley, Robert. “Heritage Designation and Property Values: Is there an Effect?” *The International Journal of Heritage Studies* 6.1 (2000)]
**Process**

One way to begin the Designation Process is for a property owner to send a written request to Heritage Kitchener asking they recommend City Council designate their property. Be sure you include the address of the property and your contact information. There is no cost to make a request for designation.

The next step is for the Designation Sub-Committee and Heritage Planning staff to research and evaluate the property. All properties currently Listed on the Municipal Heritage Register have undergone this process. To ensure this information is up-to-date, it is reviewed again at this stage.

A **Statement of Cultural Heritage Value or Interest** is prepared, which includes a description of the property, an itemized list of heritage attributes and one or more of the following elements which describe the values being protected:

- **Design or Physical Value**: architectural style, materials, construction method, craftsmanship
- **Historical or Associative Value**: who owned it, designed it, built it, site of an important event, significance to community
- **Contextual Value**: defines the character of an area, link to its surroundings, is it a landmark?

Designation under the *Ontario Heritage Act* applies to real property. The list of heritage attributes guide future changes that respect the property’s heritage value, while providing flexibility regarding non-heritage features.

A report is then prepared to Heritage Kitchener recommending Council begin the **Notice of Intention to Designate** process. If Council approves the recommendation, the following steps are followed:

- **Notice** is sent to the owner of the property and the Ontario Heritage Trust, and is published in a local newspaper;
- after a 30-day objection period;
- Council may pass a Designation By-law; and
- the By-law is registered on the property title.

Owners are then eligible to apply for designated heritage property grant and tax refund programs.

**Heritage Permit Application**

Once a property is designated, the owner may not make alterations that are likely to affect the heritage attributes without first obtaining consent from the City. Heritage Permit Applications provide a process for ensuring that changes are appropriately managed and respect the property’s cultural heritage values. Permits enable the City to approve and track proposed alterations to the identified heritage attributes. Heritage Kitchener and staff review site-specific applications, which typically include the same kinds of drawings as a Building Permit Application,
and work with applicants to develop solutions which follow good heritage conservation principles and practices. There is no cost for a Heritage Permit Application.

Designation does not obligate owners to undertake restoration of the property’s heritage elements, nor does it restrict the use or change of ownership of the property.

As a general rule, alterations should repair rather than replace original features and be reversible. Examples of typical alterations requiring a Heritage Permit Application include:

- Additions or alterations to an existing building
- Replacement of windows or doors, where such features are identified as heritage attributes
- Installation of dormers, skylights, awnings or shutters
- Changes in siding, soffit, trim, fascia or roofing materials
- Removal or installation of porches, verandahs and canopies
- Removal or installation of cladding and chimneys
- Repointing, cleaning or painting of masonry
- Demolition of all or part of a building

While the vast majority of Heritage Permit Applications are approved through this process, if an application is denied, the applicant may appeal the decision within 30 days.

It’s always best to contact Heritage Planning staff to confirm if your specific project requires a Heritage Permit. Here are a few examples of alterations that do not usually require a Heritage Permit Application:

- Interior alterations, unless interior heritage attributes are specifically identified in the Designation by-law
- Structural repairs, unless they affect the external appearance of the building
- 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
- Landscaping, fences, driveways and walkways, unless specifically identified in the Designation by-law

<table>
<thead>
<tr>
<th>Heritage Permit Applications</th>
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<tbody>
<tr>
<td>Decision</td>
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<tr>
<td>Total Applications</td>
</tr>
<tr>
<td>Approved</td>
</tr>
<tr>
<td>Refused</td>
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Designated Heritage Property Grant Program

Owners of designated property may be eligible to receive grants toward the conservation of their property. A grant of 50% of eligible conservation work up to a maximum of $3,000 is available each year, subject to available funding, for projects which include repointing, repair of original windows, replication of front porch elements, reconstruction of a chimney, structural repairs, etc. Applications are accepted January 1 to March 31 each year. All projects must follow good heritage preservation practices, and be completed within the calendar year.
HERITAGE PROPERTY TAX REFUND

Owners of property designated under the Ontario Heritage Act and subject to a heritage conservation easement agreement or a preservation and maintenance agreement may be eligible to receive an annual refund of up to 40% of their property taxes for municipal and school purposes, subject to available funding.

DESIGNATION MYTHS

**Heritage designation prevents change**
- The purpose of heritage designation is to guide alterations to a property, not prohibit them. This ensures they complement, rather than compromise, the integrity of its cultural heritage value. As such, when thoughtfully designed, modern features such as additions and garages can be added to heritage properties.

**Insurance premiums are higher** -
Premiums should not go up as a result of a heritage designation. A variety of other reasons cause insurance companies to increase premiums for older buildings if there is a higher level of risk, such as services (out-dated wiring, old heating systems, etc.). Designation itself, however, does not place additional requirements on the insurer and therefore should not affect your premiums. There is no requirement for destroyed features (e.g., fire) to be replicated.

**All alterations must be approved by Council** - Most designations apply only to the exterior of a property, most commonly the area which can be seen by the general public – interior work, maintenance, landscaping, painting, replacing existing roofing may be completed without a Heritage Permit.

**Designation negatively impacts property values or resale opportunities** - Studies have found that designated properties most often perform at or above the average property in terms of economic value. There is a strong market for heritage properties and prices tend to resist downturns in the market.

**Heritage designation places a financial burden on a 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. Heritage designation does not restrict the owner’s right to use or sell the property.

CONTACT US

200 King St. W. – 6th Floor, KITCHENER, ON N2G 4G7

Leon Bensason
Coordinator, Cultural Heritage Planning
leon.bensason@kitchener.ca
519-741-2200, ext. 7306

Sandra Parks
Heritage Planner
sandra.parks@kitchener.ca
519-741-2200, ext. 7839

Website
www.kitchener.ca/Heritage

Guide to Heritage Designation