

HERITAGE *PORT COLBORNE*

HANDBOOK



Revised March 2009

Heritage Port Colborne Handbook

Page	Topic
4	What is Municipal Heritage Planning?
4-5	What is a Municipal Heritage Committee?
5	What is the role of the Municipal Heritage Committee (MHC)?
6-7	What is Heritage Port Colborne
7	When and Why was Heritage PC Established?
7	What did Heritage Port Colborne do?
7-8	City Council's Role
8-9	Department of Planning and Development (DOPD)
9	Port Colborne's Official Plan
9	Strategies to Protect the Value and Character of Heritage Properties
9-10	Designation under Part IV of the Ontario Heritage Act
10-11	Reasons for Designation
11	Why Should We Preserve? Why Should We Designate?
11	Who Can Suggest a Property for Designation?
12-13	The Designation Process
14	Heritage Conservation Districts
15	Municipal Tax Grants
15-16	Municipal and Regional Tax Relief
16	Inspection of Heritage Properties under the Heritage Act
17	Guidelines in Conservation of Heritage Properties

APPENDIX

A	Heritage Designation: Dispelling the Myths (St. Cath. LACAC)
B	Reasons for Designation Checklist
C	Sample Designation - Cash Reilly and Quinn
D	Sample Reasons for Designation
E	Heritage Resource Evaluation
F	Why Preserve....Why Designate (Niagara Falls LACAC)
G	City of Port Colborne Bylaw - 3689/115/98
H	Architectural Styles in Port Colborne (Booklet)

Welcome to Heritage Port Colborne. Formerly known as Port Colborne LACAC, this committee of volunteer citizen representatives is mandated by our city council and empowered under the Ontario Heritage Act. It cannot function without adequate municipal support and input from its members.

What is Municipal Heritage Planning?

Municipal Heritage Planning is the preservation of properties that have a distinct social, cultural and/or historical value to the municipality. Municipal Heritage Planning seeks to preserve and protect these sites that are valuable to the history of the city and the citizens alike by designating them as a valuable part of the city's culture that should be maintained and protected. Such properties include, but are not limited to:

- Houses of significant meaning or style
- Commercial buildings which have unique architecture or significant meaning to the community
- Natural landscapes and the environment
- Cemeteries
- Infrastructure (such as bridges and walkways)

The planning process is a systematic procedure designed to designate and research properties using the advocacy of citizens. The planning process includes the identification of a property as a candidate for designation. Designation of such sites for protection and maintenance is based on basic traits:

1. A description of the property (what it is; ruins, structure, landscape, etc.)
2. A statement of cultural heritage (what it means to the municipality)
3. Description of attributes (what is being protected; interior, type of building, natural landscape)

A Municipal Heritage Committee follows the steps outlined by the *Ontario Heritage Act* to investigate the claims to historical status, whilst acting as the advocate body that presents the case to the elected municipal council. The Committee strives to make sure those buildings and properties are justly investigated and dealt with accordingly. The ultimate goal is to preserve the culture of the municipality so that the property or building may continue to be a meaningful landmark in the daily lives of the municipality's citizens.

What is a Municipal Heritage Committee?

A Municipal Heritage Committee is an organization of citizens and/or city officials that are interested in preserving sites and properties of significant historical value to a community. Supported by the framework of the Ontario Heritage Act, these committees can be formed in any community to serve the historical and preservationist interests of its citizens. Property owners, volunteers, community groups and local officials can create a heritage committee but it must be

approved by Municipal Council in order to have authority. “In establishing a Municipal Heritage Committee council recognizes the importance of a proactive approach to heritage conservation.”

Committees usually range in size between seven (7) and eleven (11) members to ensure the workload is dispersed evenly and the tasks are completed efficiently. These committees are often made up of people with knowledge of local heritage and local architecture, land use methods and marketing experience. This is not to say that one needs to be a professional to be on a Municipal Heritage Committee, but one must have interest to ensure that the committee is productive for the community.

What is the role of the Municipal Heritage Committee (MHC)?

The role of the MHC is primarily to provide the research and information about suggested heritage sites in the city. Each MHC serves as an advisory group for municipal actions that may directly or indirectly affect a heritage site. The MHC gives advice based on their research and knowledge of said sites to ensure that the city council acts properly.

Under Part IV of the Ontario Heritage Act council will consult with the MHC when:

- When updating the municipal register of heritage properties (for more information on the register, please refer to the *Heritage Property Evaluation: A Guide to Listing, Researching and Evaluating Cultural Heritage Property in Ontario Communities*);
- Before serving notice of intent to designate a property;
- Before amending a bylaw of designated property;
- Before repealing a bylaw, or part thereof, designating a property;
- Before considering an application from an owner of a designated property to repeal the bylaw, or part thereof, designating the property;
- On an application to alter a designated property where the alteration is likely to affect the heritage attributes (listed in the statement of heritage value or interest) as set out in the bylaw designating the property;
- Before delegating power to an employee or official of the municipality to consent to minor alterations of individually designated property;
- On an application to demolish or remove any building or structure on designated property; and,
- Before passing bylaws to establish easements or covenants with owners of real property for conserving properties of cultural value or interest.

Under Part V, Council is required to consult with the MHC:

- Before passing a bylaw to define a study area for a future heritage conservation district
- Before a proposed heritage conservation district plan is passed
- Before council delegates, by bylaw, its power to grant permits for the alteration of property situated in a heritage conservation district
- On an application to demolish or remove any building or structure on property in a heritage conservation district

A significant role of the MHC is to continue to examine the municipality for possible heritage properties and have them documented on the municipal register. This is to provide an inventory of which historical landmarks are present in the community and if the designation needs to go beyond just one property and to a designated area.

Other responsibilities of the MHC include:

Identifying Cultural Heritage Properties

- The creation of inventories of properties and areas that may deserve protection now and in the future
- Using inventories to showcase the heritage value of a community

Involving the Community and Developing Partnerships

- Encouraging cooperation, partnership and consultation within the community and with other organizations

Educating and Informing the Community

- Promotion of Heritage conservation within the community
- Advising property owners about preservation and maintenance practices
- The production of materials for public use, such as newsletters, educational material about preserved properties, informational plaques and exhibits

Assessing Other Legislation Affecting Cultural Heritage Properties

- Ensuring the Ontario Heritage Act is considered within the process of other legislation, such as planning and development
- The provision of data, the creation of policy and advisory roles are all vital to the preservation of heritage properties

What is Heritage Port Colborne?

Heritage Port Colborne is a committee of city council that is responsible for advising the public and council on matters dealing with the protection of historically and architecturally significant buildings and properties in the City of Port Colborne. Committee members consist of local residents who are primarily concerned with the protection of and education with respect to the city's architectural heritage, thereby allowing the public at large to appreciate and learn about it.

In the mid 1990's following a Niagara Regional Local Architectural Conservation Advisory Committee (LACAC) visioning session, it was decided that the LACAC's needed to broaden their focus and encompass a greater holistic view of all heritage matters - cultural and natural, tangible and intangible. As a result, the Port Colborne LACAC adopted the new name of "Heritage Port Colborne" and became a steward of not only built heritage within the City of Port Colborne but all heritage matters within the community. A bylaw was enacted to grant this first committee their mandate: *"To advise the City Council and public on matters regarding historically and architecturally significant buildings and properties"*.

When and Why was Heritage Port Colborne established?

Several years after the Centennial Events of 1967, Canada had gained a new appreciation for the past. The Ontario Government in accordance with Canada's involvement in the Venice Charter of 1962 and recognition of a trend towards Heritage and Heritage Conservation that was growing within the province, subsequently passed the first Ontario Heritage Act in 1974. This new law gave municipal councils the power to create LACAC's under Part IV of the legislation.

On December 15th, 1978, public concern was expressed to Port Colborne Council on the rapidly decreasing number of historically and architecturally significant buildings and properties. To address this concern, council formed their first LACAC on August 27th, 1979. As previously mentioned, the name of LACAC was changed to recognize all heritage matters within the City of Port Colborne. The Ontario Heritage Act has also had several sections amended to reflect the changes within the Heritage Community. This amended Act is known as the *Save Our Architectural Heritage Act, 2001*.

The Ontario Heritage Act, R.S.O. 1990, states under section 28(2) that the committee shall be composed of not fewer than five members appointed by the council to advise on all matters relating to Part IV (Conservation of Buildings of Historic or Architectural Value) and Part V (Heritage Conservation Districts) of this Act. The Bylaw creating Heritage Port Colborne also states that the committee shall not have more than 10 members.

What does Heritage Port Colborne do?

The functions of Heritage Port Colborne include but are not limited to:

1. Researching the history and architecture of a particular building or property to determine whether it is worthy of designation by being historically, culturally or architecturally significant.
2. Advising council on the circumstances of a particular building(s), property(s) or area(s).
3. Acting as a liaison between the council and the owner of a building or property. (This may include consulting on matters regarding the designation process.)
4. Advising council on all other heritage matters within the municipality.
5. Acting as a liaison between the citizens of Port Colborne and citizens that wish to suggest new Heritage sites

City Council's Role

Council is the decision maker in municipal heritage matters. The Committee's role is to advise council. Council's role and involvement with the Committee is crucial to the successful implementation of heritage conservation policies and programs within our community. The council should be kept informed at all times of the committee's operations and recommendations. This can be achieved several ways: minutes of meetings, reports to council, annual reports, and council involvement in committee activities and membership on the committee.

The committee should be given a clear reporting relationship to the council, either reporting

directly to the council or a standing committee of council. The statutory powers granted to the council under the Ontario Heritage Act state that they fulfil these responsibilities:

1. To set the municipal budget to be used for heritage conservation;
2. To establish heritage conservation policies (both those that stand alone and those in the Official Plan and its amendments); and
3. To receive recommendations and consultation with the committee and have due regard for the advice given under its mandate.

It is important to remember that our committee is an agent of the municipality and not a separate corporate body. As such the committee:

1. Cannot own property or make contractual agreements in its own name;
2. Only has the authority given to it under the municipal bylaw;
3. Does not have the authority to keep a bank account. Funds that are earmarked for heritage conservation purposes are held in the municipal bank account; and
4. Cannot incur debt beyond its current budget that is approved by council.

The council has the responsibility to allocate fiscal and municipal staff resources to the committee in order to translate its mandate into action. It is the committee's responsibility to prepare an annual budget and statement of the committees activities during the past year. This report must be submitted to city council by November 30th.

The Department of Planning and Development

The Department Planning and Development (DOPD) recommends to city council upon and regulates the orderly and efficient use of land within the city pursuant to the Planning Act, R.S.O. 1990. There are two broad categories that the DOPD operates within:

1. Policy Planning (with respect to matters related to land use)
2. *Development Planning* - the review and processing of the following five types of matters:
 - A. Applications for Subdivision approval/Consent to sever;
 - B. Applications for Official Plan or Zoning Bylaw amendments/variances;
 - C. Applications for Site Plan approval;
 - D. Review of Enquiry/Licenses/Permits; and
 - E. *Urban Renewal*

Under "urban renewal" the DOPD administers various programs for the:

- redevelopment of community improvement areas;
- rehabilitation of buildings;
- matters of property standards; and
- *conservation of historical buildings*

The DOPD provides the staff resources of a Planner or Planning Technician to the committee. In

liaison with the Treasury Division, the DOPD would also administer any “Heritage Properties Tax Refund” programs that may be in place under the Provincial Government’s authority.

Port Colborne’s Official Plan

An official plan is a policy document of a local or regional council. Both the City of Port Colborne and the Region of Niagara have official plans that impact the City of Port Colborne. These plans set out the view of the municipality on how land should be used in the community. Direction for future planning and public and private initiatives, aimed at improving the existing physical conditions within the city, are addressed in the official plan. This important planning document deals specifically with the aspects of expected growth and development within the municipality. It addresses zoning issues, such as where new housing, industry, parks, shopping, hospitals, offices and other land uses will be located. In addition, what operational services (sewers, watermains, water mains, roads, schools) will be needed and when, where and in what order parts of the community will grow.

Consideration for *Heritage Conservation Districts* within the City of Port Colborne is contained within the official plan. It also has provision for an inventory of built structures, other than houses or buildings, such as the locks and channel of the old canal, bridges, railway lines, laneways etc.

Heritage Port Colborne is an important stakeholder in the creation and amendment process of the official plan for the City of Port Colborne. As such the committee may be asked for its input from time to time. The suggestions that Heritage Port Colborne makes are vitally important to the entire planning process within the City of Port Colborne.

Strategies to Protect the Value and Character of Heritage Properties

As the advisory body for heritage concerns that come before council, the committee is instrumental in assisting council with:

1. Development and/or implementation of specific municipal heritage policies and procedures;
2. Impact assessments to determine how a heritage property will be affected and how to mitigate the effects;
3. Site specific intervention and/or design guidelines;
4. Designation under Part IV of the Ontario Heritage Act; and
5. Municipal heritage easements (if a change in ownership of a designated property occurs)

Designation under Part IV of the Ontario Heritage Act

The Clerk of the municipality is responsible, under section 27 of the Act, to maintain a register of all the designated properties within the community. This register must contain the following information:

1. A legal description of the designated property;

2. The name and address of the owner; and
3. A short statement of the reason for the designation of the property.

Section 29 of the Act states that the council must consult with the committee on any matters dealing with the designation of a property under Part IV of the Heritage Act. After consulting with the committee, council must direct the clerk to serve notice of their intention to designate the property in question.

“Notice of Intention” to designate is listed under s.29(3). The notice must be served on the owner of the property, the Ontario Heritage Foundation and be published in a newspaper having general circulation within the municipality. The notice must contain an adequate description of the property, a statement of reason for the designation and a statement that any notice of objection can be served on the clerk within 30 days after the notice was published in the newspaper.

No owner of a designated property is allowed to alter the property in any way that will affect the reason for the designation as set out in s.29(6) or s.29(14) of the *Ontario Heritage Act*, unless the owner applies to the council and receives consent in writing to allow such alterations. The committee will be asked by the council to review the proposed alterations, the reasons for designation and make a recommendation to council based on these facts.

Section 34 of the *Ontario Heritage Act*, deals with the demolition of a designated building.

No owner of a Part IV designated property may demolish or remove any structure or building on the property or permit the removal or demolition unless the owner applies to the council and receives written consent.

Council must consult with the committee and consider the application within 90 days of receiving it. Council will either consent to or refuse the application and prohibit any work to demolish or remove any building or structure. Notice of their decision must be given to the owner of the property, the Ontario Heritage Foundation and be published in a newspaper of general circulation within the community.

The owner has 30 days after notice of the council decision to appeal this decision to the Conservation Review Board (C.R.B.), as outlined in Part III of the *Ontario Heritage Act*. The C.R.B. will either dismiss or grant that the permit be issued with or without conditions. The decision made by the C.R.B. is final and binding.

All types of sites and structures are eligible for designation under Part IV of the Heritage Act. These include buildings, bridges, cemeteries, battlefields, parks, gardens, laneways and any other real property and all the buildings or structures thereon.

Reasons for Designation

The Ontario Heritage Act provides recognition of the significance of a property or district and provides a limited protection to it from demolition or unsympathetic alterations. The criteria or reasons for designation are found under several sections of the Act. Section 29(4) states that the

notice of intention to designate must include a statement of the reason for the proposed designation. Sections 29(6) and 29(14) state that the reasons for designation must be registered against the designated property in the Land Registry Office. Finally, s.27(1) the “Register of Designated Properties” kept by the municipality, must include a short statement of the reasons for designating the property.

These “reasons” serve several purposes:

1. To inform the property owner and the public of the property’s significance;
2. To provide a basis upon which any person can object to, question or support the appropriateness of the designation;
3. To guide future changes which must be approved by the council in writing (including restoration, renovation, repairs or disturbing the property); and
4. To clearly identify the elements of the property cited in the “reasons to designate” which conservation and/or restorations will be directed, in order to be eligible for provincial funding assistance.

Designation doesn’t prohibit alteration to a property; it simply ensures that a process is followed with respect the heritage value that exists. A municipality cannot designate for contextual reasons alone. The context that surrounds the reasons for designation may affect them and therefore must be considered when dealing with proposed alterations.

Why should we Preserve? Why should we Designate?

The Ontario Heritage Act outlines the purpose of the Designation Process of Historical Properties as true to the following ideals. In which the process;

1. Recognizes the importance of a property to the local community;
2. Protects the property’s cultural heritage value
3. Encourages good stewardship and conservation;
4. Promotes knowledge and understanding about the property

Designation renders a certain status which can enhance the value and prestige of a property. Owners may be eligible for grants or tax relief that can enable renovations/restoration. Studies have shown that Heritage and Heritage Tourism are good for the community economically, socially and culturally. Preservation and recognition will distinguish the City of Port Colborne as a community that is concerned with its past. Such passion for the past suggests passion for the future. The sustainability of our heritage will benefit our society as whole.

Who Can Suggest a Property for Designation?

Any individual in the community may recommend a property for Historic Designation. The owner of the property, a tenant, unaffiliated citizen or group of citizens may suggest that a site be designated for preservation and will be granted unregistered title in the municipal register. Once the owner becomes aware of a Designation suggestion he must notify tenants immediately due to

possible renovation or expansion restrictions. Undertaking the process of designation will void any demolition or construction contract on the property. Aside from personal and civic attachment, suggesting the Designation of a property will add it to the Municipal Register which may grant it future protection from demolition under Section (29) of the *Ontario Heritage Act* if future research is done on the site.

The Designation Process

Heritage Port Colborne has established the following guidelines when considering designation:

1. Date of Construction

A structure has to be at least 100 years old unless it has some outstanding historical or architectural merit. (The Ministry suggests that buildings 40 years and older should be considered if their heritage value is unknown)

2. Architectural Style

The structure must have significant features that distinguish the building

3. Historical Significance

Is the structure significant in the development of Port Colborne or was it related to the occurrence of an important event or have a relationship to a significant occupant?

4. Condition/State of Repair

That no major structural alterations have occurred over time thereby altering the structures value

5. Site

That the structure is located upon its original site

6. The Willingness of the Owners to Designate:

The owners should be in agreement of designation

7. Setting

The structure contributes to a specific streetscape reminiscent of bygone days

The Ontario Heritage Toolkit (2006) states that the process of designation includes providing the following:

Description of Property

- Describes the property and identifies those aspects of the property to which the designation applies.
- Address must be included along with an outline of exactly what resource is sought to be designated (building, structure, landscapes, remains) and any boundaries.
- Description should not be longer than 2-3 sentences.

Statements of Cultural Heritage Value or Interest

- Should convey why the property should be designated.
- Explanations of cultural meanings, associations and connections the property holds for the community.
- This statement needs to reflect one of more standard designation criteria prescribed by OHA.
- Shall be no longer than 2 to 3 paragraphs.

Criteria include:

- *Design of physical value;* property is rare or unique by design, build type or materials used; has high degree of craftsmanship or high degree of technical or scientific achievement
- *Historical or Associative value;* has direct associations with a theme, event, belief, person, activity, organization or institution in the community; has potential to yield information about the community; demonstrates work or ideas of a significant architect, builder, designer or theorist in the community
- *Contextual value;* is important in defining the character of an area; is physically, functionally, visually or historically linked to its surroundings; is a landmark

Description of Heritage Attributes

- Heritage attributes should be identified and described in relation to the heritage value they contribute to.
- Only attributes that relate to the values described in the *Statement of Cultural Heritage Value of Interest* should be included.

Attributes include but are not limited to;

- Style, massing scale or composition
- Features of property related to its function or design
- Features related to a property's historical associations
- Interior spatial configuration or exterior layout
- Materials and craftsmanship
- Relationship between a property and its broader setting

The significance of a building should be judged by basic criteria of architectural merit and historical association. The buildings should illustrate broad architectural, cultural, social, political,

economic or military patterns of our history *or* be associated with events or persons that have shaped municipal history in a significant way.

Antiquity alone isn't sufficient basis for selection but may be the outlying factor if other more significant examples have disappeared.

The distinguishing characteristic of architectural type, that it is valuable for the study of a style or method of construction for that period or era *or* is a notable example of the work of a notable builder, designer or architect should be considered.

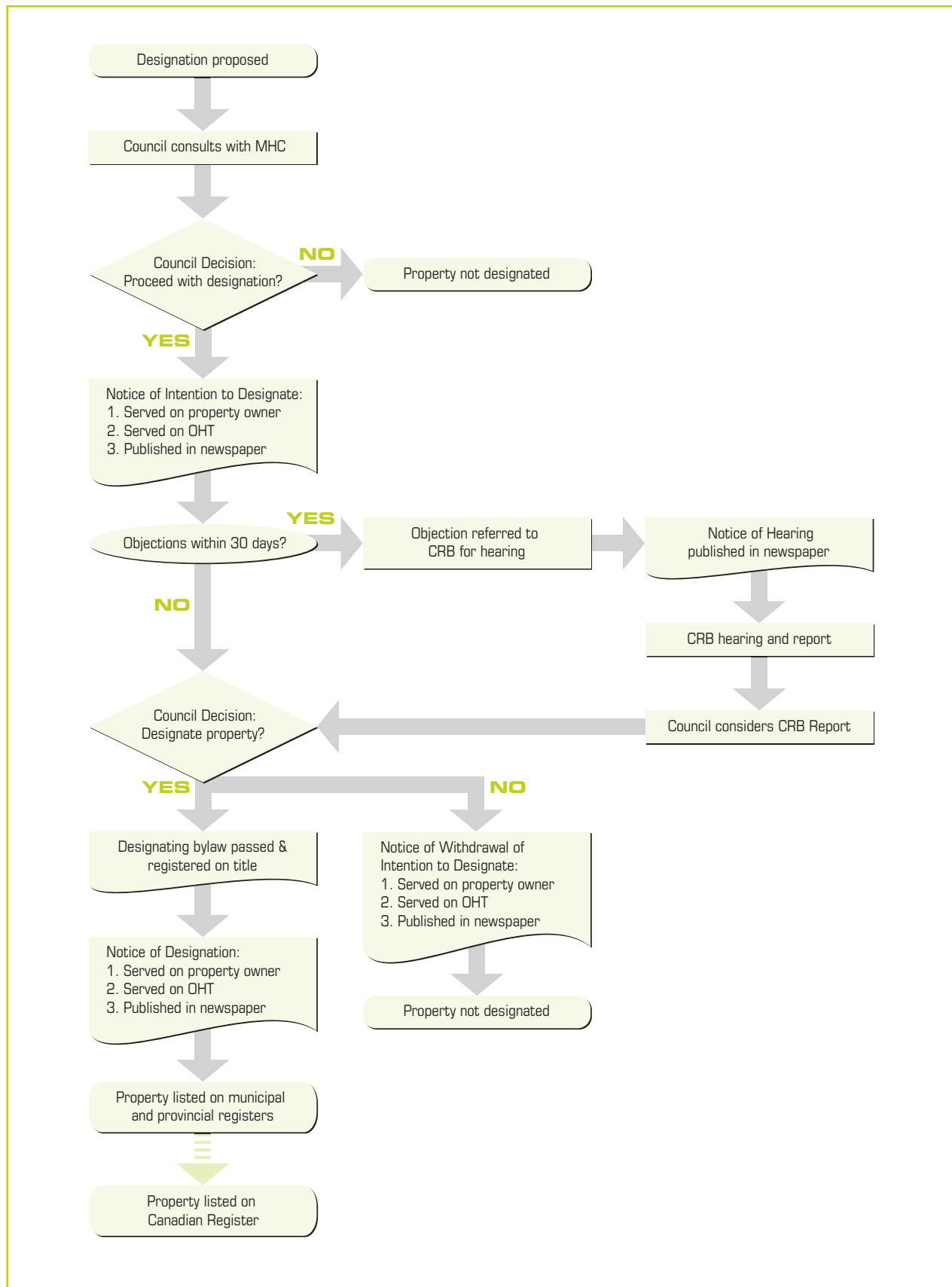
If a building forms an integral part of a section or group in a given community, the context and its contribution to the context may be of special value. Smaller structures may be just as important as the mansions of the past.

If a visitor can gain an understanding of the architecture and/or the history associated with it, from the building itself, then it has potential for illustrating history.

Both the building and site should possess integrity - knowing what is being represented and included on the site. Consideration is given to the existence of workmanship and original materials that remain. The intangible elements of feeling, association and aesthetics are also important. The basis of style, plan, materials used and how they relate to other structures of similar feature in the area should also be considered.

1. Designation by Municipal Bylaw

(Section 29 of the Ontario Heritage Act)



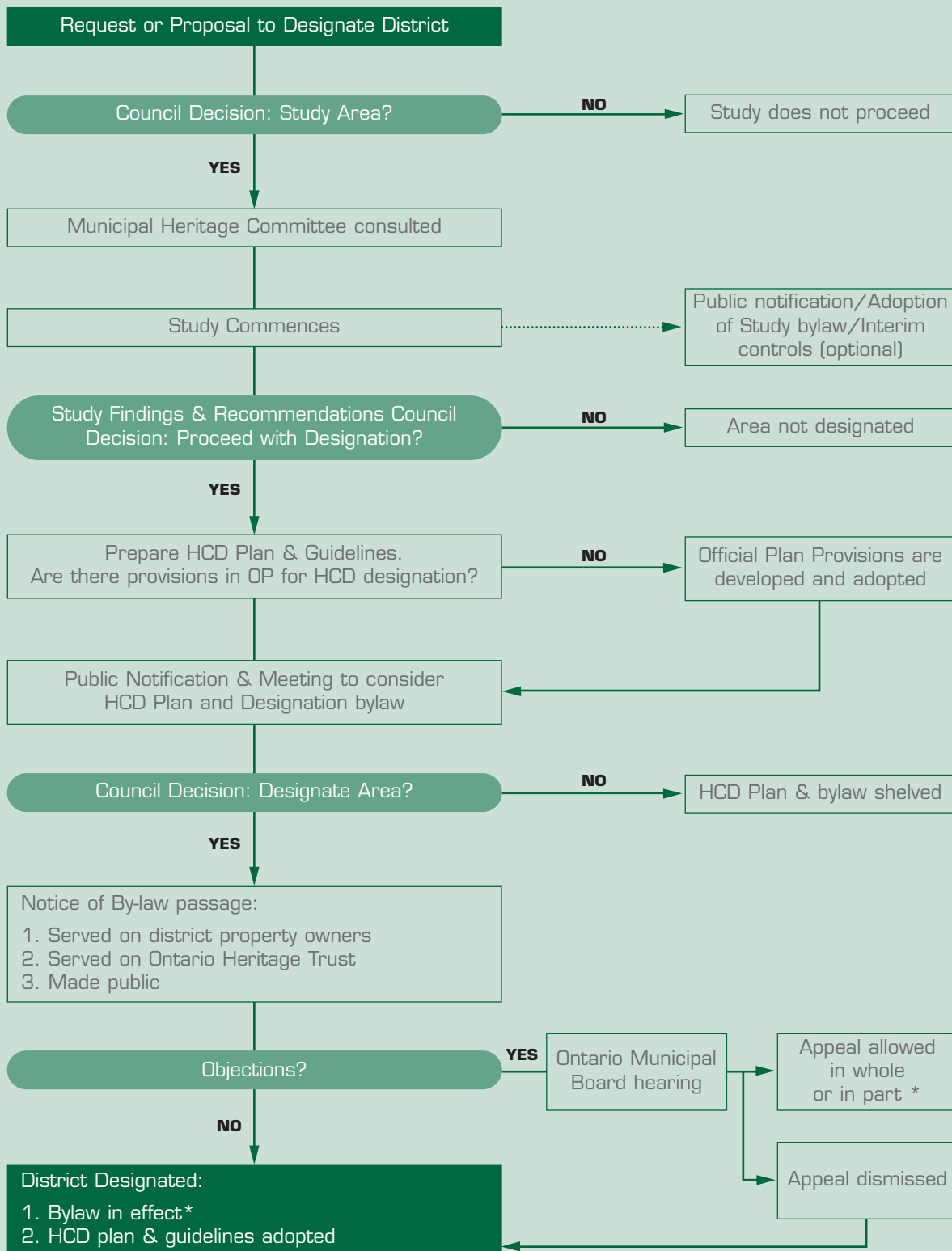
Heritage Conservation Districts

Heritage Conservation Districts are found under Part V, section 40(1), 40(2) of the *Ontario Heritage Act*. After consulting with the committee, the council may designate the municipality or one or more areas as a heritage conservation district through subsection 41. (1) of the Ontario Heritage Act. After an examination is completed of the area in question, council may amend the official plan to create such a district through a bylaw designation.

Section 41(2) states that singly designated property, under Part IV of the Act, can be designated as part of a Heritage Conservation District. In addition, s.41(3) requires the Ontario Municipal Board (O.M.B.) to give its approval and s.41(5) states that the Ontario Heritage Foundation must be notified, before the municipal bylaw creating the Heritage Conservation District can take effect.

According to Part V, section 42 of the Act, creation of a Heritage Conservation District, prohibits the owners of the properties within it: to erect, demolish, alter or remove any buildings or structures without a permit issued by the council.

HERITAGE CONSERVATION DISTRICT DESIGNATION PROCESS



*NB. Bylaw may need to be amended for an appeal allowed “in part”

The creation of Municipal Heritage Districts is rooted in enhancing public experience as well as ensuring that culture is protected during future planning initiatives. Having protected regions of the municipality that emulate history and culture are stimulating to the population. An ‘enhanced quality of life and sense of place’ are some of the main goals of such districts. According to the Ontario Heritage Toolkit, when designating these districts it is paramount to ensure that the district will reflect the municipality’s past histories and values back onto the public. By creating a space for the public to participate in, a sense of community can be built. There are many economic benefits that come with conservation. Businesses can thrive in attractive and intriguing areas that are protected and well funded. Creating such areas will enrich the social aspect of life within the municipality.

Characteristics of a Heritage Conservation District

Concentration

- A grouping of heritage buildings, sites, structures; designed landscapes, natural landscapes that are linked by aesthetic, historic and socio-cultural contexts or use

Framework of Structured Elements

- Major natural features such as topography, land form, landscapes, water courses and built forms such as paths and street patterns, landmarks, nodes or intersections, approaches or edges.

A Sense of Visual Coherence

- Building scales, masses, heights, proportions and colours that convey a distinct sense of time or place.

Distinctiveness

- Easily discernable from other neighbourhoods and surroundings

Municipal Tax Grants

Section 39 of the Ontario Heritage Act gives the municipality the power to pass a bylaw for the purpose of making grants or loans available to owners of properties designated under Part IV of the Act and section 45 of the same Act makes grants or loans available for the owners of properties that a designated under Part V as Heritage Conservation Districts. The grants or loans may be used to cover the whole or any part of the cost of alterations and restorations of the designated property. The council has the right to attach any conditions or terms that they feel are warranted. Any loan made under this bylaw will have an interest rate as determined by the council and may be collected as part of the municipal portion of realty tax paid by the owner of the property. The period of the loan cannot extend past five years and the loan and any interest charges will be levied as a lien on the land and may be registered on title at the Registry Office.

Section 39.1 of the Ontario Heritage Act, 2002 as amended, states that the Minister of Finance

shall consider providing financial assistance to owners of properties designated under Part IV of the Ontario Heritage Act, who keep the heritage aspects of their property in a good state of repair.

Sections 39 and 45 of the Ontario Heritage Act allow councils to pass bylaws that create grants to owners of buildings designated under Part IV or Part V of the Act. Several municipalities, including Cobourg, London, Kitchener and Perth, have used these powers to create “Conditional Heritage Grants” or “Tax Back Grants”. These grants are equal to the amount of the annual increase in the municipal portion of the realty tax. The grants must be used to pay for part or all of the required alterations or restorations of the designated property. Both the owner and the council sign an agreement deferring any increase in tax collected for a period no less than five years and no longer than ten years. In order to qualify for these tax back grants the property must:

1. Be listed as priority 1 on the municipality’s Inventory of Heritage Resources;
2. Be designated under the Ontario Heritage Act;
3. Be rehabilitated so that it doesn’t compromise the reasons for designation;
4. Have the amount of renovations needed be sufficient to require an increase in the assessed tax rate; and
5. Not have the grant exceed the cost of work needing to be done.

Municipal and Regional Tax Relief

In the 2001 Ontario Budget, municipalities were given the ability to establish tax relief programs for heritage property owners through Section 365.2 of the *Municipal Act*, 2001. These programs are being set up to encourage the restoration and preservation of heritage buildings. The tax relief must be set between 10 and 40 percent of the taxes levied on property. Requirements to qualify for the relief are that the building must be designated under Part IV of the Ontario Heritage Act and that an easement against the maintenance and preservation of the property shall be made between the owner and the council.

The municipality funds their portion of the relief and the province will match the percentage of tax relief for the education portion of the realty tax. Properties designated as Heritage Conservation Districts would not be eligible for relief as many structures and buildings within these areas do not qualify as being of historical or architectural value.

The City of Port Colborne passed bylaw 46/40/141/04 being a bylaw to provide for ‘Tax Refunds and Reductions in Respect of Eligible Heritage Property’. Eligible heritage properties have been participating in the program since its creation.

Inspection of Heritage Properties under the Heritage Act

Any person, who is authorized by the council in writing, has the authority to inspect any property that is designated or proposed to be designated under Part IV of the Heritage Act. Notice of designation or the notice of intention to designate must have been published prior to the inspection. The inspector must provide the owner with adequate identification and the council’s written

authorization. Inspection of any designated property or a property intended for designation may take place at any reasonable time by the authorized person. No one is allowed to obstruct the investigation, conceal or destroy anything that may be relevant to the subject of the investigation.

Guidelines in Conservation of Heritage Properties

1. Respect for Documentary Evidence
 - conservation work should be based on historic documentation (photographs, drawings and physical evidence)
2. Respect for the Original Location
 - site is integral component of the building, changing this diminishes heritage value
 - do not move buildings unless there is no other means to save them
3. Respect for Historic Material
 - repair and conserve rather than replace - except where absolutely necessary
 - minimal intervention maintains the historical content and integrity of the resource
4. Respect for Original Fabric
 - repair to return the resource to its prior condition using like materials
5. Respect for the Building's History
 - do not destroy later additions to restore solely to a single time period
 - do not restore one period at the expense of another period, try to incorporate all time periods
6. Reversibility
 - alterations should be able to be returned to original conditions
(i.e. removal of stones for a door - number stones and store away for future replacement)
7. Legibility
 - new work should be distinguishable from old work
 - new additions shouldn't blur the distinction between the time periods
8. Maintenance
 - with continuous care, future restoration won't be necessary

BIBLIOGRAPHICAL SOURCES

City of Niagara Falls LACAC. "Why Preserve, Why Designate". 2001

City of St. Catharines Heritage Committee. "Heritage Designation: Dispelling the Myths". 2002

City of St. Catharines Heritage Committee "Rating System for Built Heritage Resources". 1995

Evans, Mary Lou. "Architectural Conservation Notes #1 "8 Guiding Principles in the Conservation of Historic Properties"". Ministry of Culture, Tourism and Recreation. Toronto, 2000

Evans, Mary Lou. "Architectural Conservation Notes #2 Reasons for Designation". Ministry of Culture, Tourism and Recreation. Toronto, 2000

Evans, Mary Lou. "Architectural Conservation Notes #12 Municipal Tax Back Grants". Ministry of Culture, Tourism and Recreation. Toronto, 2000

LACAC Brochure. City of Port Colborne, 1986

Ministry of Citizenship, Culture and Recreation. "Changing Times Bulletin: #7 Municipally Owned Heritage Properties". Queens Printer for Ontario, 1999

Ministry of Citizenship, Culture and Recreation. "Changing Times Bulletin: # 8 Municipal Councils and LACAC". Queens Printer for Ontario, 1999

Ministry of Citizenship, Culture and Recreation. "Changing Times Bulletin: #9 Resources Necessary to Support LACAC". Queens Printer for Ontario, 1999

Ministry of Municipal Affairs. "A Citizens Guide to Official Plans". Queens Printer for Ontario, 1985

Ministry of Municipal Affairs, "Councilors Handbook to Designation". Toronto, 1985

Municipal Act, R.S.O. 1990

"Municipal Tax Back Grants for Heritage Properties". Correspondence from Regional Municipality of Niagara Oct 22, 2002

Ontario Heritage Act, R.S.O. 1990 and Ontario Heritage Act, 2002 (as amended)

Ontario Ministry of Culture, "Ontario Heritage Toolkit", 2006

Operational Planning Development & Services Division. "Council Orientation". City of Port Colborne, 1997

APPENDICES

HERITAGE DESIGNATION: DISPELLING THE MYTHS

Answers to some of the most frequently asked questions about heritage designation.

WHY PROTECT OUR HERITAGE?

The reason for heritage conservation is knowledge. Conserving and preserving our heritage resources helps us to understand how we got here and why things are the way they are. It maintains our sense of place and identity in a rapidly changing world, strengthening the community's identity and distinctiveness.

WHAT IS HERITAGE DESIGNATION?

It is a recognition of the people and places that are important to the community and that have contributed to the development of St. Catharines, and the community's appreciation of them.

HOW DOES PROPERTY BECOME DESIGNATED?

City Council designates property on the advice of the St. Catharines Heritage Committee. Depending on the significance of the heritage resource the Heritage Committee will either pursue designation with the owner or react to a request to designate by the owner. However, the final decision rests with you. Designation is voluntary.

ARE THERE CRITERIA FOR DESIGNATION?

Absolutely! Designation is not an arbitrary process. The Heritage Committee has developed a rating system which assesses the value of the heritage resource based on its history, architecture, and context. Priorities for designation are then assigned based on the results.

ARE CANDIDATE BUILDINGS AND STRUCTURES CHOSEN RANDOMLY FOR DESIGNATION?

No. With the on-going support of City Council, the St. Catharines Heritage Committee is continuing to assemble a comprehensive inventory or list of possible heritage resources. The inventory in turn serves as a basis for assigning priorities to properties and public relations. However, the Committee will consider requests for evaluation and designation of property that has not yet been included in an inventory.

DOES DESIGNATION AFFECT THE USE OF A PROPERTY?

No.

APPENDIX A

If you have any further questions regarding heritage designation, please contact the St. Catharines Heritage Committee, c/o the Planning and Development Department, 50 Church Street, PO Box 3012, St. Catharines, Ontario, L2R 7C2, phone 688-5600, extension 1710, fax 905-641-4450.

Appendix B
“Reasons for Designation” Checklist

General and clear statement of significance

- Historical
- Architectural
- Historical and Architectural

Historical Reasons - Association with:

- well known event
- well known person or group
- first or formative aspect of an historic activity or trend
- activity or endeavour of relative antiquity
- activity of substantial duration
- activity or endeavour that affected a substantial population or geographic area

Architectural Reasons

Exterior

- building envelope - plan, scale, form, style, roof, facades
- architectural elements - windows, doors, chimneys, porches
- sympathetic alterations - later additions of significant note
- missing elements (with documentation or evidence)

Interior

- structural elements - foundation, roof structure, walls, partitions
- interior plan - scale, form, floor plan, ceiling height, staircases
- mill work - baseboards, doors, mantels
- surface treatments - original plaster and lath, decorative plaster, wainscot, wallpaper, stencils, inlays, tiles, paintings
- staircases and steps
- misc. - light fixtures, fireplaces, bell-pulls, elevators, plumbing fixtures, mechanical fixtures

Context

- views and buffer zones
- relationship to adjacent properties
- built features - out buildings, fences, gates, millponds, wells, markers
- planned landscaping - gardens, trees, paths, roadways
- natural features - ravines, streams, ponds

RECORD OF DESIGNATION

APPENDIX C

Name of Municipality: City of Port Colborne
Municipal Address of Property: 518 King Street,
Port Colborne, Ontario
Owner of Property: Cash, Reilly & Quinn
P.O. Box 127, 518 King Street
Port Colborne, Ontario
L3K 5V8

Date of Service of Notice
of Intention to Designate: June 17th, 1983

Dates of publication of
Notice of Intention: (1) June 17th, 1983
(2) June 24th, 1983
(3) June 29th, 1983

Date of Designating Bylaw: July 28th, 1983

Reason for Designation:

Architectural Significance:

"This two-storey brick structure is a good example of the picturesque houses built circa 1885 in Port Colborne reflecting local builder or owner tastes and comprising several architectural ideas and details. The dominant architectural influence is Gothic Revival as displayed by the building's irregular massing, exaggerated roof pitches and lacey trim on the gable eaves. The round-headed upper storey windows are an Italianate styling and the main entrance with its half-circle transom, slightly recessed architrave, moulded wood surround and single lite, possess a Georgian character.

The building has a unique character and charm and is one of its type along the street. Its presence symbolizes an historical structure which successfully integrated several architectural styles through good proportioning, scale and use of materials.

Historical Significance:

The property is part of a parcel of land which was granted by the Crown to John Neave (later known as Neff) in 1802. The Neff family were among the first settlers from Pennsylvania, U.S.A. to the Port Colborne area in the early 1790's. In later years Owen W. Fares, an Assessor for the Township Council in 1850 and Emanuel W. Fares, Warden in the County of Welland in 1895, owned the property.

In 1887 the land was deeded to Frederick Joseph Quinn "a gentleman" under whose ownership the building is estimated to have been constructed.

Canada Census data for the years 1881 and 1891 indicate that the building was probably constructed during a period of quick growth in Port Colborne's history. The construction of a brick house was relatively unusual in that period given that in 1891 of the 240 houses in Port Colborne only 20 were brick, 218 were wood and 2 were stone. In the 1920's the building was owned and occupied by Mr. Herman H. Ott, a member of Council for the Village of Humberstone and a brother of Mr. Ernest F. Ott, Clerk for the Township of Humberstone from 1928 to 1962. Mr. Ott maintained the building in the original style and in 1920 a rear extension was removed, the brick saved and cleaned and a rear addition rebuilt using the original brick. In 1979 the building was purchased by the legal firm of Cash, Reilly and Quinn and converted for commercial office purposes in a manner sensitive to the architectural style and age of the building."

Sample Reasons for Designation

1) NOTICE OF INTENTION TO DESIGNATE

Village of Paisley: Paisley Town Hall

The Paisley Town Hall at the Market Square, built in 1876, is recommended for designation for architectural reasons, as it is an early example of rural public design; skillfully using local material and craftsmanship. Historically the building has served as a focal point for activities, and as a civic symbol for 100 years. The Town hall epitomizes and reflects the nature of the surrounding district.

Town of Amherstburg: Park House Museum

The Park House Museum...is an example of the French frame construction and is one of the oldest buildings within 250 miles of Amherstburg. The house originally built in Detroit and subsequently moved to Amherstburg, has played a significant role in the history of the town.

City of Woodstock: Hugh Richardson House

Hugh Richardson came to Woodstock in 1847 as a young law graduate at the age of 21 and established a successful law practice. Two years later he built this fine brick Classic style residence.

In 1851 he was elected to the first Town Council and was chosen as the first Reeve. He served in the Oxford Militia attaining the rank of Lieutenant-Colonel. During the Fenian Raids he commanded a Company of the Militia at Sarnia and at Laprairie, Quebec.

He left Woodstock in 1876 to become Stipendiary Magistrate and legal adviser to the governor of the North-West Territories, with headquarters at Battleford. Four years later he was transferred to Regina when that city became the seat of Government. It was there, in 1885, as presiding Judge, that he tried and passed sentence on Louis Riel. Later he was appointed Deputy Minister of Justice.

This is one of the best preserved homes in Woodstock and in addition to its historical value it is architecturally significant for its Neo-Classical style so popular in the mid-nineteenth century.

City of Kingston: Depot School

From the time the Grand Trunk Railway came to Kingston in 1854, the inhabitants of the Kingston station area petitioned the Kingston Public School Board for a school and one was finally opened in an empty freight shed in 1864 with fifty students and one teacher.

APPENDIX D

- 1821 Registry Office records a Crown Patent "deed" Lot 17 issued to Alexander MacIntosh.
- 1823 Property sold to Jean Baptiste Macon, a merchant.
- 1839 September 25 purchased by Thomas F. Park but occupied by his brother, Theodore J. Park. His son, Theodore James Park, M.D., occupied the house until his death in 1936.
- 1941 House purchased by C.R. LaLonde and operated for 30 years as the Park House Antique Shop.
- 1972 The Park House purchased by Amherstburg Rotary Club. In 1973 the Park House was furnished and opened to the public by the Amherstburg Historic Sites Association.

Architectural Significance: This historic house is a very early example of solid log, French frame construction. The original house had three dormers, was sided with clapboard siding and painted white. It had a cedar shake roof (hand split shingles), a fire place and a chimney at each end. The interior of the building was lathed and plastered and was probably used as a combination store and residence for many years. The Park House is estimated to be the oldest house within 250 miles of the Town of Amherstburg.

City of Woodstock: Hugh Richardson House

Hugh Richardson came to Woodstock in 1847 as a young law graduate at the age of 21 and established a successful law practice. Two years later he built this fine brick classic style residence. In 1851 he was elected to the first Town Council and was chosen as the first Reeve. He served in the Oxford Militia attaining the rank of Lieutenant-Colonel. During the Fenian Raids he commanded a company of the militia at Sarnia and at Laprairie, Quebec. He left Woodstock in 1876 to become Stipendiary Magistrate and legal adviser to the Governor of the North-West Territories, with headquarters at Battleford. Four years later he was transferred to Regina when that city became the seat of Government. It was there, in 1885, as presiding judge, that he tried and passed sentence on Louis Riel. Later he was appointed Deputy Minister of Justice. This is one of the best preserved homes in Woodstock, and in addition to its historical value it is architecturally significant for its neo-classical style so popular in the mid-nineteenth century.

City of Kingston: Depot School

Significance: From the time the Grand Trunk Railway came to Kingston (1854) the inhabitants of the Kingston Station area petitioned the Kingston Public School Board for a school. One finally opened an empty freight shed in 1864 with fifty students and one teacher.

Appendix E
HERITAGE RESOURCE EVALUATION SHEET

LOCATION: _____

	Excellent	Very Good	Good	Fair	Poor
1. Historical Significance					
Events	10	9 8 7	6 5 4	3 2	1 0
Person	10	9 8 7	6 5 4 6 5 4	3 2	1 0
Trends	10	9 8 7		3 2	1 0
2. Architectural Value					
Design	10	9 8 7	6 5 4	3 2	1 0
Style	10	9 8 7	6 5 4	3 2	1 0
Integrity	10	9 8 7	6 5 4	3 2	1 0
Architect	10	9 8 7	6 5 4	3 2	1 0
3. Environmental Context					
Landmark	10	9 8 7	6 5 4	3 2	1 0
Streetscape	10	9 8 7	6 5 4	3 2	1 0
Site	10	9 8 7	6 5 4	3 2	1 0
Bonus	5 4 3 2 1 0				

TOTAL SCORE: _____

PRIORITY: _____

PRIORITY RATING

Points

Priority

Significance

70 - 100

P - 1
Major

40 - 69

P - 2
Some

0 - 39

P - 3
Little to None

Workmanship Materials....

The House is framed, so there is enough elasticity in it to allow for buoyancy of movement, said (heritage consultant Jon Jouppien). "New homes, with drywall and the way they're built, don't have that"...

"To build this kind of house today, we couldn't afford it," he said. "It would cost a quarter of a million dollars just for the supplies."

Niagara Falls Review - Thursday, February 12, 1998, "Historic house lifts off on muddy road to new life"

Property Value...

Many people in real estate, including a number of appraisers, will unhesitatingly advise clients that designation under heritage legislation will lower their property values. The logic is that restriction on what an owner can do with a property which has been recognized under provincial statutes will limit the number of buyers and consequently lower the price that can be realized in the sale of the property.

Heritage buildings, as a type, have performed much better than average in the market-place over the last 30 years. This is true of almost 90 percent of the surveyed properties.

Designation has not had a negative impact on price and could be said to have a correlation with increase in property values. This is true of 100 percent of the properties that have been sold at the time of or subsequent to designation.

In a number of cases, the price of heritage houses was not affected by a general downturn in property values.

...The designated properties performed better of time than neighbouring buildings.

Feature article in The Canadian Appraiser, spring 1999 "does heritage designation affect property values?"

A Worldwide Movement...

Historic preservation is in full swing nationally; restoration efforts are visible at nearly every Key West corner. The island's built environment - the treasured legacy of shipbuilders, carpenters, cigar workers, spongers and fishermen who once inhabited Key West - is an irreplaceable resource.

Sharon Wells' 1996 Walking & Biking Guide to Historic Key West

...it is indispensable to preserve it as much as possible...so that the significance and message of cultural property become a part of the spirit of the people, who thereby may gain a consciousness of their own dignity...it is the duty of government to ensure the protection and the preservation of the cultural heritage of mankind, as much as to promote social and economic development

Venice Charter of 1962, to which Canada, and most other United Nations members, were signatories (The Ontario Heritage Act was passed as a response).

- a) To establish criteria for the evaluation of properties of architectural and/or historical value or interest;
- b) To prepare and maintain a list of properties and areas worthy of conservation;
- c) To advise Council on means of conserving heritage properties and areas;
- d) To advise Council on current heritage conservation legislation to conserve heritage properties and areas;
- e) To implement programmes and activities to increase public awareness and knowledge of heritage conservation issues;
- f) To advise and assist Council on all matters relating to Parts IV and V of The Ontario Heritage Act, R.S.O. 1990, as amended;
- g) To advise and assist Council on any other matters relating to buildings and areas of architectural and/or historical significance;
- h) To administer properties acquired by the municipality under Section 36 of The Ontario Heritage Act, R.S.O. 1990, as amended;
- i) To prepare, before the 15th day of February each year, a report of the previous year's activities, a report of the previous year's expenditures and a projected budget for the succeeding year;
- j) The local advisory committee shall meet as often as it deems necessary, but at least once each four months.

7. The local advisory committee can request, provided that they do so by a resolution entered in its minutes, that the Council of the City of Port Colborne remove a member from the committee if he/she absents himself/herself from three (3) successive meetings of the committee without notice or good reason.

8. That By-law 896/97/79 passed on August 27th, 1979 is hereby repealed.

9. This By-law shall come into force and take effect on the date of its passing.

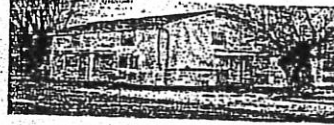
READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED ON THE 26TH DAY OF OCTOBER, 1998.

(sgd.)

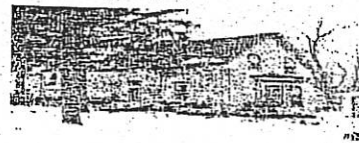
Vance M. Badawey

MAYOR

Appendix H
Architectural Styles
In Port Colborne

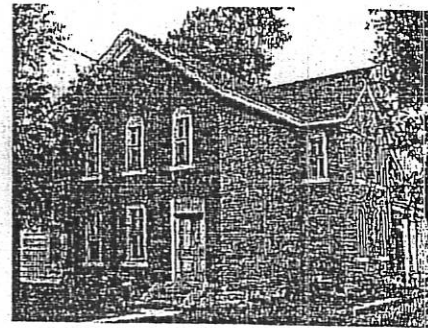


Architectural Styles in Port Colborne

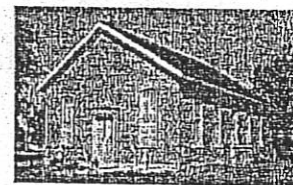


Italianate: 1850 - 1900

- neither classical or picturesque, though related to both
- 1850/60's mainly with influence into 1900
- low pitched roof with deck
- strongly accentuated corners
- eyebrow segmentally arched window cornices
- large paned, sash type windows
- tall side chimneys
- squarish or irregular
- extensive use of brackets, eaves broadly
- handsome doorcases often double leaf
- partially glazed doors
- "Ontario Peak" very popular
- verandah with stop chamfered posts and arabesque bracketing
- round headed windows often in pairs
- projected pediment frontispiece
- symmetrical and "L" shaped plans with corner tower
- cupolas and squared Tuscan towers called campaniles
- flush or projecting hoods or labels to openings (1880-90)



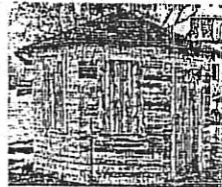
183 Borden Avenue



269 Killaly Street West

Octagon: 1850 - 1880

- simple in form
- verandahs and lookouts
- precursor to second empire style



Behind 229 Main Street West

Second Empire: 1860 - 1900

- aka French or Renaissance Style
- creature of 1870's
- used in large cities for Public Buildings, townhouses and modest row housing
- typically elaborate structures
- flat form, flat centre deck
- recognized by patterned Mansard Roof (Haunted House) straight, concave or convex, (often slate, usually shingled)
- retreating planes, symmetry and lavish ornamentation (mouldings, columns, quoins, iron cresting)
- decorative dormers
- often semi-detached
- elaborate Italianate labels, entrance porches, double leaf entrance doors with glazed transoms



296 Fielden Avenue

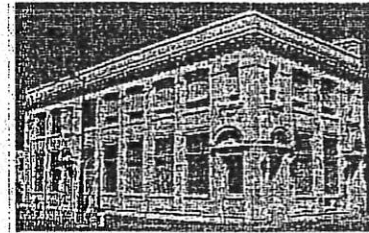


208-210 Clarence Street

Beaux Arts:

1900 - 1945

- style toward pure Greek and highly decorated Roman and Renaissance
- Classical base with elaborate pediments and pilasters
- prevalent in late 19th early 20th centuries.
- columns with oversized emphasis giving bulbous look to the shaft
- oval windows both horizontal and vertical usually w/ four keystones
- shares accoutrements of Colonial Revival and Shingle styles



212 West Street

Regency:

1815 - 1840

- informal low slung houses with drop eaves and verandahs
- minimal distinction between indoors and out with many french doors and large first floor windows
- unimportant centred front door
- verandah on one, two or three sides or gallery is usual feature
- finely scaled, geometric treillage on veranda
- originated in 1811-20 when Geo. IV was British Regent
- usually 1 - 1.5 stories
- low hipped roof
- has cottage or villa appearance



35 Canal Bank Street

Classical/Greek Revival: 1830 - 1860

- complex decorative panel moulding
- portico and pediment from 1830 - 1850
- temple front buildings, portico supported on columns
- American style more than Canadian, imported from States
- Public Buildings have heavy entablature, classical mouldings, porticoes, pillars (wide use of doric and ionic more than corinthian)
- horizontal rooflines with low to medium pitched gable roof
- often roof pediment or large centre gable
- Ontario Greek Revival is marked by front facing gable w/ disproportional massive door placed at the side and prominent returning eaves



730 Fielden Avenue



56 Main Street East



37 Main Street East

Romanesque Revival:

1850 - 1900

- late 19th century
- incidental details (entrance colonettes in polished granite combined with rich foillate carving often in sandstone)
- allowed different style for churches than gothic (esp. Presbyterian)
- characteristic smooth finish (often in red brick)
- towers, corbel tables and essential round arched windows and doors
- presence in Town as well as Churches

380 King Street



Richardsonian Romanesque 1890 - 1900

- contrasts with smooth civility of Romanesque
- burly, irregular and horizontal out of rock faced stone (alone or with brick)
- round headed windows and doors deeply set (almost cavernous)
- chunky columns and foillate decoration either stone or terracotta



1 Firelane Road at Lorraine Road

Chateau Style:

1880 - 1940

- eclectic Victorian
- conical roofed towers
- stained glass transom and stair windows
- deep projected entry ways
- projected bay windows
- steep slate roofs
- elaborate chimneys



14 Catharine Street