

Analysis of applicable legislation, policy and land use planning considerations

Detailed Policy and Planning Analysis:

The proposed recommendations in this report are consistent with applicable legislative and policy framework, as set out below.

The Planning Act:

The Planning Act guides development in the Province of Ontario and states that municipalities must have regard for matters of provincial interest. The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest is identified under paragraph 2(d) of the Planning Act as a matter of provincial interest.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (the “PPS”) is issued under the authority of section 3 of the Planning Act and provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions of municipal councils affecting land use planning and development matters “shall be consistent with” the PPS.

Policy 2.6.1 of the PPS states that: “Significant built heritage resources and significant cultural heritage landscapes shall be conserved”.

Growth Plan

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) is based on the policies of the PPS and provides land use planning and development policies that apply to the issues specific to the Greater Golden Horseshoe region. Section 3 of the Planning Act directs that all decisions of municipal councils affecting land use planning and development matters shall conform to the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that: “Cultural Heritage Resource will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”

City of Brampton Official Plan:

The following objectives of the Official Plan are applicable and relevant to this report:

- a) Conserve the cultural heritage resources of the City for the enjoyment of existing and future generations.
- b) Preserve, restore and rehabilitate structures, buildings or sites deemed to have significant historic, archaeological, architectural or cultural significance and, preserve cultural heritage landscapes, including significant public views. The following policies of

the Official Plan are applicable and relevant to this report:

- 4.10.1.3 All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the Ontario Heritage Act to help ensure effective protection their continuing maintenance, conservation and restoration.
- 4.10.1.8 Heritage resources will be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects.
- 4.10.1.9 Alteration, removal or demolition of heritage attributes on designated heritage properties will be avoided. Any proposal involving such works will require a heritage permit application to be submitted for the approval of the City.
- 4.10.1.13 In the event that demolition, salvage, dismantling or relocation is inevitable, thorough documentation of the heritage resources shall be undertaken. The information shall be made available to the City of archival purposes.
- 4.10.1.15 Minimum standards for the maintenance of the heritage attributes of designated heritage properties shall be established and enforced.
- 4.10.1.17 The City shall modify its property standards and by-laws as appropriate to meet the needs of preserving heritage structures.
- 4.10.1.18 The City's "Guidelines for Securing Vacant and Derelict Heritage Buildings" shall be complied with to ensure proper protection of these buildings, and the stability and integrity of their heritage attributes and character defining elements.
- 4.10.1.19 Adoption of the Guidelines may be stipulated as a condition for approval of planning applications and draft plans if warranted.
- 4.10.9.13 Lost historical sites and resources shall be commemorated with the appropriate form of interpretation.
- 4.10.9.2 The City shall use the power and tools provided by the enabling legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this section. These shall include but not be limited to the following:

- (i) The power to stop demolition and alteration of designated heritage properties and resources provided under the Ontario Heritage Act and as set out in Section 4.10.1 of this policy;
- (ii) Requiring the preparation of a Heritage Impact Assessment for development proposals and other land use planning proposals that may potentially affect a designated or significant heritage resource or Heritage Conservation District;
- (ix) Requiring a Heritage Building Protection Plan to be submitted with a planning application if there are built heritage resources on the lands affected by the application that have been identified by the City of Brampton as having priority for preservation. The Heritage Building Protection Plan shall outline measures that the applicant is expected to implement to secure, protect and conserve the heritage resource. In addition to other measures, the City may require that a part of the financial securities for the planning application taken at the time of approval be reserved for the protection of heritage resources.

4.10.9.4 The City shall acquire heritage easements, and enter into development agreements, as appropriate, for the preservation of heritage resources and landscapes.

Standards and Guidelines for the Conservation of Historic Places in Canada

Section 4.10.1.8 of the City's Official Plan requires that cultural heritage resources be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada (The "Standards and Guidelines"). The introduction section of the Standards and Guidelines states that: "Conservation practitioners operate in what is referred to as a 'values-based context' using a system that identifies and manages historic places according to values attributed through an evaluation process. These values generally include the aesthetic, historic, scientific, cultural, social and/or spiritual importance of a place, and:

- May be singular or multiple;
- Are subjective, wide-ranging, and can overlap;
- Can be differently assigned by different groups, and may even change over time.

The Standards and Guidelines defines the following key terms as follows:

"Heritage Value: the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of an historic plan is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Conservation: all actions and processes that are aimed at safeguarding the characterdefining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve Preservation, Rehabilitation, Restoration, or a combination of these actions or processes.

Preservation: the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting its heritage value.

Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.”

The fourteen (14) Standards from the Standards and Guidelines are described in the document as: “principles that express the collective wisdom that has accumulated in heritage conservation practice. They are rooted in practical and theoretical arguments that evolved as the field of conservation developed over the years. Working from these basic principles gives consistency and an ethical foundation to the decisions that must be made when conserving an historic place. The Standards are to be broadly applied throughout the conservation process and read as a whole, because they are interconnected and mutually reinforcing.” The Standards and Guidelines also further specify that the fourteen (14) Standards are “not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.”