

# Heritage Permit Kit

for Properties Designated under Part IV  
of the Ontario Heritage Act

Heritage Attributes  
Masonry  
Character  
Designated  
Details  
Heritage  
Natural  
Historical  
Restoration  
Architectural  
Contextual  
Landscaping  
Alteration



**BRAMPTON**  
Flower City

Planning, Design and Development  
Heritage

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## **PART ONE - PROPERTY OWNER'S GUIDE:**

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### **Why Is A Heritage Permit Required?**

Heritage designation puts in place a simple and quick mechanism, through the heritage permit process, to encourage preservation properties designated under Part IV of the Ontario Heritage Act (section 29).

The heritage permit process is designed to ensure that the “heritage attributes”, as described in the designation by-law, are not obscured, damaged or destroyed unnecessarily by alterations and other forms of intervention. Heritage attributes are the elements that lend a property its cultural heritage value.

Any work likely to result in the loss, damage, alteration or removal of one or more heritage attributes requires written approval from City Council before the work can begin. This rule applies mostly to major exterior renovations, additions and other works subject to a building permit or demolition permit.

The heritage permit process was not designed to prevent alterations to heritage buildings. Its purpose is to guide alterations in a reasonable and balanced manner - never losing sight of the pragmatic considerations that often trigger the call for change in the first place.

The heritage permit process is also not intended to prevent the introduction of modern conveniences such as central air conditioning, wheel chair ramps, new windows, swimming pools, satellite dishes, garages, parking spaces, and modern interior design treatments. Again, the permit process is, in most cases, simply used to guide such changes so that the new feature or replacement feature does not diminish the heritage value of the property.

*“The process is generally not about “if” such changes can be made to a property - it's about “how” or “how best” within the budget constraints and objectives of the property owner - factoring in the significance of the heritage attributes that might be impacted.”*

It should be stressed that in most instances, the heritage permit process is surprisingly routine.

### **Legal Basis for Heritage Permit - Ontario Heritage Act**

To maintain consistency with provincial legislation and Brampton's new Official Plan, extending the heritage permit process Citywide, is recommended.

**Section 33** of the Ontario Heritage Act states that Council must provide its 'consent in writing' before any alterations can proceed that are likely to affect heritage attributes on properties designated under Part IV of the Act. The wording in the Act is as follows:

*“No owner of property designated under section 29 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 the council of the municipality in which the property is situate and receives consent in writing to the alteration.”*

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**Section 42** of the Ontario Heritage Act applies to properties designated under Part V of the Heritage Act (districts). It states:

*“The owner of property situated in a designated heritage conservation district may apply to the municipality for a permit to alter any part of the property other than the interior of a building or structure on the property or to erect, demolish or remove a building or structure on the property. 2005, c. 6, s. 32 (1).”*

Most municipalities have adopted a heritage permit system to manage the review and approval process as prescribed under sections 33 and 42 of the Ontario Heritage Act.

Despite the fact that section 33 of the Heritage Act only refers to “consent in writing” from Council, and does not specifically refer to a ‘permit’, it is industry practice to seek Council’s consent in writing, as the act requires, and to call that consent a ‘permit’.

### **What Are Heritage Attributes?**

In general terms heritage attributes are the materials, details, forms, spatial configurations, uses, historical and cultural associations and character defining elements that collectively contribute to the cultural heritage value of the designated property.

A heritage designation by-law identifies and describes these heritage attributes so that everyone knows what features should be given special consideration when an alteration is proposed.

In specific terms, these attributes can be architectural, contextual, natural and/or historical. The heritage permit focuses on the architectural and contextual elements:

**Architectural heritage attributes often include:** windows, chimneys, verandahs, porches, doors, exterior cladding materials, decorative millwork and detailing, shutters, trim, stonework and any other structural features that are obviously old or original to the building.

**Contextual and natural heritage attributes can also be significant** - particularly with regard to the designation of streetscapes, farms, cemeteries and districts. They include: visual and aesthetic qualities, historical landscaping features, mature trees and hedgerows, fences, laneways, vistas, barns and other features found on the property.

**Historical heritage attributes** relate to past ownership, history, events and associations with broader themes and subjects.

Rarity, age, landmark status, construction methods, symbolic value and other factors are also taken into consideration, depending on the type of property being designated.

### **When Is A Heritage Permit Required?**

In the most general sense, as outlined in the Heritage Act, a heritage permit is required prior to any alteration likely to result in the loss, removal, obstruction, replacement, damage or destruction of one or more heritage attributes on a property designated under Part IV of the Ontario Heritage Act.

As a rule of thumb, a heritage permit is always required for any large-scale exterior renovations and additions; essentially any works that would also require a building permit, demolition permit or other formal approvals by the City, conservation authorities and/or other agencies and other levels of government.

A heritage permit may also be required for some smaller scale projects (*e.g. replacing a front door, removing a verandah railing, etc*), if that project would impact existing heritage attributes and features as found.

The heritage permit process applies to the entire property and all exterior elevations - not just to the front facade.

Whether a heritage permit is required or not, you must still comply with the requirements of the Zoning By-law and Building Code.

Heritage permits should always be secured before seeking any other approvals, such as minor variances from the Committee of Adjustment, approvals from conservation authorities, site plan approvals and so on.

### **Typical Projects That Do Require A Heritage Permit:**

**New Construction:** such as new additions, introducing new exterior architectural detailing and finishes, along with new garages, fences, barns, outbuildings, porches, verandahs, steps and decks;

**Major Structural Alterations and Rehabilitation Projects:** such as replacement, removal and changes to existing porches, verandahs, windows and window openings, doors and door openings, chimneys, awnings, existing millwork, decorative elements, detailing and finishes, foundations, barns, outbuildings and the like;

**Major Changes to Exterior Walls and Cladding** such as introduction or removal of metal soffits, fascia, vinyl siding, stucco finishes; painting previously unpainted masonry walls or removing paint from painted masonry walls; repointing masonry, replacing bricks, repairing or replacing stone finishes, parging foundation (is there another way to describe this that average people would recognize) walls, removing key wall features such as lintels, sills, parapets, chimneys, quoins, voussoirs (these two terms too), removing insulbrick, and the like;

**Major Landscaping:** such as removal of mature trees, removal or significant alterations to period gardens and hedgerows, installation of new landscaping plans, patios, paths and laneways, altering or removing original or vintage pergolas, fences, garages, outbuildings and the like;

**New Signage;**

**Historical Restoration Projects:** such as restoration or replication of original or vintage period elements including verandahs, millwork, finishes and the like;

**Any Other Larger Scale Exterior Alterations or Structural Repairs** that are likely to affect existing heritage attributes anywhere on the property.

**Typical Projects That Do Not Require A Heritage Permit:**

If works are not likely to affect existing designated heritage attributes, a heritage permit is not required. If in doubt, contact the City for confirmation.

A property owner does not require a heritage permit for regular or routine maintenance and other day-to-day activities or functions required to use, maintain and enjoy a property.

Routine care, maintenance and minor repairs do not require a heritage permit.

Examples of such work include:

- Minor repairs to windows, doors, eaves troughs, fences, foundations, roofing, railings, steps, chimneys, etc;
- Weather-stripping, insulating, etc;
- Interior work such as plumbing and electrical upgrades, interior painting, interior renovations and other works, provided interior spaces, detailing and finishes and are not included in the scope of heritage designation; (other City permits may be required however).
- New roof shingles;
- All forms of exterior painting (suitable heritage colour schemes are encouraged but are not required);
- Construction of backyard patios, tool sheds, other small outbuildings if they are to be located at the rear of the property and/or if not readily visible from the street or other public areas;
- Gardening and minor landscaping;

**How Long Does the Permit Review Process Take?:**

The Ontario Heritage Act is very specific on this point. Once a complete permit application is received, the City is to *“cause a notice of receipt to be served on the applicant”*.

Council must then make its decision regarding the merits of an application within 90 days. If mutually agreed upon, an extension can be granted.

If the applicant does not hear back after the 90-day period expires the council shall be deemed to have consented to the application. Although the standard procedure would be for the City to notify the applicant of Council's decision.

**Role of the Property Owner / Applicant:**

The property owner must evaluate the proposed scope of work and determine if that work is likely to affect the heritage attributes as designated. If in doubt, they should contact the City Heritage Coordinator for confirmation.

If a heritage permit is required, the applicant should work with the Heritage Coordinator. Together they can review the heritage considerations and fill out the application form.

When ready, the applicant must submit the completed heritage permit application form, along with any supporting information as required, to the Heritage Coordinator.

Applicants and/or their agents are encouraged to come before the Heritage Board as a delegation to briefly outline the scope of their heritage permit application and to answer questions. Arrangements can be made with the Heritage Coordinator.

### **Role of the Heritage Coordinator:**

Heritage permit applications are available from the Heritage Coordinator the Planning Design and Development Department (3rd Floor, City Hall).

The completed application form, along with the required plans, is to be submitted to the Heritage Coordinator. The Heritage Coordinator will review the application and provide comments and recommendations.

Prior to submitting a Heritage permit application, applicants are encouraged to discuss their proposal with the Heritage Coordinator.

The Heritage Coordinator will assist the property owner at every step of the way with application process.

The Heritage Coordinator will also circulate the application to other departments as required for review and comment.

Finally, the Heritage Coordinator will take the heritage permit application to the Brampton Heritage Board for review and endorsement.

### **Role of the Brampton Heritage Board:**

The Brampton Heritage Board (BHB) reviews all heritage permit applications. The Board makes recommendations: to approve, approve with terms and conditions or to refuse. These recommendations are then submitted to the Planning Design and Development Committee (PDD) and then City Council.

The BHB comments and recommendations are forwarded to PDD and City Council - either through a motion in the minutes or in a follow-up staff report.

### **Role of Planning, Design and Development Committee and City Council:**

The Planning Design and Development Committee (PDD) and City Council will consider the permit application on its merits factoring in the comments and recommendations of staff and the Brampton Heritage Board.

**PDD Committee and City Council will then:**

- (1) Approve the permit without conditions;
- (2) Approve the permit with certain terms and conditions;
- (3) Refuse the permit.

Assuming City Council approves the permit, the City Clerk's Department issues correspondence and the heritage permit is then prepared by the Heritage Coordinator and mailed to the applicant. A copy of the permit is circulated to the Building Division.

**Role of Conservation Review Board - Appeals:**

All applicants have the right to appeal if in a heritage permit application is refused by City Council or if the applicant does not support any terms and conditions. It is rare for City Council to refuse a heritage permit application.

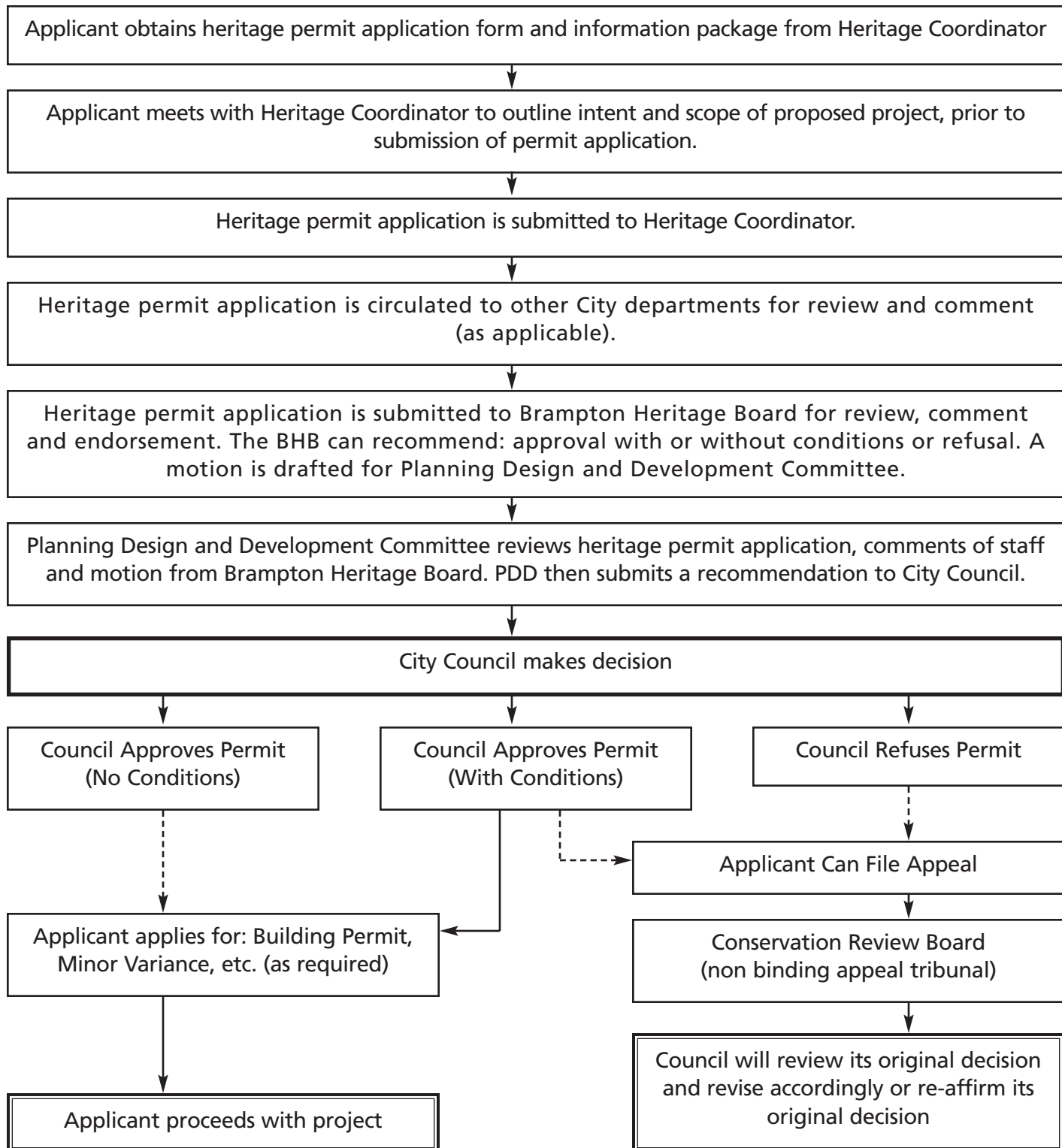
The permit applicant always has the right to appeal. Applicants can apply to Council for a hearing before the Conservation Review Board (CRB). The Council will refer the matter to the Board. A hearing will be held and the Board will prepare a report for Council. Council will review the Board report and will either reaffirm its original decision or revise it accordingly. Council's decision is final.

The Conservation Review Board (CRB) was established in 1975 with the passage of the Ontario Heritage Act, as a Schedule I Agency whose mandate is to conduct hearings and make non-binding recommendations dealing with objections under Parts IV of the Ontario Heritage Act.



## HERITAGE PERMIT APPLICATIONS

### PART IV DESIGNATIONS - PROCESS FLOW



## **Supporting Documentation:**

In order to describe the intent and scope of a proposed project certain documents and supporting materials should be included with a heritage permit application. Applicants may be required to submit some or all of the following supporting documentation:

**Drawings / Plans** should be folded to 8.5" x 11" paper size, if possible, and should be measured in metric scale.

**Photographs** – May be colour or black and white and labelled. A general view of the street showing the building and adjacent properties (streetscape), as well as a frontal view of the existing building and a photograph of each elevation are recommended.

**Registered Survey** should be up to date with no construction since time of survey. The survey should be a copy of the original survey that has been prepared by an Ontario Land Surveyor. All existing easements and right-of-ways should be shown.

**Site Plans** – Showing existing and proposed structure(s)/addition(s) on the lot, setbacks from front, rear and side lot lines, demolition of existing site features, and location of proposed site features such as parking spaces, driveways, walls, gates, fences, trees, hydro poles, retaining walls, fire hydrants, and accessory buildings.

**Floor Plans** – Depicting the arrangement of interior spaces, including the existing and proposed location of walls, windows and doors. All rooms should be labelled as to use, with dimensions on each floor plan in metric scale.

**Building Elevations** – Showing all elevations of the proposed addition/alteration. Suggested details to include consist of: building height, existing/proposed grade, finished floor elevations, window and door openings, roof slopes, building materials, location and type of outdoor lighting fixtures, railings, design/location of signage, down spouts, porches, landings, stairs and balconies.

**Outline Material Specifications** – Samples, brochures, etc. of all exterior materials, finishes and colours will assist the Committee, Board and City staff in making their recommendations.

**Summary of Supporting Documents Required According to Type of Project:**

In some cases a few photographs may be sufficient to support a permit application.

If a larger project is proposed, more supporting material is required. The following list outlines what supporting documentation is generally required by type of project:

**Major Repair, Upgrade or Larger-scale Maintenance Projects (e.g. replacement of windows)**

- i) Photographs
- ii) Outline and samples of materials or products to be used
- iii) Brief description of work specifications and techniques to be applied

**Additions and Construction of New Buildings**

- i) Photographs
- ii) Site plan
- iii) Plans and elevations of existing structure - "as built"
- iv) Plans and elevations of proposed work
- v) Outline and samples of materials to be used
- vi) Description of construction specifications

**Major Alterations**

- i) Photographs.
- ii) Outline and samples of materials or products to be used
- iii) Description of work specifications and techniques to be applied
- iv) Outline and samples of materials to be used

**Exterior and Interior Restorations (i.e. replicating or revealing lost heritage elements)**

- vii) Detail photographs of all features and attributes to be restored
- viii) Brief description of restoration techniques to be applied
- ix) Outline and samples of materials to be used (e.g. mortar mixes)
- x) Copies of historical photographs or references used to document features being restored
- xi) Description of construction specifications

**Relocation of an Existing Structure**

- i) Photographs
- ii) Current registered survey
- iii) Site plan
- iv) Plans and elevations documenting existing structure

**Land Division**

- i) Photographs
- ii) Current registered survey
- iii) Site plan and subdivision

### **New Signage**

- i) Photographs – (streetscape and property)
- ii) Site Plan
- iii) Elevations affected by signage
- iv) Design of sign, including dimensions, materials list and colour scheme

### **Demolitions**

- i) Photographs of structures proposed for demolition
- ii) Current registered survey
- iii) Plans and elevations documenting existing structure
- iv) Material salvage plan as necessary

## **Standards Used to Evaluate Heritage Permit Applications:**

The following guiding principles are based on the Ontario Ministry of Culture principles of conservation for heritage properties. These principles are based on international charters, which have been established over several decades.

### **1. RESPECT FOR DOCUMENTARY EVIDENCE:**

**Do not base restorations solely on conjecture.** Conservation work should be based on historic documentation and/or historical precedents using archival photographs, drawings, physical evidence and historical references.

### **2. RESPECT FOR THE ORIGINAL LOCATION:**

**Do not move buildings unless there is no other means to save them.** Site is an integral component of a building. Change in site diminishes heritage value considerably.

### **3. RESPECT FOR HISTORIC MATERIAL:**

**Repair and Conserve existing materials and finishes rather than replacing them - except where absolutely necessary.** Minimal intervention maintains the historical integrity and true character of the resource and is often less expensive!

### **4. RESPECT FOR ORIGINAL FABRIC:**

**Repair with like material whenever possible.** Repair to return the resource to its prior condition, without altering its integrity.

### **5. RESPECT FOR THE BUILDING'S HISTORY:**

**Do not restore to one period at the expense of another period.** Do not destroy later additions to a house solely to restore to a single time period. Removal of later additions is valid only when a later addition is uncomplimentary or inappropriate historically.

Also, ensure that the massing and height of new additions do not overshadow the heritage portions of the building. Additions should appear smaller and subordinate to the original or early portions of the building. Ideally, they should be located to the rear of the heritage portion of the building.

#### **6. REVERSIBILITY:**

Whenever possible, alterations should be executed in such that they could be reversed later and returned to original conditions. This conserves earlier building design and technique. For example, when a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

#### **7. LEGIBILITY:**

New work should be distinguishable from old. Building additions and new construction should be recognized as products of their own time, and new additions should not blur the distinction between old and new by slavishly attempting to duplicate. Strive for complimentary additions not replicas of the existing building.

#### **8. MAINTENANCE:**

With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

## **10 Ways to Ruin an Old Building**

1. Hiring consultants, architects and/or contractors who do not specialize or who have not had experience working with heritage buildings
2. Neglecting the building by avoiding routine maintenance and regular upkeep. Costs add up and work become more complicated
3. Using Portland cement instead of softer lime mortar for old brick and stone repairs
4. Painting or coating surfaces that were originally left unpainted/uncoated such as brick walls and stone. Repair individual brick and stone instead. Avoid covering masonry walls with stucco-like coatings. They can destroy the brick underneath and greatly diminishes heritage value
5. Enlarging or altering the building in a manner that conflicts with its architectural style, form or time period
6. Introducing “period” details that were never intended for the building or removing vintage details that may not be “original”
7. Replacing original or vintage details unnecessarily and/or with modern materials that do not match (e.g. replacing wood sash windows with plate glass panels or vinyl casement windows)
8. Locating modern services and equipment (e.g. satellite dishes) in obvious, indiscrete locations (e.g. front of the house)
9. Using cleaning methods that damage original surfaces (e.g. sandblasting or caustic cleaners). Remember, old brick is supposed to look old
10. Not recognizing and embracing the value of natural age, character and patina found in old buildings

## **PART TWO - HERITAGE PERMIT APPLICATION:**

### **HERITAGE PERMIT APPLICATION FORM**

In accordance with the Ontario Heritage Act a heritage permit must be issued by City Council for all proposals to erect, remove or alter the exterior of buildings, structures or other features described as heritage attributes within the scope of a heritage designation by-law.

City staff and the Brampton Heritage Board review all applications and then submit them to City Council for approval.

City Council has the authority under the Ontario Heritage Act to approve any heritage application either with or without conditions or to refuse the permit application entirely.

Please provide the following information (type or print)

#### **A. REGISTERED OWNER**

**NAME OF REGISTERED OWNER(S)** ARGO TFP BRAMPTON II LIMITED

**TELEPHONE NO. HOME** (905) 336-5545 **BUSINESS:** (647) 212-1473 **FAX:** ( )

**E-MAIL ADDRESS:** jessica@argoland.com

**MAILING ADDRESS:** 4900 Palladium Way, Suite 105, Burlington, Ontario L7M 0W7

#### **B. AGENT**

(Note: Full name & address of agent acting on behalf of applicant; e.g. architect, consultant, contractor, etc)

**NAME OF AGENT(S)** Sedgwick Marshall Heritage Homes

**TELEPHONE NO. HOME** (905) 299 4197 **BUSINESS:** **FAX:** ( )

**E-MAIL ADDRESS:** msedgwick@cogeco.ca, mirellamarshall3@gmail.com

**MAILING ADDRESS:** 336 Bronte St., Unit 226, Milton, ON, L9T 7W6

*Note: Unless otherwise requested, all communications will be sent to the registered owner of the property.*

**C. LOCATION / LEGAL DESCRIPTION OF SUBJECT PROPERTY**

LOTS(S) / BLOCK(S)		PT LOT 12	
CONCESSION NO.	CON 5 W.H.S	REGISTERED PLAN NO.	RP 43R18296
PART(S) NO.(S)	PARTS 1 to 3	REFERENCE PLAN NO.	
ROLL NUMBER:	10-06-0-002-19200-0000		
PIN (PROPERTY IDENTIFICATION NO.)	143630028		

**D. OVERALL PROJECT DESCRIPTION / SUMMARY OF PROPOSAL**

The structure at 10244 Mississauga Road will be disassembled and relocated to a suitable location (location tbd). Upon agreement of a location, the exterior or a portion of (no less than 50%) will be restored to its as-built configuration, including front veranda, based on available evidence. The interior of the structure will be subject to adaptive-reuse and reconfigured in a way that is complimentary to the heritage of the structure.

Sedgwick Marshall Heritage Homes Ltd. have been retained by ARGO TFP Brampton II Ltd. to undertake the disassembly and subsequent restoration of the structure.

Until a time where the building can be reconstructed, it will be stored in a climate controlled building and checked bi-annually.



## E. DESCRIPTION OF WORKS

(Please briefly describe the proposed works as they fit within one or more of the categories below; note the specific features that would be affected. Use separate sheets as required; attach appropriate supporting documentation; point form is acceptable):

**Rehabilitation and/or Preventative Conservation Measures** (e.g. repointing masonry; note which heritage attributes and features would be impacted and where, materials to be used, specifications and techniques):

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**Major Alterations, Additions and/or New Construction** (note which attributes to be impacted, location of work, materials to be used, specifications and techniques):

The resource will be deconstructed, stored, and reconstructed on a new site. Materials to be stored are:

Brick Masonry, Stone Foundation, exterior Wood Elements, and examples of interior finishes for replication.

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**Restoration** (i.e. replicating or revealing lost elements and features; note which attributes to be impacted and where, materials to be used, specifications and techniques):

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## F. SCOPE OF WORK IMPACTING HERITAGE PROPERTY

(Check all that apply)

NEW CONSTRUCTION IS PROPOSED ☐

DEMOLISH ☒

ALTER ☐

EXPAND ☐

RELOCATE ☒

## G. SITE STATISTICS (For addition and construction of new structures)

LOT DIMENSIONS      FRONTAGE \_\_\_\_\_ DEPTH \_\_\_\_\_

LOT AREA \_\_\_\_\_ m<sup>2</sup>

EXISTING BUILDING COVERAGE \_\_\_\_\_ %

BUILDING HEIGHT      EXISTING \_\_\_\_\_ m

PROPOSED \_\_\_\_\_ m

BUILDING WIDTH      EXISTING \_\_\_\_\_ m

PROPOSED \_\_\_\_\_ m

ZONING DESIGNATION \_\_\_\_\_

OTHER APPROVALS REQUIRED: (Check off only if required)

MINOR VARIANCE (COA) \_\_\_\_\_

SITE PLAN APPROVAL \_\_\_\_\_

BUILDING PERMIT \_\_\_\_\_

CONSERVATION AUTHORITY \_\_\_\_\_

SIGN BYLAW APPROVAL \_\_\_\_\_

(Note: IF YES, other approvals should be scheduled after the Heritage Permit has been approved by City Council)

## H. CHECKLIST OF REQUIRED INFORMATION SUBMITTED

(Check all that apply)

- ☒ REGISTERED SURVEY
- ☒ SITE PLAN (showing all buildings and vegetation on the property)
- ☒ EXISTING PLANS & ELEVATIONS - AS BUILT
- ☐ PROPOSED PLANS & ELEVATIONS
- ☒ PHOTOGRAPHS
- ☐ MATERIAL SAMPLES, BROCHURES, ETC
- ☒ CONSTRUCTION SPECIFICATION DETAILS

## I. AUTHORIZATION / DECLARATION

I HEREBY DECLARE THAT THE STATEMENTS MADE HEREIN ARE, TO THE BEST OF MY BELIEF AND KNOWLEDGE, A TRUE AND COMPLETE PRESENTATION OF THE PROPOSED APPLICATION.

I UNDERSTAND THAT THIS HERITAGE PERMIT DOES NOT CONSTITUTE A BUILDING PERMIT PURSUANT TO THE ONTARIO BUILDING CODE.

I ALSO HEREBY AGREE TO ALLOW THE APPROPRIATE STAFF OF THE CITY OF BRAMPTON TO ENTER THE SUBJECT PROPERTY IN ORDER TO FULLY ASSESS THE SCOPE AND MERITS OF THE APPLICATION.

*(Property entry, if required, will be organized with the applicant or agent prior to entry)*

Jessica Byers  
Signature of Applicant or Authorized Agent

March 15, 2022  
Date of Submission

Heritage Permit applications are submitted to the Planning, Design and Development Department, 3rd Floor Counter, Brampton City Hall,

The personal information on this form is collected under the authority of the *Ontario Heritage Act*, RSO 1990. The information will be used to process the Heritage Permit Application. Questions about the collection of personal information should be directed to the Heritage Coordinator, 2 Wellington Street West, Brampton, Ontario L6Y 4R2, 905-874-3825.

**J. APPROVAL CHECKLIST**  
(Internal use only)

Authority:	Date:	Resolution:
Brampton Heritage Board	_____	_____
Planning Committee (PDD)	_____	_____
City Council	_____	_____

## **APPENDIX - HERITAGE REVIEWS IN LAND USE PLANNING PROCESS**

### **Brampton Heritage - Land Use Planning**

#### **Policy Context:**

##### **Ontario Heritage Act (2005):**

The Act provides statutory protection for designated heritage properties including demolition control, enforcement provisions, minimum property standards, etc.

Section 33 of the Ontario Heritage Act states:

*“No owner of property designated... 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 the council of the municipality in which the property is situate and receives consent in writing to the alteration.”*

##### **Stronger City of Toronto for a Stronger Ontario Act, 2006:**

This new piece of legislation contains certain provisions affecting all municipalities.

The Act amends Ontario Heritage Act; introduces additional statutory protection across Ontario; requires owners of listed properties to give a municipality at least 60 days notice of the owner's intention to demolish or remove a building or structure on the property.

##### **Ontario Planning Act:**

Section 2 of the Planning Act declares that the “conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” is a Provincial Interest. Municipal councils, local boards, planning boards and the Ontario Municipal Board shall have regard for this interests as they carry out their responsibilities under the Act.

##### **Provincial Policy Statements - PPS (2005):**

The Provincial Policy Statement (PPS, 2005) is the framework for broad, integrated and long term planning. It provides policy direction to municipalities and approval authorities that make decisions on land use planning matters.

All decisions affecting land use planning matters “shall be consistent with” the Provincial Policy Statements.

Section 2.6 sets out the cultural heritage and archaeology policies. The two policies most pertinent are:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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2.6.3 Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

The PPS, 2005, together with the provisions of the Ontario Heritage Act and its regulations strengthens the framework for the identification and protection of Ontario's cultural heritage and archaeological resources.

**Building Code:**

Part 11 provides compliance alternatives "where the chief building official" is satisfied that compliance with the standard requirements under the Code are impracticable because "it is detrimental to the preservation of a heritage building".

The Code would allow, for instance, the conversion of an older industrial building to residential use without requiring the use of non-combustible construction throughout the building.

Also, where an existing building is subject to material alteration or repair, the Building Code will apply only to those parts of the building that are subject to such work, and the entire building is not required to be brought into compliance with modern standards.

**Brampton Official Plan (2006):**

4.9.1.3 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 and their continuing maintenance, conservation and restoration.

4.9.1.8 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.

4.9.1.9 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.

4.9.9.15 Impact on the significant heritage elements of designated and other heritage resources shall be avoided through the requirements of the City's sign permit application system and the heritage permit under the Ontario Heritage Act.

### **Heritage Considerations Within Land Use Planning Process:**

1. Receive notification from Planning and Building staff of proposed development applications, building and demolition permit applications, site plan applications, minor variance applications, informal proposals; (Communication protocols are critical).
2. Circulate information on known heritage resources within subject and adjacent lands to all parties (i.e. City staff, landowner, consultants, etc).
3. Field assessment of the subject lands:
  - documenting all heritage resources including cultural landscapes and other contextual features, natural heritage elements, areas of archaeological potential, standing structures not previously listed or designated, etc.
4. Where necessary, call for heritage impact assessment by qualified heritage consultant affiliated with the Canadian Association of Professional Heritage Consultants (CAPHC).
5. Where necessary, call for archaeological assessment by licensed archaeologist if archaeological potential is apparent.
6. Propose strategies for mitigation tailored to the cultural heritage significance of any affected resources - build consensus; (This seems out of context – maybe additional explanation is needed?)

Mitigation can include:

- retention or partial retention (e.g. front façades);
- adaptive reuse;
- heritage designation - as condition of approval;
- heritage conservation easements;
- cost sharing agreements;
- letters of credit;
- archaeological assessments;
- documentation;
- relocation and adaptive reuse;
- salvage;
- site security measures;
- preventative and long term conservation plans;
- sensitive site avoidance measures.

7. Review and provide comments to City staff upon submission of studies, draft guidelines, heritage impact reports, etc.
8. Provide comments on recommended mitigation.
9. Formalize mitigation measures through conditions in agreements.
10. Brief Brampton Heritage Board and Planning, Design and Development Committee as required.

11. If property is designated under either Part IV or V of the Ontario Heritage Act statutory approval by Council is required (i.e. heritage permit process followed by endorsement of Brampton Heritage Board and approval by Council).
12. Work with landowners to ensure approved mitigation plans are implemented, prepare designation reports and bylaws, negotiate easement agreements and ensure prior to conditions are satisfied.

**Planning Processes Where Heritage Reviews May Be Applicable:**

Environmental Assessments  
Official Plan / Amendments  
Secondary Plans / Amendments  
Block Plans  
Zoning Bylaws / Amendments  
Subdivision Agreements  
Site Plan Applications / By-laws  
Architectural Controls  
Minor Variances - Committee of Adjustment  
Building Permits  
Demolition Permits  
Sign Permits  
Topsoil stripping permits  
Downtown Façade Improvement Loans  
Heritage Incentive Grant Program  
Capital Works on City Owned Assets  
Property Maintenance Standards  
Bylaw Enforcement  
Public Works (e.g. in Village of Churchville)  
Parks Planning



## APPENDIX - HERITAGE PERMIT APPLICATIONS - STAFF CHECKLIST

1. Significance of the Heritage Property	Yes	No	N/A
i) Is the current property a prominent local landmark?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Do the proposed changes compliment or contribute to the character of the surrounding streetscape or neighbourhood?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Will the proposed changes be visible from the street or other nearby public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Does the property hold provincial or national significance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Architectural Heritage Attributes	Yes	No	N/A
i) Is the current building considered to be a good example of a particular style of architecture (e.g. Gothic Revival)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Have the possible impacts on existing architectural heritage attributes been sufficiently considered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Have measures been taken to protect or avoid impacts to existing architectural heritage attributes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Have sufficient measures been taken with plans and designs to ensure compatibility between new and old?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Are any existing architectural heritage attributes being replaced? If so, are these replacement features appropriate, both visually and functionally with the existing structure?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vi) Has the applicant provided justification for the alteration, removal or replacement of existing architectural heritage attributes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vii) Do the proposed works effectively compliment the existing building and its architectural heritage attributes in massing, material(s) composition, design, texture and colour?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Compatibility of Materials and Detailing

Yes No N/A

- i) Are original materials and detailing being retained and repaired to the greatest degree possible? ☐ ☐ ☐
- ii) Where removal or replacement of original materials and detailing is proposed, has the applicant provided appropriate evidence/rationale for why this is necessary? ☐ ☐ ☐
- iii) Are replacement materials and detailing, as proposed, appropriate and compatible with the following structural elements as applicable:
- Foundations ☐ ☐ ☐
  - Wall cladding (e.g. stucco, clapboard, and brick) ☐ ☐ ☐
  - Roofing ☐ ☐ ☐
  - Chimney and other roof structures ☐ ☐ ☐
  - Exterior trim work and detailing ☐ ☐ ☐
  - Windows and doors ☐ ☐ ☐
  - Porches and verandahs ☐ ☐ ☐
  - Fences and retaining walls ☐ ☐ ☐
  - Colour Schemes (i.e. Paint - Exterior colours) ☐ ☐ ☐
- viii) Are replacement materials similar to or complimentary to the prevailing building or on adjacent properties in the neighbourhood, area or streetscape? ☐ ☐ ☐
- ix) Are conservation/preservation measures, materials and techniques compatible with recognized heritage conservation standards (e.g. natural lime mortar mixes instead of Portland cement, gentle cleaning methods, etc)? ☐ ☐ ☐
- x) Are restoration techniques compatible with recognized heritage conservation standards? Have appropriate measures been taken to ensure protection and avoidance of existing architectural heritage attributes during construction phase? ☐ ☐ ☐

4. Windows, Doors, Porches	Yes	No	N/A
i) Are original windows and doors being retained where possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Are new windows, if any, consistent in size, shape, configuration, materials, opening and placement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Are new doors, if any, consistent in size, shape, configuration, materials, opening and placement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Is the design of the new porch or verandahs, if any, compatible with the character of the existing heritage building(s) and/or surrounding building stock?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Roofs	Yes	No	N/A
i) Is the roofline, roof details and roof pitch consistent with the existing heritage building? (Every effort should be made to respect the predominant roof line and to minimize the impacts.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Are proposed roof vents, solar panels, skylights, dormers and satellite dishes located inconspicuously away from public view and in a manner that does not damage important heritage attributes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Overall Scale	Yes	No	N/A
i) Is the scale and size of the proposed alteration/addition in keeping with the prevailing character and massing of the existing heritage building(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Is the alteration/addition in keeping with the building heights and scale found on adjacent properties and with the immediate streetscape or neighbourhood?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Do upper storey additions compliment the height and roof profile of existing rooflines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Location & Setbacks	Yes	No	N/A
i) Is the proposed alteration or addition (including attached garages, balconies and greenhouses) located in a subordinate location or to the rear of existing heritage building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Are the setbacks for this application consistent with those found along the streetscape and in particular with neighbouring structures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Are new structures or outbuildings to be located in a subordinate location or to the rear of existing heritage building and principle facades?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) If a garage and driveway are proposed, has the impact been minimized by locating them to the rear or to the side of the existing heritage building(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Contextual and Natural Heritage Attributes	Yes	No	N/A
i) Do the proposed changes maintain traditional views, vistas and spaces of the property and surrounding neighbourhood?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) If not, have satisfactory mitigation been outlined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Do the proposed changes attempt to preserve and maintain existing driveways, walkways, fences and walls that contribute to the character of the grounds surrounding the heritage building?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Do the proposed changes maintain heritage attributes and features found on the grounds such as front lawns, vistas, mature trees, hedges, and period gardens?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Do fences, walls, gates, pathways, plantings, and light standards reflect the historic presence and character of the property and streetscape or neighbourhood?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vi) Do the proposed changes impact views of the heritage attributes from the street and other public areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vii) Have appropriate measures been taken to ensure protection and avoidance of existing contextual and natural heritage attributes during construction phase?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There is no handwriting or other markings on the paper.