

Heritage Permit Application Guide

This guide for heritage permit applications is designed to assist applicants in submitting sufficient information so that their application may be deemed complete and processed as quickly and efficiently as possible.

For more information

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What is a heritage permit?

A heritage permit is required to undertake changes to properties designated under the *Ontario Heritage Act* (the Act). Properties are either designated individually under Part IV or designated within a heritage conservation district under Part V. Properties that are listed as non-designated in the City of Guelph's *Municipal Register of Cultural Heritage Properties* (Heritage Register) only require a heritage permit for demolition or removal.

The Province of Ontario, through the *Ontario Heritage Act*, has enacted legislation to assist its citizens with the protection and conservation of cultural heritage resources.

Once properties are designated under the *Ontario Heritage Act*, the City is enabled to manage physical change to the cultural heritage resources as a means of protection. The principal tool is the heritage permit application process. Site-specific applications are reviewed by City staff to determine if proposed changes may impact the reasons for designation and the protected heritage attributes.

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

As a general rule, the preferred alterations to heritage properties are those that repair rather than replace original heritage attributes, and those that do not permanently damage cultural heritage resources and their heritage attributes. Where replacement of materials or new construction is necessary, these should be compatible with the original. Reversibility is also preferable as this allows for the future reinstatement of heritage attributes.

When is a heritage permit required?

Under the *Ontario Heritage Act*, R.S.O. 1990, any new construction or "alteration" of a property designated under Part IV of the *Act* (individually designated property) or a property designated under Part V of the *Act* (heritage conservation district) requires the approval of a heritage permit application.

A heritage permit is required prior to any alteration of a designated property that is likely to result in the loss, removal, obstruction, replacement, damage or destruction of one or more heritage features on the property.

Examples of work that may require a heritage permit include:

- All new construction including new additions to existing structures and new independent structures such as garages, sheds, porches, decks and steps
- Alteration, addition, removal or replacement of windows, doors, porches, verandahs, chimneys, cladding, roofing material, trim and other exterior details of a structure
- Demolition of a structure or part of a structure
- Change in paint colour of exterior elements of a structure
- Change in trim, cladding, door or window colour(s) or painting of masonry
- Change in siding, soffit, fascia or roofing material
- Removal and/or installation of cladding and chimneys
- Repointing of brick
- New signage
- Hard landscaping such as the alteration, addition, removal or replacement of patios, fences, gates, trellises, arbours, gazebos, retaining walls and walkways

Note: Heritage permit application requirements differ between individually designated properties (Part IV) and those designated as part of a heritage conservation district (Part V). To obtain a copy of the designating bylaw for an individually designated property or a heritage conservation district, please contact City Clerk's Office at (519) 837-5603 or at clerks@guelph.ca. Please refer to the

City of Guelph's website at www.guelph.ca/hcd to download a copy of the *Brooklyn and College Hill Heritage Conservation District Plan and Guidelines*.

When is a heritage permit not required?

A heritage permit is not required for routine maintenance and minor repairs that do not change the appearance or material of a structure on the property. In addition, internal changes to a building on a designated property do not require a heritage permit if the alterations do not affect the external appearance of the designated property. An exception to this is if an individually designated property has a designation bylaw which outlines specific interior elements to be preserved.

Examples of work that may not require a heritage permit include:

- Re-roofing in material and colour similar to existing material and colour
- Re-painting of architectural elements in the same colour
- Repairs to, and replacement of eavestroughs and downspouts unless these are integral to the heritage character and appearance of the building
- Soft landscape work (ie. plantings)

Please note that Section 5.0 of the *Brooklyn and College Hill Heritage Conservation District Plan and Guidelines* describes alterations and classes of alterations that (for properties within the HCD) are exempt from requiring a heritage permit.

What are the criteria used to evaluate the proposed work?

Nearly 100 properties in Guelph are individually designated under Part IV of the *Ontario Heritage Act* and each of these properties has a designating bylaw. Additionally, there are also 160 properties designated as part of the Brooklyn and College Hill HCD under Part V of the *Ontario Heritage Act*. The HCD has a district plan and guidelines which provides guidance on managing change in the district. The HCD Plan and Guidelines is available on the City's website at www.guelph.ca/hcd.

Heritage permit applications are reviewed with the consideration of these Council-approved designation bylaws and heritage conservation district plan and guidelines.

The HCD plan establishes clear policies and guidelines that support a transparent and consistent decision making process based on objective criteria. The HCD policies and guidelines are interpreted and applied by qualified professional Heritage Planning staff, and by the Council appointed municipal heritage committee (as applicable). The intent of the HCD plan and staff's advice and guidance is to achieve a successful outcome and arrive at an approvable solution.

Additional Evaluation Criteria

The following guiding principles are also used to assess proposed alterations to heritage properties. These guidelines are based on the Ontario Ministry of Culture's principles of conservation for heritage properties which have been established over several decades.

- 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.
- Do not move buildings unless there is no other means to save them. Site is an integral component of a building.
- 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.
- Repair with like material whenever possible.
- Do not restore to one period at the expense of another period. Do not destroy later additions in order to restore the house to a single time period, except when a later addition is uncomplimentary or inappropriate historically.
- Massing and height of new additions should not overwhelm the heritage portions of the building. Additions should appear smaller and subordinate to the historic portions of the building and should ideally be located to the rear.
- Whenever possible, alterations should be executed in a way that they could be reversed later to return the building to its original condition.
- New work should be distinguishable from the old structure. 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 attempting to duplicate. Strive for complimentary additions not replicas of the existing building.
- With continuous care and upkeep, future restoration will not be necessary and the high costs of conservation projects can be avoided.

What are the submission requirements?

The information required varies with each application. The information provided through the application ensures that Heritage Planning staff, and where required the Heritage Guelph Committee, understand the specific details of any proposed alteration in order to be sufficiently informed to make a recommendation on the application. An incomplete application cannot be processed and the official notice of receipt (as required under the *Ontario Heritage Act*) will not be issued until all of the required documents have been submitted. Failure to provide a complete application may result in deferral by Heritage Planning staff or Heritage Guelph in order to secure additional information, which may delay final approval.

a) Pre-consultation meeting with staff:

Before the submission of a heritage permit application, applicants are encouraged and may be required to meet with Heritage Planning staff to discuss the proposed alterations. This pre-consultation is an important step in the application process as it provides an opportunity for the applicant and staff to review the policies and guidelines related to the property in order to ensure that the application meets the relevant requirements.

b) All heritage permit applications submitted to Heritage Planning staff should include:

- A complete original copy of the Heritage Permit Application Form, including the owner's signature.
- Written Description - The applicant must provide a complete written description of all proposed work. The description should complement drawings, detailed construction plans, photos and any other sketches or supporting information submitted with the application. The written description must include a list of all proposed work and the details of all proposed work including, but not limited to, proposed colours, materials, sizes, etc.
- Construction and Elevation Drawings - Along with construction elevation drawings (drawn to scale), the applicant may also, but not in lieu of, submit a sketch of the proposed work made over a photograph.
- Digital copy of all drawings
- Digital copy of all photographs

c) Information on drawings and visual materials:

Through pre-consultation, staff will indicate the need for the following to be submitted as part of the heritage permit application:

- Site plan or a current survey of the property that shows all structures, all critical setbacks and distances from adjacent properties, and the location of all proposed work to structures and/or landscaping
- Architectural drawings to clearly illustrate the proposal, showing all proposed changes to all structures, including:
 - Elevations
 - Floor plans (these will be used for internal review purposes only and will not be made available to the general public)
 - Clear dimensions of building proportions and massing
 - Clear dimensions of door and window openings with respect to size, type and style
- Vertical dimensions from existing and proposed grade, finished floor level, roof slopes, mechanical vents and equipment, fixtures, signage, outdoor lighting and other relevant elements of the proposed alterations
- Detailed information including trim, siding, mouldings, etc., including sizes and profiles;
- Construction methods and means of attachment (must also be included in the written description).
- 3-D drawings or artist renderings of proposed work for large scale projects

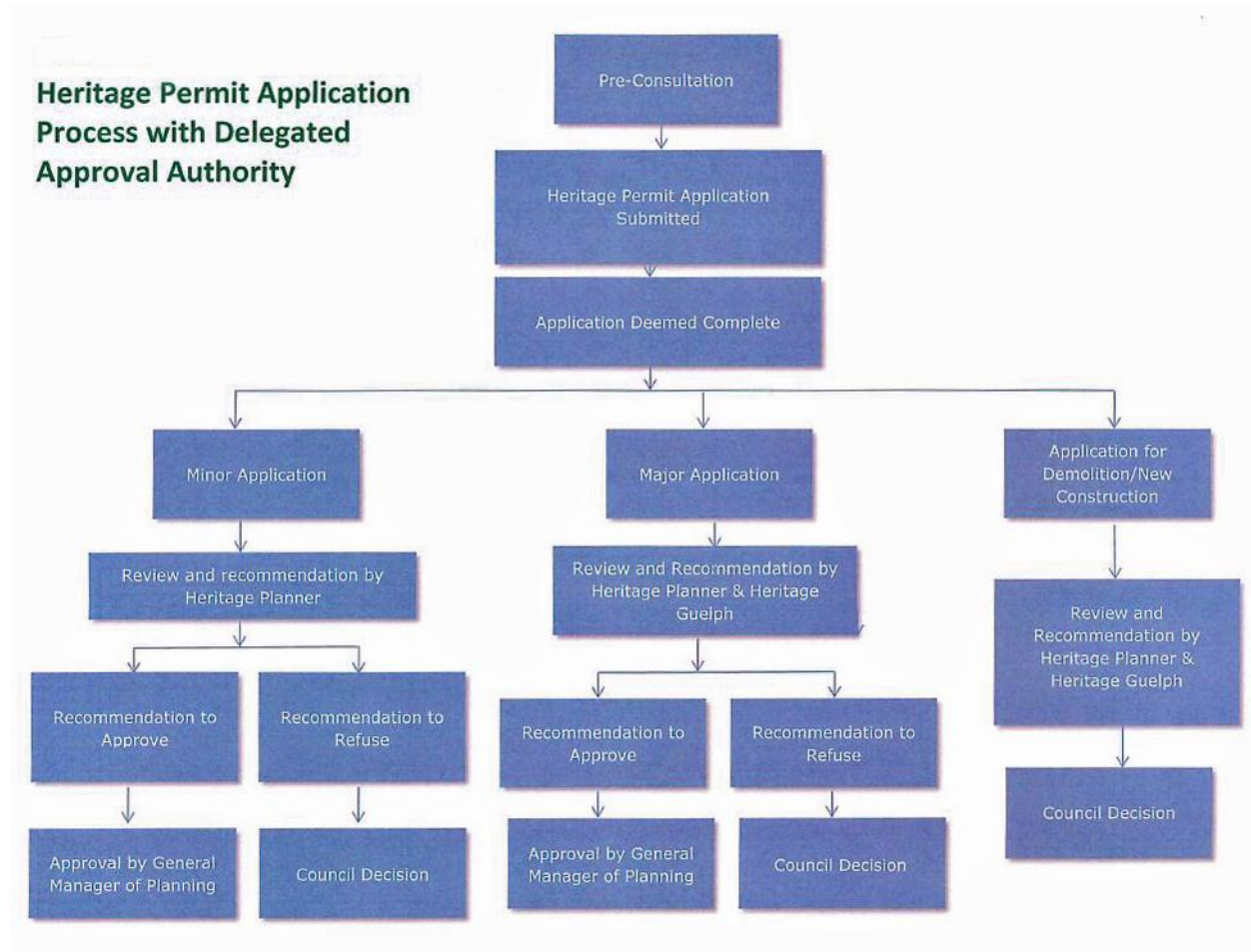
- Photographs of the property, including:
 - Photographs of the front of the property showing the main structure
 - Photographs of the nearby streetscape and neighbouring properties
 - Photographs of all applicable portions of the property and structures
- Landscape details including:
 - Architectural drawings of patios, fencing, arbours and other hard landscaping
- Physical and/or visual samples of materials proposed to be used
- Examples of windows, roofing materials, cladding materials (i.e. traditional roughcast stucco, stone, brick, wood), landscaping materials

Other Required Information

In some circumstances, Heritage Planning staff may require additional information, such as a Cultural Heritage Resource Impact Assessment or Cultural Heritage Resource Conservation Plan, to support the heritage permit application. The requirement for additional information will be identified through pre-consultation and to satisfy the policies of the City of Guelph *Official Plan* and the *Provincial Policy Statement* (2014). Pre-consultation with heritage planning staff before formal submission of a heritage permit application is strongly encouraged.

What is the Approval Process?

In accordance with City of Guelph By-law (2016)-20022, applications that are subject to delegated approval authority will be processed and approved under one of three streams. The following are steps that a heritage permit application typically goes through:



Stream 1: Minor Application

Many types of heritage permit applications, such as cosmetic, surficial alterations, cladding, and other changes not requiring a building permit, will be deemed to be minor, and will solely be reviewed by the City's Heritage Planning staff. Heritage Planning staff will review the application and provide recommendations to the General Manager of Planning, Urban Design and Building Services. If recommended for approval, the General Manager will then approve the heritage permit, with or without conditions. Applications processed under this stream will normally be completed within 10-15 business days.

If the application is not supported by staff, the application is forwarded to Council for review and decision.

Stream 2: Major Application

Certain types of heritage permit applications, such as larger scale exterior alterations, and other works requiring a building permit or approval under the *Planning Act*, will be deemed to be major. Major applications will be reviewed by Heritage Planning staff and also referred to Heritage Guelph (an advisory committee to Council constituted under Section 28 of the *Ontario Heritage Act*). Heritage Planning staff and Heritage Guelph will review the application and provide advice and recommendations to the General Manager of Planning, Urban Design and Building Services. If recommended for approval, the General Manager will then approve the heritage permit, with or without conditions. Applications processed under this stream will normally be completed within 45 – 90 calendar days, depending on the timing of submission of the application in relation to the established Heritage Guelph meeting schedule.

If the application is not supported by staff, the application is forwarded to Council for review and decision.

Stream 3: New Construction and Demolition

According to Section 42 of Part V of the *Ontario Heritage Act*, Council is required to consider heritage permit applications which propose to “erect, demolish or remove any building or structure on the property”. Such applications will be reviewed by Heritage Planning staff and Heritage Guelph who prepare advice and recommendations for Council’s consideration. This process is anticipated to take approximately 60 – 90 days to complete depending on the timing of the application submission in relation to the Heritage Guelph and Council meeting schedules. If Council does not make a decision on a heritage permit application within 90 days of its submission, Council shall be deemed to have consented to the application, unless the applicant and Council can mutually agree on a longer decision period and an extension is granted.

General Process Information

Where heritage permit applications are required to be considered by Heritage Guelph, Heritage Planning staff prepare a staff report based on good conservation practice and the designating bylaw, or, the policies and guidelines in the heritage conservation district plan. Preparation of the staff report will require a site inspection.

Formal submission of a heritage permit application with all supporting documentation (written description, construction drawings, sketch plans, scale drawing, photographs) to Heritage Planning staff is due one month prior to the Heritage Guelph meeting (see www.guelph.ca/hcd for a schedule of submission deadlines and committee meeting dates).

Heritage Planning staff are available to meet with applicants and review all documentation prior to formal submission. Often Heritage Planning staff can assist

you with historical and architectural information that might help with your proposed changes.

Information presented in the heritage permit application should indicate an understanding of the reasons for designation and heritage attributes of the designated property and, if applicable, the surrounding area, including the following:

Specific requirements for new construction, alterations and additions to designated property

Setting

1. positioning of the heritage building or structure on the property;
2. lot size related to building size; and,
3. streetscape (relationship to other properties and structures on the street).

Building details

1. proportion and massing;
2. roof type and shape;
3. materials and detailing;
4. windows and doors:
 - style;
 - proportions;
 - frequency or placement; and,
5. relationship of the heritage building to other buildings on the lot and to the streetscape.

Heritage attributes

The following applies where a heritage permit application includes work on heritage attributes:

Windows and Doors

The applicant should consider in order of priority:

1. repairing or retrofitting the existing units (information on how to make older windows more energy efficient is available from Heritage Planning staff);
2. replacing the units with new units matching the originals in material, design, proportion and colour; and,
3. replacing the units with new units that are generally in keeping with the original units.

If historic window units are proposed to be replaced, the application should include the following:

- description of the condition of the existing units;

- reasons for replacing the units; and,
- description of the proposed new units.

If approval to replace historic window units is given, the following action should be considered:

- a sample of a window removed should be stored on site in case a future owner wishes to construct a replica of the original;
- the masonry opening and/or door framing should not be disturbed; and,
- exterior trim should match the original.

Roofing

The application should include:

- description of proposed roofing material to be applied; and,
- if there is a request to install a different roofing material, the applicant may wish to investigate what the original material might have been.

Masonry Work

The application should include:

- a description of the proposed work, materials (type/style of brick or stone, type of mortar mix, etc.) and methods of repair and application; and,
- outline the reasons for the work.

Signage

The application should include:

- a general written description of the proposed signage to be installed;
- a scale drawing of the signage with dimensions, materials, methods of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between historic masonry units or into wood building elements); and,
- type of illumination, if applicable.

Awnings

The application should include:

- a sketch view of the proposed awning – perhaps over a photo;
- a scale drawing of the awning on the building with dimensions, materials, operating mechanism, method of construction, colours and means of attachment (the means of attachment should be arranged to anchor into joints between masonry units or perhaps into wooden building elements); and,
- type of illumination, if applicable.

Specific requirements for demolition

Information presented in the heritage permit application should describe the existing conditions, including the existing setting and existing heritage attributes of the designated property and the surrounding area, specifically as they relate to the building proposed for demolition. The heritage permit application should provide a detailed rationale for the demolition, including an assessment of the current condition of the building, and a cost comparison identifying the difference in cost to repair and restore the building versus cost to demolish and construct a new building.

Heritage conservation principles

The heritage permit application must demonstrate how the proposed work (e.g. alteration, new construction or demolition) is consistent with the designating bylaw for individual properties (Part IV) or the heritage conservation district plan for properties within a HCD (Part V). In addition, the heritage permit application must demonstrate how the proposed work is consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (available at <http://www.historicplaces.ca/en/pages/standards-normes.aspx>).

What can I do if my heritage permit application is denied?

Heritage Planning staff and Heritage Guelph endeavor to identify solutions for every heritage permit application submitted. Discussions with the applicant along with revisions to the heritage permit will usually result in successful applications that can be recommended for approval.

However, if Council refuses a heritage permit application and the applicant chooses not to resolve the issue with a revised application, the decision may be appealed to the Conservation Review Board (for alterations to designated properties under Part IV) or to the Ontario Municipal Board (for demolition of property designated under Part IV or for any alterations to designated property under Part V).

Building codes and other bylaws

It is the applicant's responsibility to ensure compliance with all other applicable legislation, regulations and bylaws. These items include the *Ontario Building Code*, the *Ontario Fire Code*, and the City's Zoning Bylaw and Property Standards Bylaw.

Additional Information

- The owner and/or an agent should attend the Heritage Guelph meeting.
- The owner and/or an agent may be requested to prepare a presentation for the Heritage Guelph meeting.
- Applicants undertaking work on their property are subject to all applicable policies and regulations that may apply.

- A heritage permit approval should precede any other approval, including those related to building permits, site plan and minor variances.
- Other known required permit or approval processes should be identified at the time of the submission of the heritage permit application.
- It is in the interest of a heritage property owner to retain licensed heritage professionals to undertake the design and execution of projects on heritage properties.
- A heritage permit infraction may result in charges laid against the owner in accordance with provisions of the *Ontario Heritage Act*.
- Follow up site inspections will be conducted to ensure compliance with drawings as submitted and approved.

Heritage Permit

Application Form



To be submitted to Heritage Planning staff. Please use ink. The accuracy and completeness of this application is the responsibility of the applicant.

1. Property and Applicant Information

Property Address:

Owner Contact Information

Name:

Address & Postal Code:

Daytime Phone No.:

E-mail Address:

Agent Contact Information (if applicable)

Name:

Address & Postal Code:

Daytime Phone No.:

E-mail Address:

2. Subject Property

Building/Structure Type: Residential Commercial Industrial Institutional

Heritage Designation: Part IV or Part V (HCD)? By-law # _____

Is the Subject Property subject to a Heritage Easement or Agreement? Yes No

3. Nature of Application

Exterior Interior Signage

New Construction Alteration Relocation Demolition

Expected Start Date: _____ Expected Completion Date: _____

4. Heritage Permit Application Summary

Please provide a written description of the project proposal including any conservation methods you plan to use. Provide such detail as materials to be used, measurements, decorative details, whether any original building fabric is to be removed or replaced, etc. Use additional pages as required. Refer to the *Heritage Permit Application Guide* for clarification.

5. Review of applicable heritage bylaws, policies and guidelines

Explain the reasons for undertaking the alterations and describe how the proposal is consistent with the Part IV individual designation by-law or the Part V heritage district designation by-law and its associated policies and guidelines:

Describe why it is necessary to undertake the proposed work.

Describe how the proposal is consistent with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (available at <http://www.historicplaces.ca/en/pages/standards-normes.aspx>).

6. Other Required Approvals

Have you discussed this work with Heritage Planning staff? Yes No

Have you discussed this work with Building Services? Yes No

If yes, who did you contact? _____

Have you applied for a Building Permit for this work? Yes No

Please state if the proposal in this heritage permit application will also require other related applications and approvals:

Building Permit YES NO

Minor Variance YES NO

Site Plan Review YES NO

Site Alteration YES NO

Sign Permit YES NO

Tree Permit YES NO

7. Product and Manufacturer Details (fill in all applicable information)

Item(s) to be changed	Indicate if work is new or restoration	Indicate type of material	Indicate colour	Other product details
Cladding (siding, brick, stucco, etc.)				
Roof				
Foundation Walls				
Trim				
Doors				
Windows				
Porch / Verandah				
Fencing				
Landscaping				
Other				

8. Completed Submission

Before submitting this application, please check off the following applicable boxes to ensure that your application is complete:

- Pre-consultation meeting with staff has been completed
- Digital and/or hard copy of all drawings has been submitted
- Digital and/or hard copy of all photographs has been submitted

9. Declaration & Signature

I hereby declare that the statements made herein are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application.

The undersigned acknowledges that all of the statements contained in documents filed in support of this application shall be deemed part of this application. The undersigned acknowledges that receipt of this application by the City of Guelph - Planning Services does not guarantee it to be a 'complete' application. The undersigned acknowledges that Planning Services of the City of Guelph shall determine whether the information submitted forms a complete application. Further review of the application will be undertaken and the owner or agent may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I have reviewed the submission requirements and understand that incomplete applications will not be accepted.

Once the application is deemed to be fully complete, the application will be processed and, if necessary, scheduled for the next available Heritage Guelph Committee and Council meeting.

I also understand that the proposal must comply with all other applicable legislation and bylaws and that other approvals if required must be described clearly in Section 6 of this application form (ie. minor variance, site plan review, building permit, sign permit, site alteration, tree permit).

I acknowledge that any change to approved drawings, however small, may require an amendment to the permit and may require resubmission for approval.

I acknowledge that City of Guelph staff and members of Heritage Guelph may visit the property that is the subject of this application for the purpose of evaluating the merits of this application. During a site visit, photographs of the property may be taken for the purpose of evaluating the application. Property entry will be organized by Heritage Planning staff with the applicant or agent prior to entry.

I acknowledge that a refusal to consent to a site visit when requested will result in the application being denied.

I acknowledge that personal information on this form is collected under the authority of the *Ontario Heritage Act* and will be used to process heritage permit applications.

I confirm that the owner and/or agent for this property has reviewed this application with Heritage Planning staff at a pre-consultation meeting.

The undersigned acknowledges that where an agent has been identified, the municipality is authorized but not required to contact this person in lieu of the

owner and this person is authorized to act on behalf of the owner for all matters respecting the application. The undersigned agrees that the proposed work shall be done in accordance with this application and understands that the approval of this application under the *Ontario Heritage Act* shall not be a waiver of any of the provisions of any bylaw of the City of Guelph or legislation including but not limited to the requirements of the Building Code and the Zoning By-law. The undersigned acknowledges that in the event this application is approved, any departure from the conditions imposed by the Council of the City of Guelph or Planning Services, as the case may be, or from the plans or specifications approved by the Council of the City of Guelph or Planning Services as the case may be, is prohibited.

I am familiar with and have read section 69 of the *Ontario Heritage Act* which makes it an offense to knowingly furnish false information in any application or in any statement, report or return required to be furnished under the Act or the regulations, or to fail to comply with any order, direction or other requirement under the Act.

Owner's Signature (*required*)

Date

10. Authorization

If this application is being made by an agent/solicitor on behalf of the property owner, the following authorization must be completed:

I / We, _____, owner of the land that is subject of this application, hereby authorize _____ to act on my / our behalf in this regard.

Signature of Owner: _____ Date: _____

Signature of Owner: _____ Date: _____

The personal information on this form is collected under the legal authority of Section 33(2), Section 42(2), and Section 42(2.2) of the Ontario Heritage Act. The information will be used for the purposes of administering the heritage permit application and ensuring appropriate service of notice of receipt under Section 33(3) and Section 42(3) of the Ontario Heritage Act. If you have any questions about this collection of personal information, please contact

:

*Access, Privacy and Records Specialist
City Clerk's Office
City Hall
1 Carden St, 4th Floor
Guelph, ON N1H 3A1
519-822-1260 ext. 2349
privacy@guelph.ca*