

# **SUBMISSION REQUIREMENTS FOR DEMOLITION / DE-DESIGNATION OF HERITAGE PROPERTIES AND REMOVAL OF PROPERTIES LISTED ON WHITBY'S HERITIGATE REGISTER**



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The purpose of this document is to outline submission requirements for notices of intention to demolish and requests to de-list or de-designate heritage properties. In accordance with Section 27 of the *Ontario Heritage Act*, the Town of Whitby's Register of Properties of Cultural Heritage Value or Interest includes two types of properties: properties which are designated under the *Ontario Heritage Act* (individually under Part IV of the *Act*, or as part of a district under Part V of the *Act*); and properties which are not designated but are 'listed' on the Register because they have potential cultural heritage value or interest.

There may be circumstances where the owners of properties on the Town's Heritage Register may wish to demolish a heritage building on the property, remove a listed property from the Register, or have the property's heritage designation status removed. These guidelines have been developed to ensure that adequate information is provided to the Town by the applicant in order for these requests to be fully evaluated by staff, the municipal heritage advisory committee and Council.

## **Submission Requirements for Notices of Intention to Demolish a Heritage property**

Property owners of listed properties may initiate a property's demolition by providing 60 days written notice of their intention to demolish the property to the Town Clerk. Property owners of designated properties can initiate the same process by submitting 90 days written notice of their intentions to demolish the property to the Town Clerk. The applicant must meet with the Heritage Planning staff at a pre-consultation meeting before submitting an application.

Sections 27, 34 and 42 of the *Ontario Heritage Act* allow a municipal council to require that additional information be submitted along with a notice of intention to demolish a listed or designated property, in order for the application process to be considered complete.

In accordance with this legislation, the following items may be required to be submitted to the Heritage Planning Division of the Building and Planning Department by the applicant together with a notice of intention to demolish for either a listed or designated property:

- a completed Heritage Permit Application Form;

- a fee in accordance with applicable fee by-law(s);
- a Cultural Heritage Impact Assessment, to be submitted in accordance with the *Cultural Heritage Impact Assessment Terms of Reference* developed by the Heritage Planning Division of the Building and Planning Department;
- a scaled full size site plan and elevation drawings which clearly illustrate the proposed future use of the site with the location of the existing heritage building(s) clearly identified;
- a complete and certified title search for the property, including:
  - a chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar;
  - block map;
  - certified copy of PIN;
  - certified copy of old abstract pages;
  - full copies of transfers and other relevant title documents (i.e. wills, mortgages);
  - copies of reference plans.
- comprehensive photographic documentation of the property and all structures, demonstrating all significant architectural and heritage features. The photographs should be taken in accordance with the Town of Whitby's *Photographic Documentation / Recording Guidelines*.

In addition to the requirements listed above, the applicant may be required to submit any other supporting information and materials that may be identified by the Town prior to submission of the application, or in consultation with the applicant, as being relevant and necessary to the evaluation of the application. Town staff may also request entry onto the property as part of an evaluation of the heritage significance of the site.

### **Submission Requirements for Requests to Repeal a Part IV Designation By-Law**

In accordance with Section 32 of the *Ontario Heritage Act*, property owners of properties designated individually under Part IV of the *Act* may apply to Council to have the designation status of their property removed by submitting a written request to the Town Clerk to have the property's designating by-law repealed. This request must be dealt with by Council within 90 days of submission. The applicant must meet with the Heritage Planning staff at a pre-consultation meeting before submitting an application.

The following items may be required to be submitted to the Heritage Planning Division of the Building and Planning Department by the applicant together with a request to the Town Clerk that the property's designating by-law be repealed:

- a completed Heritage Permit Application Form;
- a fee in accordance with applicable fee by-law(s);
- a Cultural Heritage Impact Assessment, to be submitted in accordance with the Cultural Heritage Impact Assessment Terms of Reference developed by the Heritage Planning Division of the Building and Planning Department;
- a detailed description of the reasons for which the repeal of the designating by-law is being requested;

- a complete and certified title search for the property, including:
  - a chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar;
  - block map;
  - certified copy of PIN;
  - certified copy of old abstract pages;
  - full copies of transfers and other relevant title documents (i.e. wills, mortgages);
  - copies of reference plans.
- comprehensive photographic documentation of the property and all structures, demonstrating all significant architectural and heritage features. The photographs should be taken in accordance with the Town of Whitby's *Photographic Documentation / Recording Guidelines*.

In addition to the requirements listed above, the applicant may be required to submit any other supporting information and materials that may be identified by the Town prior to submission of the application, or in consultation with the applicant, as being relevant and necessary to the evaluation of the application. Town staff may also request entry onto the property as part of an evaluation of the heritage significance of the site.

**Note: There is no process for the repeal of a Part V designation under the *Ontario Heritage Act*.**

### **Submission Requirements for Requests to Remove a Non-Designated 'Listed' Property from the Heritage Register**

The owner of a listed property may request the removal of their property from the Town of Whitby's Register of Properties of Cultural Heritage Value or Interest. The following items may be required to be submitted to the Heritage Planning Division of the Building and Planning Department by the applicant in order to process the request:

- a completed Whitby Heritage De-Listing Request Application Form;
- comprehensive photographic documentation of the property and all structures, demonstrating all significant architectural and heritage features. The photographs should be taken in accordance with the Town of Whitby's *Photographic Documentation / Recording Guidelines*;
- at the discretion of Town staff, a Cultural Heritage Impact Assessment, to be submitted in accordance with the Cultural Heritage Impact Assessment Terms of Reference developed by the Heritage Planning Division of the Building and Planning Department;
- a complete and certified title search for the property, including:
  - a chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar;
  - block map;
  - certified copy of PIN;
  - certified copy of old abstract pages;

- full copies of transfers and other relevant title documents (i.e. wills, mortgages);
- copies of reference plans.

In addition to the requirements listed above, the applicant may be required to submit any other supporting information and materials that may be identified by the Town prior to submission of the application, or in consultation with the applicant, as being relevant and necessary to the evaluation of the application. Town staff may also request entry onto the property as part of an evaluation of the heritage significance of the site.