

Notice of Intention to Demolish a Cultural Heritage Resource Process Guide

Properties identified as being of cultural heritage value or interest are granted levels of protection from demolition through the *Ontario Heritage Act* (OHA). This includes properties:

- Individually designated under Section 29, Part IV of the OHA
- Designated within a heritage conservation district under Section 41, Part V of the OHA
- Listed (non-designated) on the heritage register under Section 27, Part IV of the OHA

Properties identified as one of the above within the city are included in the [Municipal Register of Cultural Heritage Properties](#).

Request for demolition

To initiate a partial/complete demolition of a building or the removal of identified heritage attributes of a property of cultural heritage value or interest, the proponent must submit a Notice of Intention to Demolish Application Form and all submission requirements to Planning Services. Upon confirmation that the application meets the submission requirements set out below, a notice of receipt will be issued in accordance with the OHA.

Note: The proponent is encouraged to contact heritage planning staff to arrange a pre-consultation meeting.

Submission requirements

A notice of intention to demolish will not be considered complete unless it is accompanied by any plans or information required by heritage planning staff, which may include:

- Notice of Intention to Demolish a Cultural Heritage Resource Application Form;
- Scaled, full-size plan and elevation drawings which clearly illustrate the location of the subject building(s) and those on adjacent properties, as well as all proposed changes to the site;
- Cultural Heritage Resource Impact Assessment;
- A complete land title search of the property to the satisfaction of the City; and,
- Comprehensive photographic documentation of the property and all structures, demonstrating all significant heritage attributes.

In addition to the requirements listed above, the property owner may be required to submit any other supporting information and materials that may be required by heritage planning staff to support review and consideration of the application. City of Guelph heritage staff may request entry onto the property as part of the assessment of the cultural heritage value of the site.

Note: A building permit for the demolition will be required from Building Services. Residential demolitions are also subject to the Demolition Control By-law. These processes can run parallel with the submission of the Notice of Intention to Demolish a Cultural Heritage Resource but

cannot be approved until the heritage matter is addressed in accordance with provisions of the OHA.

Request to demolish a designated Property (Individual or district)

For properties individually designated under Part IV of the OHA, the process outlined in Section 34 of the OHA will be followed. Properties designated under Part V of the OHA, within a heritage conservation district, are processed through a heritage permit application as outlined in Section 42 of the OHA.

Upon receipt of a complete application Council has 90 days to consult with Heritage Guelph and make a decision. Receipt of a complete application is acknowledged through the issuance of a notice of receipt from the General Manager of Planning, Urban Design and Building Services.

Council may:

1. Repeal the heritage designation by-law and remove the property from the heritage register or amend the by-law to remove the subject heritage attributes and consent to the demolition application;
2. Repeal the heritage designation by-law and remove the property from the heritage register or amend the by-law to remove the subject heritage attributes and consent to the demolition application, subject to such terms and conditions as may be specified by Council; or,
3. Refuse the application.

Notice of Council's decision is given to the property owner, the Ontario Heritage Trust and published in the local newspaper.

If Council refuses the application or consents to the application subject to conditions, the owner of the subject property may appeal the decision to the Local Planning Appeals Tribunal (LPAT) within 30 days of the day the owner received notice of the decision. The decision of the LPAT is final.

A flow chart illustrating the process to demolish a designated property is available in the [Ontario Heritage Toolkit](#) (pg. 40).

Request to demolish a listed (non-designated) property

For properties listed (non-designated) on the Municipal Register of Cultural Heritage Properties under Part IV of the OHA, the process outlined in Section 27 of the OHA will be followed.

Upon receipt of a complete application Council has 60 days to consult with Heritage Guelph and make a decision. Receipt of a complete application is acknowledged through the issuance of a notice of receipt from the General Manager of Planning, Urban Design and Building Services.

1. If the structure is no longer considered of cultural heritage value or interest, a recommendation will be made to Council that the property not be designated under section 29 of the OHA. If Council does not intend to designate the property and directs staff to remove the property from the heritage register, the demolition may proceed.
2. If the structure is considered a cultural heritage resource, a recommendation is made to Council to publish and serve notice of its intention to designate the property to be of cultural heritage value or interest under section 29(1) of the OHA. If Council decides to publish that intention, any unissued demolition permits will be held until a decision has been made. Notice of the intention to designate will be provided in accordance with the OHA to the owner, Ontario Heritage Trust and published in the local newspaper.
 - a. A person may object to a proposed designation within 30 days after the date of publication of the notice of intention by serving the City Clerk with a notice of objection setting out the reason for the objection and all relevant facts.
 - i. If there is no objection, Council may pass a designation by-law.
 - ii. If one or more objections , are received, they will be referred to the [Conservation Review Board](#) to be heard as an appeal. The Conservation Review Board will hold a hearing in accordance with its rules, and issue a report with recommendations to Council. Based on this recommendation, Council may decide to withdraw the notice of intention to designate, or to pass a heritage designation by-law. If the notice is withdrawn the landowner may proceed with a demolition permit or Council may pass a heritage designation by-law to protect the property. Council's decision is final. If passed, the building permit application for demolition is voided.