

Heritage Matters... in Markham

Individual Property Designation

One of the most important tools Markham uses to protect individual properties of cultural heritage value or interest is designation under Part IV of the Ontario Heritage Act. Designation provides an enhanced level of demolition control and ensures that the property cannot be altered in a manner that would detrimentally affect its identified heritage attributes.

What type of properties can be designated?

A variety of properties can be designated including:

- Buildings and structures;
- Archaeological sites and ruins;
- Cultural heritage landscapes;
- Cemeteries and monuments;
- Trees and parks;
- Bridges

Who can request designation?

Anyone can request that a property be designated. Council must obtain the advice of its municipal heritage committee on any property proposed for designation.

What criteria are used to support designation?

The Ontario Government has prescribed criteria for determining a property's cultural heritage value or interest for the purpose of designation. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets at least one of the prescribed criteria.

The purpose of the regulation is to provide an objective base for the determination and evaluation of resources of cultural heritage value. The prescribed criteria help ensure the effective, comprehensive and consistent determination of value or interest by all Ontario municipalities. The criteria are essentially a test against which properties can be judged; the stronger the characteristics of the property compared to the standard, the greater the property's cultural heritage value. The property may be designated if it meets one or more of the criteria.

The subject property has cultural heritage value or interest as it meets the following criteria:

- The property has design value or physical value because it:
 - Is a rare, unique, representative or early example of a style, type expression, material or construction method,
 - Displays a high degree of craftsmanship or artistic merit, or
 - Demonstrates a high degree of technical or scientific achievement.
- The property has historical value or associative value because it:
 - Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- The property has contextual value because it:
 - Is important in defining, maintaining or supporting the character of an area,
 - Is physically, functionally, visually or historically linked to its surroundings, or
 - Is a landmark.

Who prepares the designation material?

Heritage Section staff usually prepare the designation research report and reasons for designation. In some cases, historical and architectural material is supplied by the property owner or heritage consultants.



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Can a property be designated without the owner's support?

In those instances where the property owner does not support designation, council can choose to designate without the owner's permission. This usually occurs in situations where the heritage resource is under some threat (i.e. demolition, insensitive alteration). The property's cultural heritage value is the measure, not the consent of the owner. The decision of council can be appealed to the Conservation Review Board, an agency of the provincial government. A hearing is held and the Board makes recommendations to council, but the final decision rests with the municipality.

How does designation impact the property?

Designation does not restrict the use of the property or require the owner to open it to the public. It does require the owner to obtain Council's approval for alterations that will likely affect the heritage attributes identified in the designation by-law.

What happens if requested alterations are not approved?

If council denies approval of alterations, the owner can appeal to the Conservation Review Board. A hearing is held and the Board makes recommendations to council, but the final decision rests with the municipality.

What about demolition?

Council can now prevent demolition of a building or structure on a designated property. If Council refuses to approve an application for demolition, the owner may appeal to the Ontario Municipal Board. After holding a hearing, the Board can approve the application with or without conditions, or refuse the application.

Does designation affect the property value?

A 1998 study¹ of 3,000 designated properties in 24 Ontario communities found that:

- Designation did not have a negative impact on property values;
- The rate of sale of designated properties was as good or better than the general market;
- The value of heritage properties tended to resist downturns in the general market

¹Source: Robert Shipley, "Heritage Designation and Property Values: Is There an Effect?", International Journal of Heritage Studies, Volume 6, No.1, 2000)

How are designated properties identified?

To celebrate the designation of an individual property, Markham provides a bronze plaque that can be mounted on the property signifying its designated status. The plaque indicates the name of the building's first occupant and the date of construction. The designation by-law is also registered on title to the property.

If you have additional questions concerning a specific property, please contact our Heritage Section.

**"Heritage Matters...in Markham"
is a series of information brochures
on heritage planning topics.**

**For further information, contact:
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