Heritage Property Owner Information Package

The Ontario Government, through the Ministry of Tourism & Culture, has promoted heritage conservation for many years, adjusting its role to meet changing needs and circumstances.

The Ontario Heritage Act enables municipalities to recognize and protect individual properties or areas of historical or architectural value or interest.



Heritage Penetanguishene
c/o Holly Bryce, Town Clerk
Town of Penetanguishene
10 Robert Street West, Box 5009
Penetanguishene, ON
L9M 2G2
Phone (705)549-7453
Fax (705)549-3743
Email: hbryce@penetanguishene.ca

Heritage Penetanguishene

Heritage Penetanguishene is a Committee appointed by Council to establish criteria for the evaluation of properties of architectural and historical value, and to advise Council on conserving heritage properties.

The Committee is composed of one Council representative and four members of the public. The Town Clerk acts as the Committee's Secretary and Resource Person.

A heritage designation helps conserve Ontario's heritage, an irreplaceable resource. Our heritage is one of our most visible cultural assets; it is on view every day on streets everywhere and is a prominent element that gives the Town of Penetanguishene its unique character and its individuality.

Protecting our heritage through designation strengthens the Town of Penetanguishene's identity and distinctiveness.

A heritage designation recognizes the cultural value of significant heritage properties and the community's appreciation of them.

Be proud of your property's heritage designation... we certainly are!

Heritage Penetanguishene, November 2011

Heritage Property Owner Information Package Table of Contents

Tab 1

- **♦ Inventory of Heritage Designated Properties**
- Heritage Penetanguishene Committee

Tab 2

- Important Points About Heritage Designation
- **♦** The Obligations of Designation
- **♦ Insurance and Heritage Properties**

Tab 3

 Applying for Approval to Renovate or Alter a Designated Property

Tab 4

◆ The Heritage Tax Rebate Program

Tab 5

- Frequently Asked Questions
- ♦ Resources for Heritage Property Owners

Town of Penetanguishene Properties Designated under the Ontario Heritage Act

Penetanguishene Centennial Museum & Archives

13 Burke Street Year Built: 1875

Designated: January 26, 1981 by

By-law 1981-7

McGibbon Lumber Company Office

32 Water Street

Year Built: Cira 1878

Designated: January 26, 1981 by

By-law 1981-6

St. James On The Lines Church

215 Church Street Year Built: 1836

Designated: May 25, 1981 by

By-law 1981-43

St. Ann's Roman Catholic Church

20 Robert Street West Year Built: 1886

Designated: September 28, 1981 by

By-law 1981-66

Thompson House

14 Water Street Year Built: 1859

Designated: September 28, 1981 by

By-law 1981-67

Charles Beck House

83 Fox Street Year Built: 1885

Designated: January 25, 1982 by

By-law 1982-7

White Gothic Revival House

3 Maria Street

Year Built: Cira 1878

Designated: January 25, 1982 by

By-law 1982.8

Penetanguishene Angels

Entrance To Town (Replicas) Originals are located at the Museum Year Built: 1921 (Originals)

Designated: October 28, 1985 by

By-law 1985-72

J. T. Payette House

33 Robert Street West

Year Built: 1918

Designated: February 28, 1983 by

By-law 1983-20

Municipal Office Building & Council Chambers

10 Robert Street West

Year Built: 1891

Designated: July 27, 1987 by

By-law 1987-36

W. R. Benson Home

69 Poyntz Street Year Built: 1905

Designated: February 26, 1990 by

By-law 1990-08

Green Block

1 Water Street

Year Built: 1840

Designated: February 26, 1990 by

By-law 1990-09

Dault Block

1 Simcoe Street

Year Built: 1876

Designated: October 17, 2002 by

By-law 2002-81

Gordon House

12 Water Street

Year Built:

Designated: November 23, 2011 by

By-law 2011-87

Town of Penetanguishene Heritage Penetanguishene Committee Members December 2010 - November 2014



Helen Luzius, Councillor (Chair)
Chris Burns
Lois Lipton
Barb Turner
Holly Bryce, Committee Secretary/Resource Person

Contact Heritage Penetanguishene

c/o Holly Bryce, Town Clerk
Town of Penetanguishene
10 Robert Street West, Box 5009
Penetanguishene, ON L9M 2G2
Phone (705)549-7453
Fax (705)549-3743
E-mail hbryce@penetanguishene.ca

Heritage Penetanguishene advises Town Council on matters of heritage in the community, with the intent to present, preserve and promote heritage resources and conservation.

This Committee meets on the 2nd Tuesday of February, April, June, September and November at 3:30 p.m. Additional meetings are held at the call of the Chair. The Town Clerk is the contact person for more information.

Heritage Penetanguishene members are appointed by the Mayor and Council following each election for a term of 4 years. If you are interested in serving as a member of the Committee please submit a written request to the attention of the Committee Secretary.

Composition & Functions of Heritage Penetanguishene

Advisory Committee Membership

Committee Chair – Council representative
Committee Vice Chair – elected by the Committee
Four members of the public (designated by the Mayor and ratified by Council)
One Council representative (designated by the Mayor and ratified by Council)
Staff Resources – Town Clerk or designate
Recording Secretary – Town Clerk or designate

Committee Mandate

The Mandate of Heritage Penetanguishene is to represent the various heritage interests in our community in the preservation, presentation and promotion of local heritage. Heritage Penetanguishene shall oversee the following functions, determine action in accordance with delegated authority, make recommendations to Planning & Development Section, or receive for information:

- Evaluation of properties of architectural and historical significance within the Town of Penetanguishene
- Review and recommendation of street names and maintenance of Street Name Policy
- Review and recommendation of modifications to structures designated under the Ontario Heritage Act
- Review and recommendation of Heritage Tax Rebates
- Prepare information materials and organize/participate in events related to heritage preservation

Chair and Vice Chair

The appointed member of Council shall Chair the Committee. The Chair acts as the Presiding Officer at the meetings and presents any reports or recommendations flowing from the Committee at the respective Section and/or Council meeting. In the absence of the Chair at the Section or Council meetings, the Section/Council Chair presents and speaks to the matters.

The Vice Chair shall be elected annually from the community members on the Committee. The Vice Chair serves as Chair at the meetings in the absence of the Chair.

Delegated Authority

Heritage Penetanguishene has no delegated authority and is an advisory body only.

Heritage Penetanguishene may incur expenditures to the extent provided in the annual approved budget. All purchases shall be preauthorized by the Town Clerk and approved in accordance with the Town's Procurement By-law.

The Committee shall receive items for information, discuss heritage related matters or make recommendations to Council via the Planning & Development Section.

Composition & Functions of Heritage Penetanguishene Cont'd

Meeting Schedule

Regular meetings will be held on the 2nd Tuesday of February, April, June, September and November at 3:30 p.m. in the Townhall. Special meetings may be scheduled at the call of the Town Clerk or designate.

Changes in Meeting Schedule

The Town Clerk may revise the regular meeting schedule in consultation with the Chair of Heritage Penetanguishene.

Meeting Location

The Meetings shall be held in the Committee Room or the Council Chambers in the Townhall, or other such location which may be designated by the Town Clerk from time to time for such purpose taking into regard access related issues.

<u>Agendas</u>

Agendas shall be made available a minimum of twenty-four hours in advance of the meeting to the Members and on the Town Website. The Town Clerk shall determine the content of the agendas.

Quorum

Quorum shall consist of three (3) members of the Committee.

Agent of the Municipality

In carrying out its Mandate, Heritage Penetanguishene may act as an agent of the Town of Penetanguishene while acting bona fide within the limits of the authority of the Town. No member shall incur any personal liability by reason of their participation on Heritage Penetanguishene acting within the scope of its mandate. Nothing in the Mandate of the Heritage Penetanguishene authorizes or empowers the Committee to incur any debt, liability or obligation for which the Town may become liable without having previously obtained the consent of Council.

Rules & Procedures

The rules & procedures contained in the Procedural By-law shall be observed in the proceedings of Heritage Penetanguishene, except where the Chair, in consultation with the Town Clerk or designate, may deem that alternate procedures may be more appropriate to achieve efficiency and/or for any other practical matter.

Important Points About Heritage Designation

- Designation is not arbitrary or frivolous. Designation criteria are specific: the principle requirements are that the structure or district possess historic and/or architectural value or interest.
- Designation provides for a consistent approach to heritage conservation. It helps ensure that alterations in the case of individual property, or development in districts, are consistent with the overall intent of the designation by-law or district plan.
- Designation can prevent unsympathetic changes to heritage properties, and delay demolition.
- Designation does not legally restrict the use of a property.
- Although designation is registered on the title of a property, it does not restrict the sale of property, or normally affect its resale value. Designation continues to be in effect when a property changes hands.
- If an owner disagrees with a council decision regarding designation, alteration to a
 designated property, or repeal of the designation by-law, the owner may
 appeal the decision to the Conservation Review Board, which must hold a
 hearing on the matter. The final decision, however, resides with Penetanguishene
 Council.
- Designation does not require property owners to open their property to the public.
- Designated heritage properties and areas make good economic sense. Designation of individual property or areas may serve as a focus for community renewal efforts. Economic development literature repeatedly stresses the importance of local quality of life, to which recognized heritage properties contribute.
- Designated properties can be recycled to lead useful and economically viable lives.

Interesting Heritage Fact: It has been estimated that the rehabilitation of older buildings consumes 23% less energy than new construction; therefore, the drain on renewable and non-renewable resources is significantly lower than for new construction. The conservation of designated property reduces the strain on dump and landfill sites where up to 60% of available space is currently filled with demolition and construction waste. Conservation of designated property is more economically and environmentally sustainable than new construction.



Information obtained in part from the Ontario Ministry of Tourism & Culture

What are the Obligations of Designation?

- Designation requires a property owner to seek the approval of Municipal Council, through Heritage Penetanguishene, for any property alteration which affects the "reasons for designation". Although the Ontario Heritage Act provides the owner with a mechanism to appeal Council's decision to the Conservation Review Board, Council has the final decision and Council could deny the property owner the permission to alter.
- Designation requires the property owner to seek the permission of Municipal Council, through Heritage Penetanguishene, to demolish a designated structure.
- In the event of change of ownership, the new owner of a designated property must give notice of the change of ownership to the Town Clerk within 30 days after becoming owner of the property.
- Owners of designated properties shall maintain the heritage property and its heritage features.



Insurance and Heritage Properties

Will heritage designation make my property insurance premiums go up?

Your premiums should not go up as a result of a heritage designation. A variety of other reasons cause insurance companies to increase premiums for older buildings if there is a higher level of risk, such as services (out-dated wiring, old heating systems, etc.). In fact, some companies do not insure buildings over a certain age. Designation itself, however, does not place additional requirements on the insurer and therefore should not affect your premiums.

What happens if a building is destroyed by fire, or some other accident? Would it have to be rebuilt as it was?

The intent of designation is to preserve the historic, physical, contextual or other community heritage value of a property. If a building on a heritage property is completely or partially destroyed, the designation by-law does not oblige the owner to replicate any lost heritage attributes. A replacement building, for example, can be of a different design.

What if I want the original features of my property to be replicated in case of damage?

If this is what you want, make sure you're properly covered. Insurance coverage for this depends on the degree of risk you and your insurance company are prepared to share. The age, quality and condition of your building will affect what coverage is available and he premium charged. "Replacement cost" coverage requires prior insurance appraisal of the building. It generally provides for the property to be repaired or replaced with like kind and quality up to the amount stated in the policy. If available, guaranteed replacement cost coverage can provide for replication of original historical detailing and other important features that have been lost or damaged – whether or not a property is designated. Some insurance companies even offer a special type of "by-law endorsement" coverage. If you have a designated property, it is advisable to share your designation by-law with your insurer in order to be certain that heritage attributes are properly covered by your policy.

You can also obtain coverage for "actual cash value" (ACV). The ACV is the calculated cost of replacing the property with something of like kind after taking depreciation into account. When you arrange the insurance, be sure to speak with your insurance representative about the basis of your claims settlement. It is important to understand what you can expect if the building were to be completely r partially destroyed by an insured peril.

As with any insurance plan, it's best to research the various insurance providers in order to find the most competitive rate and best service from your insurer.

If you have further questions, you can contact the Insurance Bureau of Canada Consumer Information Centre at 416-362-9528 or 1-800-387-2880 (Direct Lines) Consumer Officer(s) available Mon. to Fri. 8:00 am to 6:00 pm. Voice mail is available 24hr.

What is the Process to Apply for Approval to Renovate or Alter a Designated Building?

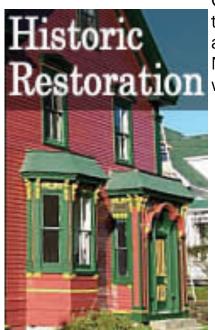
Please ensure you do not start work on your project without approval.

Step 1 - Submit a written request that outlines the scope of the intended work and the type of materials to be used. It is a good idea to include drawings and pictures where possible. Your request should be delivered to Heritage Penetanguishene, c/o the Committee Secretary at the Townhall (address noted on the cover page).

Step 2 - The Committee Secretary will advise you of the meeting date and time where your application will be heard. The Committee meets every second month and we appreciate you giving us ample time to review your application. Regardless of our regularly scheduled meetings, we will try to process requests within three weeks of receipt. You are always welcome to attend and speak to your application at the meeting. The meetings are very informal and we do our best to ensure you are comfortable.

Step 3 - Heritage Penetanguishene is an advisory body to the Council under the Ontario Heritage Act. All recommendations by the Committee must be confirmed by the Council of the Town of Penetanguishene. Council meets frequently and, in most cases, will review Heritage Penetanguishene's recommendation on your application within a two week period. The entire approval process will take a minimum of approximately 5 weeks.

Step 4 - The Committee Secretary will contact you following the Council meeting. You are also welcome to attend the Council meeting. Depending on the decision by



Council, and if the intended alteration requires a permit, the Building Department may now issue a permit application. Please note that the Building Department will NOT issue a building permit for a designated property without formal approval from Council.

You should always contact the Committee Secretary at the Townhall prior to starting your application. We can offer you valuable information regarding completing your application and about anticipated timelines.

We want to work with you to make this as easy as possible while still maintaining the historical significance of your property.

The Heritage Tax Rebate Program

The following information contains the program guidelines for the Heritage Tax Rebate Program. Complete application packages will be available in December. Please contact the Committee Secretary at the Townhall for further details.

PROGRAM GUIDELINES

PURPOSE

Well-maintained heritage properties give communities a unique character and enrich our quality of life. Restoring heritage properties has been a catalyst for revitalizing historic town centres and drawing residents, businesses and visitors to communities. While heritage properties provide benefit and enjoyment to the whole community, most of these properties are in private ownership.

It is this historical significance which is being preserved through the protection and enhancement of its local heritage properties. The incorporation of these resources into the fabric of our community has provided a distinct sense of place, which contributes to the evolution and character of our Town. The preservation of heritage properties benefits of all members of the community.

Every owner is responsible for the normal upkeep and maintenance of their property. However, it is recognized that heritage properties may require more intensive care, custom work or restoration at a somewhat higher cost than one would encounter with newer buildings. Viable and well-maintained designated properties enhance the sense of history and community, and also provide educational value for future generations. In 2005, Council established a heritage tax rebate program for designated heritage properties within the Town of Penetanguishene. This policy was reviewed by Heritage Penetanguishene and Council in 2011.

Property tax relief supports heritage conservation by recognizing that owners of heritage properties often incur above average costs to maintain aging structures and the heritage attributes of these properties.

1. GENERAL

- a. Refunds shall be subject to the availability of funding for the program.
- b. The program may be eliminated by Council through repeal of the By-law at any time with no prior notice whatsoever to affected persons.
- c. The program is subject to any regulations that the Minister of Finance may make governing Bylaws on tax refunds or reductions for heritage properties.
- d. The program shall be administered through Heritage Penetanguishene, with final approval subject to the Planning & Development Services Section, or designated committee, endorsement.

2. PROGRAM ELIGIBILITY

a. All property tax classes that are subject to municipal tax billing within the Town of

Penetanguishene shall be eligible for application subject to terms and conditions contained within the policy.

- b. The property must be an eligible heritage property designated under the *Ontario Heritage Act* as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act* (an individual property designation).
- c. Eligible heritage property means a property or portion of a property that is designated under Part IV of the Ontario Heritage Act or is part of a heritage conservation district under Part V of the Ontario Heritage Act or property or a portion of property that is subject to an easement agreement with the Town of Penetanguishene, under section 37 of the Ontario Heritage Act or an easement agreement with the Ontario Heritage Foundation, under section 22 of the Ontario Heritage Act.
- d. The property must comply with both provincial and municipal eligibility requirements.
- e. The property may be subject to a *Heritage Easement Agreement by December 31st of the taxation year for which the tax rebate is sought. (*A Heritage Easement Agreement is a legal agreement registered on the property title, permitted by the authority of the Ontario Heritage Act, to protect properties of historical or architectural interest).
- f. Property taxes must not be in arrears. If tax arrears are attributable to an eligible heritage property, no Heritage Tax Rebate shall be given. In the event that an owner pays any and all outstanding tax liabilities in respect of an eligible heritage property, the owner may apply for a Heritage Tax Rebate and shall qualify for a full Heritage Tax Rebate.
- g. The property must not be subject of any Town By-law contraventions, work orders or other outstanding municipal requirements that relate to the heritage designation attributes or proposed works.

3. APPLICATION DETAILS

- a. An application must be made for every year that an owner wishes a property to be considered for a Heritage Tax Rebate.
- b. Applications shall be on the prescribed form.
- c. Applications may be submitted only in the month of February of any given year. The application shall be in the year following the year for which the owner is seeking to obtain the Heritage Tax Rebate. Applications received outside of this time frame, whether earlier or later, will not be considered.
- d. Applications shall include submission of a certificate (or letter) from your insurance company/broker/agent confirming a valid insurance policy insuring the building against normal perils that are coverable by all risk property insurance in an amount equal to the replacement cost of a similar scaled new building with an exterior design complementary to the existing structure.
- e. Applications shall include submission of a current photograph of each elevation of the building (north, south, east and west) with the date of the photograph on the back.
- f. Applications shall include detailed identification of all work completed in the preceding year and anticipated work for the upcoming year, along with the cost/estimated cost of said work. The work must relate to the maintenance or enhancement of the heritage attributes of the property. General property expenses such as, but not limited to utilities or general day-to-day property functions

(insurance payments) are not eligible as work to the property for the purpose of applying for a rebate under this program. In the event of a dispute between the property owner and Heritage Penetanguishene on what qualifies for a rebate, Section shall review the matter and the decision of Section is final.

- g. The total cost/estimated cost of the above noted work must be equivalent to or greater than the value of the rebate which is being applied for.
- h. Work to the property must be completed in accordance with the procedures for renovations/alterations to designated heritage properties. Receipt of the heritage tax rebate does not constitute approval for said work. Property owners shall file a written request including a proposed work plan with the Clerk and shall appear before Heritage Penetanguishene to present their proposal. A site visit may be required by the Town Clerk and/or members of the Heritage Penetanguishene to review the proposed work prior to commencement.

4. LIMITATIONS

- a. Property taxes are comprised of 3 components; town tax; county tax & education tax. The amount of the annual tax refund shall be 40% of the town component and education component of the taxes paid on the eligible property subject to available funding in the Town's annual budget.
- b. Properties that qualify for more than one financial assistance program offered by the Town of Penetanguishene from time to time shall only be eligible to apply for and receive funds from one of the programs within any given year for the specific project. One project/item cannot be funded through multiple funding assistance programs within a given year.

5. DETERMINATION OF FUNDING

- a. Where funding within the Town's allocated budget (minimum of \$10,000 annually to be indexed annually with the current tax rate increase) is insufficient to give a Heritage Tax Rebate to each otherwise eligible applicant, applications will be considered following receipt of all applications within the timelines specified.
- b. No priority will be given to applicants who have previously obtained a Heritage Tax Rebate.
- c. If available funds within the Town's allocated budget are insufficient to award 40%, lesser amounts may be considered.

6. ASSESSMENT

- a. Rebates shall be based on the assessed value (as determined by the Municipal Property Assessment Corporation) of the entire property.
- b. If the assessment of a property for a year changes as a result of proceedings under the Assessment Act, the Heritage Tax Rebate shall be re-determined using the new assessment and the tax roll for the year shall be amended to reflect the determination.

7. INSPECTION

a. Upon application, the owner must consent to the Town conducting an annual inspection, if required, to ensure that the owner is in compliance with the relevant Heritage Easement Agreement or Reasons for Designation Outline.

8. NON-COMPLIANCE WITH HERITAGE DESIGNATION

- a. No Heritage Tax Rebate will be given under this By-law where the Town determines that the relevant Heritage Easement Agreement or Reasons for Designation Outline is not complied with.
- b. Where an owner is in breach of the Agreement but is willing to apply the Heritage Tax Rebate to works which will bring the property back into compliance, the Town may approve a Heritage Tax Rebate subject to conditions as required on a property by property basis. Prior to approval of any such conditions, the owner shall file a written request including a proposed work plan with the Clerk and shall appear before Heritage Penetanguishene to present their proposal. The Committee shall recommend to the Planning & Development Services Section the approval or denial of the proposal including any conditions to be placed on the Heritage Tax Rebate. The decision of Section is final.

9. REPAYMENT

- a. If the owner of an eligible heritage property demolishes the eligible heritage structure or breaches the terms of the relevant Heritage Easement or Preservation and Maintenance Agreement or fails to meet the conditions of approval, the Town may require the owner to repay part or all of any Heritage Tax Rebate(s) provided to the owner for one or more years.
- b. The Town may require the owner to pay interest on the amount of any repayment required under this section, at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I of the Bank Act (Canada), calculated from the date or dates the Heritage Tax Rebate(s) were provided.

10. REBATE PAYMENT

- a. Heritage Tax Rebates shall take the form of a credit to the tax account for the eligible heritage property unless otherwise requested by the property owner at the time of application.
- b. Whenever possible, Heritage Tax Rebates shall be processed prior to the issuance and payment of the Final Tax Bill.
- c. In the event of change of ownership, the Town shall prorate the rebate in accordance with information contained in the tax roll and issue the rebate accordingly.

Adopted by Council: November 23, 2011 under By-law 2011-92

Frequently Asked Questions

Q- Do I need to contact Heritage Penetanguishene to make interior renovations?

A - No, your designation is applicable only to the exterior of your buildings/objects.

Q- Do I need to contact Heritage Penetanguishene to install a shed or a fence or a pool?

A- No, your designation is applicable only as contained in your reasons for designation which apply to the exterior of your buildings/objects but would not generally restrict installation of fences or pools. The Town's Building Department advises Heritage Penetanguishene of all applications as a courtesy and we appreciate the same from the property owners. A quick note or e-mail to the Committee Secretary is ideal. It is always better to be sure.

Q- Do I need to contact Heritage Penetanguishene to repaint the exterior of my building if it's the same colour or replace a broken window or door?

A- It's always a good idea to contact the Committee Secretary to be sure when doing any type of exterior work. A quick note or e-mail to the Committee Secretary is ideal. It is always better to be sure. We often receive notification from one of our staff, or a member of Council or the public, that exterior work is taking place on a heritage designated property and if we know about your project it prevents us investigating.

Q- Where can I get help on choosing colours and designs to renovate or redecorate my property?

- A- There are many ways to obtain information on colours and design:
 - ⇒ contact the Heritage Penetanguishene Resource Person at the Town Office
 - ⇒ visit the Ministry of Tourism and Culture Heritage website at www.mtc.gov.on.ca
 - ⇒ contact local museums to obtain period photographs and advice (Penetanguishene Centennial Museum & Archives would be an ideal place to start, call 705-549-2150)
 - ⇒ visit local libraries to view area heritage publications (Penetanguishene Public Library has a wealth of information, call 705-549-7164)

Q- Who can I contact if I disagree with Heritage Penetanguishene or I just want more information?

A- Contact the Ministry of Tourism and Culture Hearst Block, 9th Floor 900 Bay Street

Toronto, ON M7A 2E1 Phone 416-326-9326 www.mtc.gov.on.ca

For more questions, comments or concerns please contact the Committee Secretary at the Townhall (see contact information on cover page)

Resources for Heritage Property Owners

On-Line Resources

Ontario Heritage Trust www.heritagetrust.ca

Ministry of Tourism & Culture www.mtc.gov.on.ca

Edifice Old Home Magazine www.oldhome.ca

Local Resources

Penetanguishene Centennial Museum & Archives 13 Burke Street, Penetanguishene www.pencenmuseum.com 705-549-2150

Penetanguishene Public Library 24 Simcoe Street, Penetanguishene www.penetanguishene.library.on.ca 705-549-7164

Simcoe County Museum & Archives 1151 Highway 26, Minesing www.museum.simcoe.ca 705-728-3721