Notice of Intention to Demolish Submission Requirements

The following is a guide to the Town of Oakville’s submission requirements for property owners who wish to demolish a building(s) on their heritage property. This guide does not constitute legal advice and is suitable for use in conjunction with appropriate independent legal advice.

“Heritage property” includes properties which are:
- Listed on the Town of Oakville’s Register of Properties of Cultural Heritage Value or Interest;
- Individually designated under Part IV of the Ontario Heritage Act; or
- Subject to a “Notice of Intention to Designate”

Note: for properties which are designated as part of a heritage conservation district under Part V of the Ontario Heritage Act, proposed demolitions are processed through a heritage permit application. See Heritage Planning staff for details.

A notice of intention to demolish for a heritage property will not be deemed to be received or complete unless/until it is accompanied by any plans or information required by Heritage Planning staff, which may include:

1. A Heritage Impact Assessment, to be submitted in accordance with the Heritage Impact Assessment Terms of Reference developed by Planning Services;
2. 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; and
3. 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); and
   - Copies of reference plans.

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

The following is an outline of the notice of intention to demolish process:

Submission of Notice

1. The owner contacts a Heritage Planning staff member to notify staff of their intention to demolish the building(s) on their heritage property.
2. Staff arranges a pre-consultation meeting with the owner (or an agent working on the owner’s behalf). Staff makes it clear to the owner that if he or she decides to proceed with the submission of a notice of intention to demolish for the heritage property, there is no mechanism to later withdraw the notice. Once the notice has been submitted, staff must follow the procedure outlined below in order for Council to make a final decision on the submission.
3. Heritage Planning staff provides the owner with a Pre-Consultation Form which lists the additional submission requirements which are applicable to their property.
4. Owner submits to Heritage Planning staff a Notice of Intention to Demolish Submission Form for the demolition of the building(s) on the heritage property, along with any additional information required, as outlined on the Pre-Consultation Form provided by staff. The Pre-Consultation Form must also be submitted at this time.
5. Upon receipt of the Notice of Intention to Demolish Submission Form and other submitted information (if applicable), Heritage Planning staff determines if the submission is complete in accordance with the Pre-Consultation Form. If the submission is not complete, staff contacts the owner to inform them of the additional information required. If the submission is complete, staff sends a letter to the owner which confirms receipt of the complete submission and includes the dates and times of the Heritage Oakville Committee meeting and the Planning and Development Council meeting where the notice of intention to demolish will be reviewed. Upon receipt of the submission by Heritage Planning staff, Council has 60 days to deal with a notice submitted for a listed property and 90 days for a notice submitted for a designated property, or those subject to a notice of intention to designate.
Review and Final Decision

1. Heritage Planning staff prepares a report to be presented to the Heritage Oakville Committee. The Heritage Oakville Committee reviews the notice of intention to demolish at their meeting and makes a recommendation to Council. The owner may attend the meeting and speak to the Committee regarding the submission.

2. Heritage Planning staff prepares a report to be presented to the Planning and Development Council. Planning and Development Council reviews the notice of intention to demolish at their meeting and makes a final decision on the matter. The owner may attend the meeting and speak to Council regarding the submission.

3. For listed properties:
   (a) If Council proceeds to designate the property under the Ontario Heritage Act, notice will be given to the owner and the Ontario Heritage Trust and published in the local newspaper. A person who objects to a proposed designation has 30 days, upon the newspaper publication, to provide notice of their objection to the Town Clerk. The matter is then referred for a hearing before the Conservation Review Board who will provide a report with a recommendation to Council. Council then issues a final decision on the matter.
   (b) If Council does not proceed to designate the property, once the 60 day timeline has expired, the property will be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.

4. For designated Part IV properties:
   (a) Unless otherwise agreed, within 90 days after a notice of receipt of a complete notice of intention to demolish submission has been served on the owner, notice of Council’s decision is given to the owner. Notice of Council’s decision will also be given to the Ontario Heritage Trust and published in the local newspaper. If Council does not consent to the demolition, or if Council consents to the demolition subject to terms and conditions, the owner may appeal Council’s decision within 30 days of being notified to the Ontario Municipal Board.
   (b) If Council consents to the demolition, the owners can continue with the demolition application process. The property will remain designated unless further action is taken by Council to de-designate the property.

Please be advised that buildings or structures removed or demolished without approval of Town Council will result in prosecution under the Ontario Heritage Act.

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