

Heritage Permit Application Guide



What is a Heritage Permit?

A heritage permit is required to undertake changes to properties designated under the Ontario Heritage Act (OHA). Properties are either designated individually under Part IV of the OHA or are designated within a Heritage Conservation District under Part V of the OHA. Properties that are listed in Section F of the Oakville Register of Properties of Cultural Heritage Value or Interest do not require a heritage permit.

When is a Heritage Permit Required?

A heritage permit is required prior to any change to a designated property that is likely to impact one or more heritage attributes on the property. Generally, a heritage permit is required for any large-scale work that would also require a building permit, demolition permit or other formal approvals by the town and other government agencies.

Examples of work that require a Heritage Permit include:

- All new construction including new additions to existing structures and new independent structures such as garages, sheds, porches, decks and steps
- Alteration, addition, removal or replacement of windows, doors, porches, verandahs, chimneys, cladding, roofing material, trim and other exterior details of a structure
- Demolition of a structure or part of a structure
- Change in paint colour of exterior elements of a structure
- New signage
- Hard landscaping such as the alteration, addition, removal or replacement of patios, fences, gates, trellises, arbours, gazebos, retaining walls and walkways

*Due to recent changes to the OHA, removal or demolition of a heritage attribute and/or structure on a Part IV property may require a notice of intention to demolish to be submitted. Please contact Heritage Planning staff for more details.

When is a Heritage Permit Not Required?

A heritage permit is not required for minor works that have no impact on the property's heritage attributes, including works such as:

- Routine maintenance and minor repairs to exterior features
- Re-painting of architectural elements in the same colour
- Replacement of standard and non-historic eavestroughs and downspouts
- Soft landscape work (i.e. plantings)
- Internal changes to a building (an exception to this is a small number of individually designated properties that have interior elements included in the designation by-law)

What Are the Criteria Used to Evaluate the Proposed Work?

- **Individual Designation By-laws**

Over 150 properties in Oakville are individually designated under Part IV of the OHA and each of these has its own designation by-law which describes the property's heritage attributes.

- **Heritage Easement Agreements**

Several properties in Oakville have a heritage easement agreement registered on title which requires the owner to seek approval for alterations from the town and/or the Province of Ontario.

- **Conservation Plans for Cultural Heritage Landscapes**

Each property that has been fully protected as a Cultural Heritage Landscape has an associated Conservation Plan that outlines how the property is to be managed and protected.

- **Heritage Conservation District Plans**

Over 400 properties are designated as part of a Heritage Conservation District under Part V of the OHA. Each district has a district plan on managing change in the district. These plans are available on the town's website.

- **Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada**

Oakville's Town Council has adopted these guidelines for all of the town's heritage properties. The document provides sound, practical guidance to achieve good conservation practice for heritage sites and structures.

What Are the Submission Requirements?

The heritage permit application must be submitted in a manner that provides a clear understanding of the specific details and visual representation of the proposed alterations to the property. Contact staff for submission deadlines.

Pre-consultation meeting with staff

Before the submission of a heritage permit application, applicants may be required to meet with Heritage Planning staff and Heritage Oakville Advisory Committee members to discuss the proposed alterations. This pre-consultation is an important step in the application process as it provides an opportunity for the applicant and staff to review the policies related to the property in order to ensure that the application meets the relevant requirements.

All heritage permit applications must be submitted digitally and must include:

- Completed application form
- All relevant drawings
- All relevant photographs
- In some cases, a Heritage Impact Assessment or other relevant cultural heritage study may also be required

Information on submitted drawings and visual materials:

Staff may require the following to be submitted as part of the heritage permit application:

- Site plan or a current survey of the property that shows all structures, all critical setbacks and distances from adjacent properties, and the location of all proposed work to structures and/or landscaping
- Architectural drawings to clearly illustrate the proposal, including:
 - Elevations
 - Floor plans (to be used for internal review purposes only and not made available to the public)
 - Clear dimensions of the building, including roof slopes, finished floor level, door and window openings, signage, outdoor lighting, mechanical units and other relevant exterior elements
 - 3-D drawings or artist renderings of proposed work for large scale projects
 - Streetscape drawings showing the subject property in context with its surrounding area
- Photographs of the property, including:
 - Photographs of the front of the property showing the main structure
 - Photographs of the nearby streetscape and neighbouring properties
 - Photographs of all applicable portions of the property, including affected heritage attributes
- Landscape details including architectural drawings of patios, fencing, arbours and other hard landscaping
- Physical and/or visual samples of materials proposed to be used; examples of windows, roofing materials, cladding materials, landscaping materials, etc.

What is the Approval Process?

Heritage permits can be approved in two ways: by town staff or by Oakville's Town Council.

Process 1: Staff approval

In accordance with the Town of Oakville Heritage Delegation By-law in effect, certain alterations to heritage properties can be approved at the staff level if they do not have a significant negative impact on any heritage attributes of the property or district. See the town's Heritage Delegation By-law for more details.

Heritage Planning staff process the completed application. If the application is supported by staff, approval is granted by the Director of Planning and Development. This process typically takes less than 5 business days. If the application is not supported by staff, the application is forwarded to the Heritage Oakville Advisory Committee and Council for review. The application would then follow Process 2, outlined below.

Process 2: Council approval

Heritage Planning staff process the application which is then reviewed by the Heritage Oakville Advisory Committee, a municipal advisory committee that reviews heritage permits and other heritage-related matters. The Committee is constituted under Section 28 of the Ontario Heritage Act. The Committee makes a recommendation to Council and Council makes the final decision. If Council does not make a decision on a heritage permit application within 90 days of its submission, Council shall be deemed to have consented to the application. If mutually agreed upon, an extension can be granted.

The following are the steps that a Council-approved heritage permit application typically goes through:

- 1) Applicant contacts Heritage Planning staff to arrange pre-consultation meeting to discuss proposed work
- 2) Applicant meets with Heritage Planning staff (and members of the Heritage Oakville Advisory Committee if deemed necessary by staff) at a pre-consultation meeting prior to submission of application
- 3) Applicant submits heritage permit application and all required components of the application to Heritage Planning staff
- 4) Heritage Planning staff confirm that the application is complete and send applicant a notice of receipt with details on the upcoming Heritage Oakville Advisory Committee and Planning and Development Council meetings.
- 5) Heritage Planning staff prepare report and recommendation on the heritage permit application
- 6) Heritage Oakville Advisory Committee Meeting – Heritage Planning staff present the report and recommendation on the heritage permit application. The Committee makes a recommendation on the application and forwards the recommendation to Council for a final decision
- 7) Planning and Development Council Meeting – Council makes final decision to either:
 - a. Approve application, or

- b. Approve application with conditions, or
 - c. Refuse application
- 8) Applicant either:
- a. Accepts approval, or
 - b. Accepts approval with conditions or Appeals decision to Ontario Land Tribunal (OLT), or
 - c. Accepts refusal or Appeals decision to OLT

Additional Information

- The owner and/or an agent should attend the Heritage Oakville Advisory Committee meeting.
- The owner and/or an agent may be requested to prepare a presentation for the Heritage Oakville Advisory Committee meeting.
- Applicants undertaking work on their property are subject to all applicable policies and regulations that may apply.
- A heritage permit approval should precede all other town approvals, excluding any applications through the Committee of Adjustment that must be processed prior to heritage permit approval.
- It is in the interest of a heritage property owner to retain licensed heritage professionals to undertake the design and execution of projects on heritage properties.
- Follow up site inspections will be conducted to ensure compliance with drawings as submitted and approved; significant infractions may result in charges laid against the owner in accordance with the Ontario Heritage Act.

Contact Information

- 905-845-6601
- planning@oakville.ca
- Heritage Planning on Oakville.ca