

Brampton

Official Plan Review Discussion Paper

Cultural Heritage

April 2005

Our Brampton...
**Our
Future**

Brampton Official Plan Review Cultural Heritage Discussion Paper

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This Discussion Paper is published for the purpose of public and agency consultation as part of the City of Brampton Official Plan Review.

The proposed directions for refinement of the Official Plan Policy do not necessarily represent the position of Council on changes that may be made to the Official Plan.

1.0 INTRODUCTION

1.1 Purpose of the Discussion Paper

The purpose of this Discussion Paper is to review the existing cultural heritage policies in the City of Brampton Official Plan and to present policy options that best respond to the challenges of preserving the City's cultural heritage resources, a particularly challenging task given the rapid rate of urbanization and growth that Brampton is experiencing and is expected to continue in the foreseeable future. The results of this review will be a revised set of cultural heritage policies to be considered as part of the Brampton Official Plan Review.

The discussion paper presents the findings and recommendations of the review. It is also intended to invite input and comments from the public and relevant stakeholders on these issues before proceeding to the formulation of policy statements during the next stage of the Official Plan Review.

1.2 Objectives of the Cultural Heritage Policy Review

Staff recognize that the cultural heritage policies of the City's Official Plan were written more than ten years ago and may not sufficiently reflect current or proposed cultural heritage programs and the increasing emphasis placed on cultural heritage preservation. This is evident by the work undertaken to update the City's Inventory of Heritage Resources, the implementation of a comprehensive Heritage Program, and City Council's passing of a Demolition Control By-Law under Section 33 of the *Planning Act*. The City has recently launched the Flower City Strategy aimed at recognizing and reclaiming Brampton's Flower City heritage and capitalizing upon this history as an important element of the modern City.

At the same time, recent changes to some Provincial policies and legislation including those brought about by Planning Reform and the amendments made to the *Ontario Heritage Act* provide new opportunities for further strengthening Brampton's cultural heritage policies. These should be incorporated into the Official Plan for implementation.

1.3 Structure of the Discussion Paper

The Cultural Heritage Discussion Paper contains six sections. Section 1 is the Introduction while Section 2 discusses the need for and objectives of the Brampton Official Plan Review. Section 3 presents a review of the policies relating to cultural heritage in the Provincial, regional and local context. Section 4 provides an overview of the recent initiatives undertaken by the City in both a policy and program context in relation to cultural heritage resources. This section also looks at possible additional cultural heritage policies and programs currently being reviewed at the staff level. Section 5 is a review of the cultural heritage policies of other municipalities, specifically the Cities of Toronto and Mississauga, and the Towns of Markham and Caledon. Section 6 provides conclusions and proposed directions with respect to amending the cultural heritage policies of the City's Official Plan.

2.0 CITY OF BRAMPTON OFFICIAL PLAN REVIEW

2.1 Need for a Review

The current City of Brampton Official Plan was approved by Brampton City Council on June 28, 1993 and the Ministry of Municipal Affairs and Housing on March 6, 1997. The Official Plan has been subsequently modified through a series of amendments since its approval. In accordance with Section 5.3.1 of the Official Plan and Section 26(1) of the *Planning Act*, the City is currently undertaking a scoped review of the Official Plan. The objective of periodic reviews of the Official Plan is to maintain a contemporary Official Plan which reflects community interests while fulfilling its primary role of directing the physical development of the City, and accounting for social, economic, environmental and other relevant considerations.

A Special Meeting of City Council was held on June 3, 2002 in the Council Chambers at Brampton City Hall to present and receive comment regarding the need to review the City of Brampton Official Plan. Based on input received at the meeting and from the initial round of agency responses, staff presented a report to the Planning, Design and Development Committee meeting of July 15, 2002 that recommended the City's Official Plan be reviewed, but limited in scope to the following policy-based focus areas:

- Preparing a new set of *long term growth forecasts* as part of updating the Official Plan to replace the 1998 Development Charges forecasts.
- Assessing the *retail policies* of the Official Plan to assert their effectiveness in responding to retail trends.
- Updating the *office strategy* to reflect more realistic business development opportunities and to designate office land that is better matched to the locational requirements of Greater Toronto Area office users.
- Updating the *environmental mapping* of the Official Plan (including the identification of appropriate environmental linkages) by incorporating the findings of the City's Woodlot Strategy, updating the groundwater protection policies and ensuring that the *environmental policies* of the City's Official Plan conform with the policy requirements and terminology of the Provincial Policy Statement, the Region of Peel Official Plan, the Credit Valley Conservation (CVC) Credit River Watershed Management Strategy, the Toronto and Region Conservation Authority (TRCA) Valley and Stream Corridor Management Program and related initiatives.
- Updating the *urban design policies* of the Official Plan based on the new direction the City is taking in the area of civic design in accordance with the recently adopted Development Design Guidelines and because of the Provincial Policy Statement's limited coverage in the areas of physical design and high quality development.



- Updating the ***cultural heritage policies*** of the Official Plan to ensure conformity with the Provincial Policy Statement and to reflect the existing and planned policies and initiatives for cultural heritage preservation and protection.
- ***General housekeeping*** matters which represent a variety of policy and mapping items that may need to be implemented during the course of the review. Staff is recommending the addition of the issues arising from the public agency comments submitted to the City. The matters proposed for further study include transportation (CN Rail, Ministry of Transportation) and utilities (Trans Canada Pipelines).

2.1 Goals and Objectives of the Official Plan Review

The primary goal of the Brampton Official Plan Review is to

...ensure that the City’s planning decisions are appropriately focused on relevant objectives and policies, and to establish a suitable long term urban boundary.

The Official Plan Review process itself is intended to achieve the following five outcome-based objectives:

- Objective 1: The completion of the Official Plan Review within a timely and responsible manner.
- Objective 2: The completion of the Official Plan Review within allocated budget resources.
- Objective 3: The resulting Official Plan has a high level of acceptance by the residents, agencies and stakeholder groups with minimal or no appeals to the Ontario Municipal Board.
- Objective 4: The Official Plan Review incorporates a high degree of public participation.
- Objective 5: The Official Plan Review does not significantly delay other aspects of the Planning, Design & Development Department’s work program.

2.2 Official Plan Review Process and Program

Subsequent to the July 15, 2002 Planning, Design & Development Committee meeting, staff reviewed the preliminary work program and proposed a revised work program that was approved at the November 18, 2002 Planning, Design & Development Committee meeting. The work program was subsequently revised to account for the expanded scope and time of the review process. Completion of Phase 2 of the Official Plan Review, i.e., when the revised Official Plan

is approved by the City Council, is now scheduled for December 2005. The revised program was approved by the City Council in February 2005.

The Official Plan review process comprises three main phases as depicted in Figure 1. Phase 1 includes the evaluation of existing conditions, selection of strategic focus areas of the Official Plan that require revision, and finalization of the work program. Phase 1 was completed in November 2002.

The current Phase 2 of the Official Plan Review focuses on the analysis of the identified focus areas through the preparation of discussion papers, public consultation with the stakeholders and subsequent initiation of official plan amendments to revise the Official Plan. Phase 2 will culminate in the approval of the revised Official Plan by the City Council.

Phase 3 involves the processing and approval of the proposed official plan amendments by the Region of Peel which is delegated by the Regional Council as the approval authority for all local area municipal Official Plans. In accordance with the Planning Act, the Region will have to issue a decision within 180 days from the receipt of the Official Plan.

2.4 Community Participation

Public input and participation is a key component of the Brampton Official Plan Review and is critical to its long term success. This principle is embodied in the following objectives of the Official Plan Review process,

“The resulting Official Plan has a high level of acceptance by the residents, agencies and stakeholder groups with minimal or no appeals to the Ontario Municipal Board.”
(Objective 3)

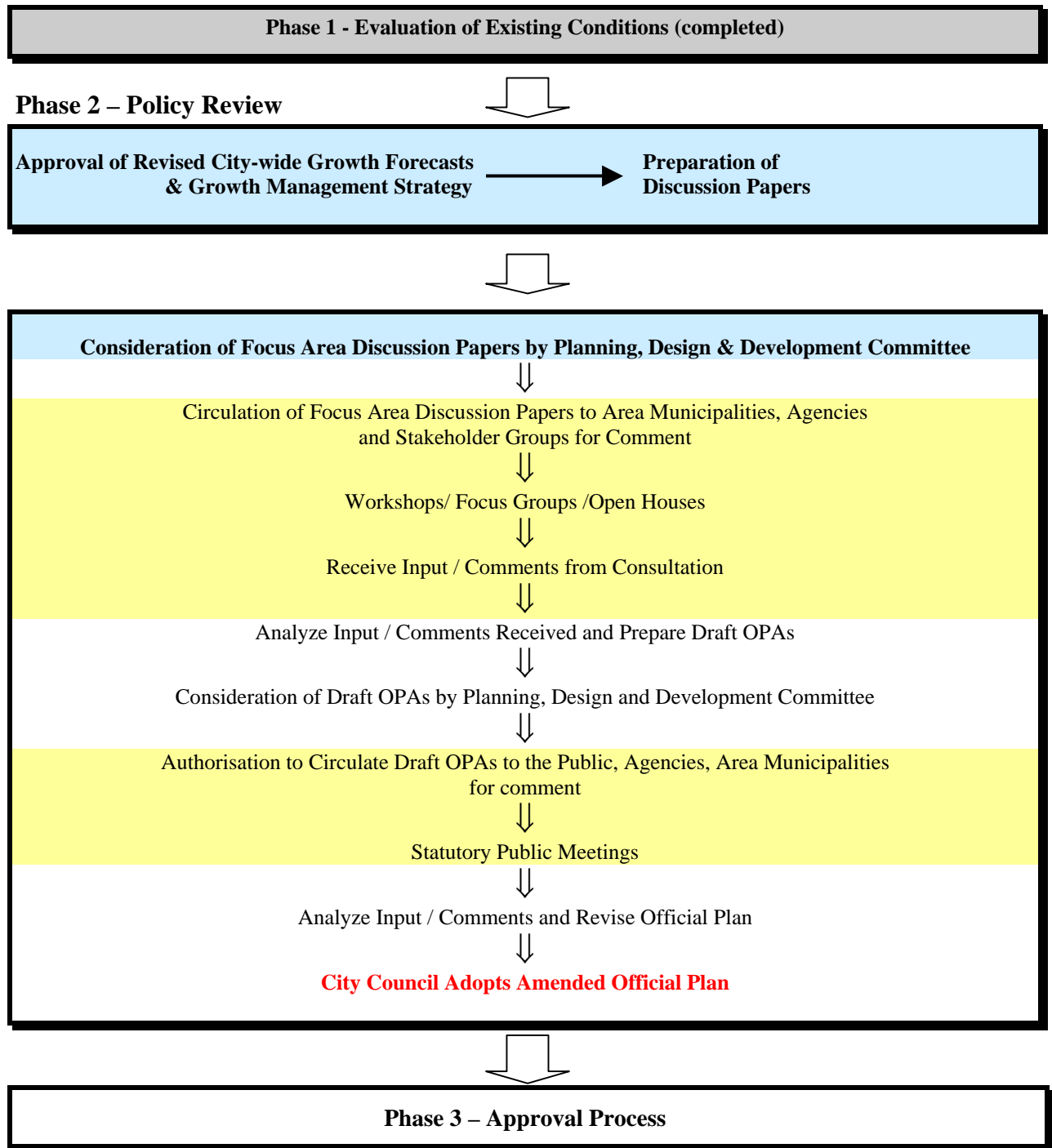
“The Official Plan review incorporates a high degree of public participation.”
(Objective 4)

A Communication Plan is implemented to proactively engage Brampton citizens, business and stakeholder groups in the planning process to acquire feedback into, and a sense of ownership of, the new Official Plan. The communication process comprises three phases of information, engagement /action and evaluation. It would provide an open dialogue with key groups that would continue beyond the Official Plan Review process.

In addition to the statutory public meeting as required by the *Planning Act*, public involvement in the Official Plan review will be promoted by communicating through Official Plan newsletters and the City’s web page, scheduling meetings with residents, agencies and stakeholder groups, holding open house sessions in conjunction with the Focus Area Discussion Papers, and organizing workshop and focus group sessions. The results from each session will be presented in a follow-up staff report to Planning, Design & Development Committee for consideration.



Figure 1 BRAMPTON OFFICIAL PLAN REVIEW PROCESS



Legend

- Completed Work
- Current Stage
- Public Consultation

3.0 POLICY CONTEXT

The City's Official Plan policies fit within a context of enabling Provincial legislation and Provincial and regional policies. Provincial legislation, whether it be the *Planning Act*, the *Ontario Heritage Act* or other Provincial statutes, creates a legal framework within which the City must operate. The City may use the tools provided by the Province through these statutes to protect and preserve its cultural heritage resources, but may not take action to protect these resources unless such action is specifically permitted through these statutes. Provincial policies (specifically the Provincial Policy Statement under the *Planning Act*) set a minimum standard for what the City must achieve through its Official Plan. The *Planning Act* also requires that a local area Official Plan must conform to the policies of an upper tier municipality's Official Plan.

This section presents a review of the principle legislation and policies that guide the development of the City's cultural heritage policies, as well as the principle cultural heritage preservation tools provided by these statutes and policies.

3.1 Province of Ontario

3.1.1 The Planning Act

The *Planning Act* is the principle piece of legislation governing the development of land in the Province of Ontario. The *Act* outlines the purpose of land use planning, the tools and the powers which may be exercised by municipalities, and the various restrictions and procedures which must be followed by municipal governments in the process of developing land and changing land uses. Given the range of types of heritage resources found in the Province (i.e., heritage structures, cultural landscapes, cemeteries and archaeological resources) and the various ways they can be impacted by development, any of the various tools and the powers afforded municipalities through the *Planning Act* (including official plans, zoning by-laws, subdivision and site plan control, etc.) can be relevant in the protection and preservation of cultural heritage resources.

At the outset, Part 1 of the *Planning Act* lists "conservation of features of significant cultural.....archaeologicalinterest" as areas of provincial interest which municipalities are to 'have regard to' in carrying out their responsibilities under the *Planning Act*. This statement is given further weight by the reference to cultural heritage and archaeological resources contained in the Provincial Policy Statement under the *Planning Act*.

As part of the Planning Reform initiatives, Bill 26 the Strong Communities (Planning Amendment) Act passed on November 30, 2004 provides municipalities with better control of their own land use planning, including the determination of local growth boundary. As well, the Bill would also strengthen the requirement that provincial land use policies are followed. The latter is embodied in the change to the implementation standard such that decisions affecting a planning matter must be "consistent with" instead of merely having "regard to" the Provincial Policy Statement. This new standard has come into effect recently to coincide with the adoption of the new Provincial Policy Statement.

Section 34(1) 3.3 of the *Planning Act* is an enabling provision for the protection of archaeological sites. It provides for all municipalities to specifically address protecting archaeological sites in-situ and maintaining site integrity as follows:

34(1)3.3 Zoning by-laws may be passed by the councils of local municipalities:.....3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Brampton's Official Plan needs to include a declaration that the cultural heritage policies are guided by the relevant sections of the *Planning Act* and the Provincial Policy Statement, and the City will use all provisions permitted therein to ensure the protection of heritage resources.

Examples of applications can include:

- Routinely making heritage designation a condition of site plan approval where applicable;
- Designation of heritage resources as a condition for Secondary Plans, Block Plans and Committee of Adjustment approvals where applicable;
- Draft plans of subdivisions must include requirements for heritage retention where applicable;
- Zoning bylaws must not be contrary to heritage conservation objectives;
- Demolition protocols for permits on listed heritage buildings should include heritage impact assessment when Category A and significant heritage resources are involved; and
- Documentation must be undertaken before demolition, salvage, dismantling or relocation etc. proceeds.

Community Improvement Plan

In addition to the various regulatory powers granted under the *Planning Act*, Planning, Design & Development Department staff are investigating the possibility of using the Community Improvement Plan powers under Section 28 of the *Planning Act* to help finance heritage preservation work.

The City has established a Community Improvement Plan for the Central Area for the purpose of encouraging private sector investment. Revitalization efforts through the Community Improvement Plan are focused on economic incentives. The Plan implements a comprehensive package of incentive programs geared to stimulate investment in properties and buildings that are vacant, underutilized or require improvement. Accordingly, the economic incentives are intended to “level the playing field” to the greatest extent possible by alleviating some of the costs of development in the Central Area.

Many of the challenges faced by property owners in the downtown area are similar to the challenges facing the owners of heritage properties throughout Brampton. Although the program has been seen as a 'brownfield' development initiative, intended to assist in the redevelopment of underutilized properties, many of the principles that apply to brownfield development also apply to the preservation of structures of cultural heritage significance. These include:

- higher costs associated with maintaining older properties (see the discussion under the *Municipal Act* in Section 3.1.5 below for more details);
- the benefits to the economy and the environment of making better use of existing public and private infrastructure, and tourism opportunities that are generated from a wealth of preserved assets; and
- the intangible benefits of revitalizing existing areas which typically have a higher quality of urban design and a greater potential to create unique and valuable public spaces that instill a sense of pride in the community.

Notwithstanding that the Central Area Community Improvement Plan already contains a cultural heritage component, as many of the buildings in the downtown area are designated or listed heritage structures, City staff intend to further investigate the possibility of extending the use of this program to target heritage structures in other areas of the City.

Façade Improvement Program

The Façade Improvement Program is an initiative provided for under the Community Improvement Plan. It offers financial assistance in the form of an interest-free loan of up to \$10,000 to partially offset facade maintenance, restoration and construction costs of all non-residential and mixed-use buildings in Downtown Brampton which are adjacent to or easily visible from a public street or area.

The issues related to heritage conservation are similar to those of its enabling Community Improvement Plan. Although not directly intended for heritage properties (non-residential) and have not been heavily used in the past, the Program offers another possible tool that can be used for conservation of such resources which have a dominant presence in its target area in Downtown Brampton. The Official Plan cultural heritage policies could include and support this initiative, contingent on a financial feasibility assessment.

3.1.2 Provincial Policy Statement

The *Planning Act* requires that the Brampton Official Plan policies conform with those of the Region of Peel and Provincial Policy Statement passed under the *Planning Act*, reflecting matters of Provincial interest. That is not to say that the Brampton Official Plan policies may not go beyond the limits prescribed by the Provincial Policy Statement or the Regional Official Plan, (subject to the statutory limits of the *Act* and other Provincial statutes) but that the City's policies must recognise and avoid contradicting the contents of these Provincial and upper tier policies.

The Region of Peel Official Plan and the Provincial Policy Statement therefore represent a minimum standard that the Brampton Official Plan must comply with.

The Provincial Policy Statement is the complementary policy document to the *Planning Act*. It provides policy direction on matters of Provincial interest related to land use planning and development, and promotes the Provincial policy-led planning system.

Subsection 3(10) of the *Planning Act* states that the Provincial Policy Statement must be reviewed every five years to determine whether revisions are needed. The latest review was initiated in 2001. The new Provincial Policy Statement was recently approved and officially came into effect on March 1, 2005. This coincides with the effective date of Section 2 of the Strong Communities (Planning Amendment) Act 2004 which raises the implementation standard for the Provincial Policy Statement policies, by requiring that any decision made by planning decision makers “shall be consistent with” the Provincial Policy Statement as opposed to the present “shall have regard to” standard.

The new Provincial Policy Statement provides enhanced policies in many areas. The key changes concerning cultural heritage include the addition of a policy regarding development adjacent to designated heritage properties (Part V Section 2.6); a policy for coordinated, cross jurisdictional planning (Part V Section 1.3), and additional and revised definitions of terms related to cultural heritage (Part V Section 6).

The recognition of cultural heritage and archaeological resources as an important Provincial interest is set out in Part IV Vision for Ontario’s Land Use Planning System. More specific policy direction is set out in Part IV Section 2.6 Cultural Heritage and Archaeology as follows:

“Significant built heritage resources and cultural heritage landscapes shall be conserved.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted.”

The new Provincial Policy Statement uses more decisive language, replacing “will” with “shall” to strengthen its intent. A new policy is added to provide further protection for heritage properties against potential impacts from adjacent development as follows:

“Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property affected will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.”

The policy has been broadened to “protected” heritage properties which, according to the definition in the new Provincial Policy Statement, include not only those designated under the *Ontario Heritage Act* but also those subject to heritage conservation easement under Part II or IV of the *Ontario Heritage Act* or covenant or agreement between a property owner and a conservation body or government.

Moreover, a coordinated, integrated and comprehensive approach is called for in dealing with cross jurisdictional land use planning matters including “managing natural heritage, water, agricultural, mineral and **cultural heritage and archaeological resources**” (Part V Section 1.2). This would be of particular relevance to the preservation and protection of cultural heritage landscapes due to their scale and physical form which may span across several geographical and political jurisdictions.

Additions and revisions are proposed to the definitions of cultural heritage and related terms (Part V Section 6). Reference to the *Ontario Heritage Act* as the basis for designation has been included into virtually all the definitions. Several definitions are expanded and examples are included to better explain some terms such as cultural heritage landscapes. The definitions would be useful for the drafting and updating of the same for Brampton’s Official Plan.

Overall, the new Provincial Policy Statement will strengthen the *Ontario Heritage Act* by ensuring that Provincial interest/priorities including cultural heritage resources will not be ignored in municipal decision-making, i.e., “consistent with” is a higher order test and compliance standard. Stronger cultural heritage policy statements in the Provincial Policy Statement will require new tools for municipalities, such as those provided under the *Ontario Heritage Act* (e.g. designation criteria, listing (identification)) to support municipal decision-making in cultural heritage matters. These will be discussed in the next section.

3.1.3 Ontario Heritage Act

The *Ontario Heritage Act* is the principle piece of legislation governing the protection and preservation of the Province’s cultural heritage resources. This *Act* provides municipalities with specific tools they may use to protect heritage resources. These tools, along with the power under the *Planning Act* and the recognition given to the importance of cultural heritage resources therein and the supporting Provincial Policy Statement as described above represent the primary regulatory tools that the City can use to protect and preserve cultural heritage resources.

3.1.3.1 Overview

The specific policies of and tools provided by the *Ontario Heritage Act* are described below.

Designation (Individual Properties) under Part IV of the Ontario Heritage Act

The preservation of individual structures or properties of “cultural heritage value or interest” is covered under Part IV of the *Ontario Heritage Act*. Designation is not only the recognition of the significance of a property, but also provides a measure of protection against demolition or unsympathetic alteration. Indeed, a key function of designation is to identify, itemize, and

document all existing cultural heritage attributes that give a property its significance. Once designated, the restrictions for alterations, additions, removal or demolition apply to those attributes only.

To designate a property under the *Act*, the municipality must give reason for its actions. The “reason for the designation” spells out the significant elements of the property which make it worthy of designation. Background research is necessary in order to have a clear understanding of the architectural, historical and contextual elements of the structure, which should be identified in the “reason for designation”. This is one of the reasons for the City’s ongoing efforts in updating and reviewing its Inventory of Heritage Resources. The Inventory is a key source of the information necessary to identify resources suitable for designation and to form the basis of the “reason for designation” as required by the *Ontario Heritage Act*. Once the building is designated, there are restrictions imposed on its alteration, addition, removal or demolition. The new *Ontario Heritage Act* (including Bill 179 and Bill 60 as discussed in Section 3.1.3.2 below) stresses the overall contextual significance of a property as much as the individual heritage elements. Since the passage of Bill 179 in 2002, heritage designation can now more easily encompass cultural landscape and contextual elements. Designation of buildings alone is no longer sufficient as evidenced in the recent “Bonnie Braes” case. All buildings and features of merit (eg. house, barns, silos, etc.) along with any significant vistas, hedgerows, pathways, fences, groupings of trees, etc. should be designated as well. As such, heritage designation applies more properly to all standing structures, as well as the immediate environment, grounds, landscapes and other contextual features.

To ensure proper protection of these resources, the City should also consider adopting a heritage permit system for properties designated under Part IV of the *Ontario Heritage Act* as it does for Heritage Conservation Districts designated under Part V, as discussed below.

Designation of Heritage Conservation Districts under Part V of the Ontario Heritage Act

The designation of heritage conservation districts under Part V of the *Ontario Heritage Act* is a means of recognising the historical, architectural and contextual value of a particular area. Designation is not only the recognition of the significance of a particular part of the City, but also provides a measure of protection against demolition or unsympathetic alteration. The Village of Churchville Heritage Conservation District, approved by Council in 1990, is the City’s only district designated under Part V of the *Ontario Heritage Act*.

Before designating a conservation district, background research is necessary in order to have a clear understanding of the architectural, historical and contextual elements of the area. This is typically carried out as part of a background study, which will form the basis of a plan for the district. As is the case with properties designated under Part IV of the Act, designation under Part V of the Act as part of a Heritage Conservation District places restrictions on the development, demolition and alteration of property within the district. The formal approval of a Heritage Conservation District will involve the adoption of an Official Plan Amendment to recognize the District through the Official Plan, and the passage of a by-law to formally approve the District. In addition, a Heritage District Plan is also prepared and forms a legal schedule to the

designation bylaw. The Plan is intended to guide development within the district to ensure that changes do not diminish the important cultural heritage attributes of the area. Specifically, it sets the framework and benchmarks that will be used to gauge how proposed alterations etc. will impact the cultural heritage attributes that justify why the district is designated in the first place.

For Churchville, a key cultural heritage attribute is its rural “wilderness” quality and scenic vistas. Today, these appear to be most impacted by infill development proposed within the Village and by subdivision plans already approved on land adjacent to the Village. It has become evident that the existing District Plan is not adequate for addressing the impacts and issues of these latest developments. Similar deficiencies are also found in other planning tools including the current zoning provisions for Churchville, the Official Plan, and Secondary Plan. There is an urgent need to revisit and perhaps to revamp these plans and policies to ensure that the objectives of conservation can be met in the face of increasing development pressure on and around the district. Issues that have been identified and need to be addressed include infilling, the role of vegetation screening buffers, building and property maintenance, enforcement, and alternative set of standards for road and public works. City staff are preparing a report to the Council on possible measures to deal with the situation including a proposed interim control bylaw to allow time to study impacts and update the District Plan and other relevant plans and policies accordingly.

The proposed amendment to the *Ontario Heritage Act* (Bill 60) when passed will raise the status of the Heritage District Plan significantly. In accordance with the proposed Section 41.2 of the Act, Heritage District Plans can take precedence over zoning bylaw, city public works standards etc.. Municipal Council shall not carry out any public work in the district or pass a bylaw(s) for any purpose that is contrary to the objectives of the District Plan. Municipality will be able to implement heritage conservation district ‘study areas’ and in so doing, impose interim control on alterations, demolitions and new development when heritage district studies are launched, as provided under Bill 60. Please see Section 3.1.3.2 for a more detailed discussion on the Bill.

The Planning, Design & Development Department has set aside funds for a background study to identify potential heritage conservation districts in an area of downtown Brampton, namely Main Street South and the Washington Block. The background study, scheduled to be undertaken in 2005, will identify locations within the study area, which may be suitable for the designation of one or more heritage conservation districts. The development of a heritage conservation district plan will be undertaken if there is public and Council support for the creation of a district under the *Ontario Heritage Act*. It is also envisaged that the heritage permit system will be applied to the future district when it is implemented.

Heritage Conservation Easement

Section 37 of the *Ontario Heritage Act* provides for a municipality to enter into an agreement with a landowner to grant a heritage easement over all or a portion of a designated heritage property. The salient points related to heritage easements are as follows:

- A heritage easement is, like any other form of easement, a private agreement between the owner of a property and a second party giving certain rights over that property to the second party.
- In the case of a heritage easement, the agreement typically covers issues such as the retention and maintenance of heritage resources (be they all or part of a building or a natural landscape) as well as access to the site. Heritage easements may also address permitted changes and alterations to the heritage resource or the context in which it is located.
- The easement is registered on title and is binding upon the owners of the property and all subsequent owners and cannot be changed without permission.
- Heritage easement agreements to which the City is a party, must be approved by Council under Section 37 of the *Ontario Heritage Act*.

Heritage easements represent one of the heritage preservation tools of the City's heritage preservation strategy that was endorsed by Council in August 1999 (as discussed in Section 4.1 below). At present, there is only one easement functioning in Brampton which is held by the Ontario Heritage Foundation on the Peel Heritage Complex. The only other easement was intended for the now dismantled CPR Railway Station. The City refused to enforce the easement when the owner (Kaneff Ltd.) wanted the building removed from the site. The building was eventually dismantled and moved in pieces.

The development of a heritage property tax rebate program (as discussed in the next section on the *Municipal Act*) will require the use of such easements. The City will probably also require the use of heritage easements to ensure the continued protection of any heritage property which receives public funds. With the anticipated passage of the new *Ontario Heritage Act*, the use of easements may be less critical since simple designation may already be sufficient to prevent demolition and to ensure a minimum level of maintenance of heritage resources to ensure preservation.

Grants or Loans

Section 39 of the *Ontario Heritage Act* gives municipalities the power to provide loans or grants to the owner of a property designated under the *Act*. An example is the Brampton Heritage Board's recently approved heritage incentive program called "Conservation Grant Program for Designated Heritage Properties". Implementation of the program is awaiting Council's approval and passage of the necessary bylaw.

The City will continue to implement financial incentives for heritage conservation as budget considerations permit and as provided for under the *Ontario Heritage Act* including Section 39. The rationale for the City to provide financial assistance to the owners of heritage properties and additional mechanisms for achieving this objective are discussed in Section 3.1.5 below.

3.1.3.2 Amendments to the Ontario Heritage Act

In the past two years, two major rounds of amendments to the *Ontario Heritage Act* have been introduced. The first round of changes was passed in November 2002 under the Government Efficiency Act. The latest and most sweeping round of amendments was introduced in April 2004 under Bill 60 An Act to Amend the Ontario Heritage Act. If passed, the amended Act would give the Province and municipalities new powers to absolutely prevent demolition of designated heritage properties (with an appeal mechanism). Other amendments concern basic maintenance and care standards for all designated properties to reduce demolition triggered by neglect; a streamlined heritage designation process; greater protection for heritage conservation districts and uniform province-wide designation criteria.

(i) Approved 2002 Amendments

In November 2002, the Provincial government passed several amendments to the *Ontario Heritage Act* designed to update the *Act*. Some of these changes were minor in nature, such as changing the name of the Local Architectural Conservation Advisory Committee (LACAC) to Municipal Heritage Committee (MHC) to better reflect the broad mandates of these advisory committees. Other changes, such as allowing municipalities to prohibit demolition of heritage structures designated under the *Act* until plans are in place for the re-development of the property, are more significant. Highlights of the changes to the *Act* are described below.

Part IV Heritage Designation (Individual Properties)

- Replaces "historic or architectural value or interest" with "cultural heritage value or interest" as the basic criteria for heritage designation. This broader definition makes it easier to classify heritage resources and justify designation of less tangible elements like cultural landscapes.
- Requires that the "reason for designation" statement in the designation by-law now include an itemized summary of the specific "heritage attributes" to be conserved through designation. Heritage elements are not protected unless specifically cited in the reasons for designation. A methodical list of all heritage attributes should help ensure that important elements are not overlooked.

Part V Heritage Designation (Districts)

- Streamlines approval process for a heritage conservation district by stipulating that Ontario Municipal Board (OMB) approval will only be required when objections have been filed. Previously all conservation districts required OMB approval.
- Heritage properties already designated under Part IV of the Act will be permitted within the boundaries of a heritage conservation district. This should eliminate the patchwork nature of some heritage conservation districts.

Part VI Heritage Designation (Archaeology)

- Clarifies that a licence is required to legally alter or remove artifacts from an archaeological site. The dubious concept of 'finders keepers' is now eliminated explicitly in the *Act*. It is also illegal now to disturb, damage or destroy a site.
- States that a licence is not required for normal agricultural work or routine maintenance of a property. It is no longer technically 'illegal' to find old coins while weeding the garden.
- Simplifies the *Act* by replacing the various terms used for archaeology with the single term "archaeological fieldwork".
- Allows the Ministry to define by regulation, key terms that are not currently defined in the Act (e.g. "archaeological site").
- Clarifies that the Ministry licenses individuals, not companies or institutions. The licensee must now ensure that everyone on a project adheres to the license conditions and scope of the project as approved.
- Provides the Ministry with the option to issue lifetime licences in the future. The advantage is that on long term projects, archaeologists will not have to re-apply yearly.

Other Changes

- Allows municipalities to recover the costs of restoring illegally altered properties in heritage conservation districts (municipalities already have this power for individually designated properties).
- Allows municipalities to prosecute without first seeking permission of the Minister of Culture.
- Increases the maximum fine to \$1 million for illegally demolishing designated properties.
- Strengthens demolition controls across Ontario by: allowing municipalities to prohibit demolition of designated heritage properties until the owner has obtained a valid permit for new construction on the site, and specifying that the replacement building must be constructed within two years (Council can waive or extend this time limit).

This last change to the *Act* is probably the most significant and welcome amendment as it increases the level of demolition control. However, there is still no absolute demolition protection. With regard to the seriousness of the demolition of heritage properties, in the last 10 years, over 25% of Ontario's designated heritage properties have been demolished. This weakness of the *Ontario Heritage Act* is expected to be addressed by the proposed amendments under Bill 60 which when adopted, will give municipalities the powers to absolutely prevent demolition of heritage buildings.

(ii) Proposed Amendments 2004 (Bill 60)

Bill 60 is the single most important piece of heritage legislation in Ontario since the passage of the original Ontario Heritage Act in 1975. It is intended to dramatically strengthen what is commonly regarded as the weakest piece of heritage legislation in North America. The major amendments proposed under the Bill are highlighted below:

Strengthened and new municipal powers to prevent demolition of heritage sites

- Gives municipalities the power to absolutely prevent the demolition of designated heritage buildings;
- Enables municipalities to attach terms and conditions to any demolitions that are approved (eg. documentation and construction of feature walls etc.);
- Ensures procedural fairness by giving property owners the right of appeal if a demolition permit is refused; appeals will be made to the Ontario Municipal Board;
- Enables municipalities to prescribe and enforce minimum maintenance standards (to be based on those set out in the “Standards and Guidelines for the Conservation of Historic Places in Canada (2003)”) for all designated heritage properties to reduce “demolition by neglect” scenarios etc.; and
- Tightens up provisions that currently permit unapproved “emergency” alterations to designated properties for reasons of health and safety, since the existing provisions are open to abuse.

Improvements to the municipal designation process

- Makes the municipal heritage designation process more objective and transparent by developing standard, province-wide designation criteria.
- Enables municipal councils to delegate review authority for minor alterations to heritage staff, thus reducing approval times.

Strengthened protection for heritage conservation districts

- Accords new emphasis on supremacy of Heritage District Plan as provided by the new Section 41.2
- Enables municipalities to place interim development and permit controls on any area identified for study as a potential heritage conservation district.
- Extends heritage conservation district guidelines to cover not just the buildings but also the lands and features that surround them.
- Requires that heritage district designations be registered on title for any property within the district.

Increases the status and accessibility of properties “listed” in municipal inventories for improved planning purposes.

New or increased Provincial powers for heritage conservation

- Gives the Ministry of Culture the power to intervene and designate any property deemed to be of “Provincial significance”. This form of designation also includes the power to prevent demolition.
- Enables the province to protect the most significant marine heritage sites by prescribing these sites in regulation and prohibiting access without a site-specific licence.
- Enhances Provincial powers to ensure conservation of archaeological resources by increasing fines to a maximum of \$1 million for illegal alteration of sites.

Streamlined provisions for Provincial heritage agencies

- Re-names the Ontario Heritage Foundation to “Ontario Heritage Trust” and updates reference to the agency’s natural heritage role to better reflect its current mandate.
- Increases Conservation Review Board administrative powers in line with amendments to the Statutory Powers Procedure Act.

3.1.4 Proposed Places to Grow Act and Draft Growth Plan for the Greater Golden Horseshoe

Bill 136 (the *Places to Grow Act*) was introduced in the Ontario Legislature in October 2004. Under the proposed Act, a Growth Plan for the Greater Golden Horseshoe (GGH) would be established to implement the Province’s vision for managing growth and development. In February 2005, the Draft Growth Plan for the GGH was released. The Plan is established within the framework of the *Planning Act* and Ontario’s existing planning system. Whereas the Provincial Policy Statement provides overall policy directions on matters of provincial interest related to land use and development for all of Ontario, the Growth Plan provides more detailed policies that further elaborate on the directions and concepts of the Provincial Policy Statement within the GGH. Specifically, the Growth Plan provides more detailed strategies and policy directions that identify areas to grow, areas to protect and priority infrastructure investments to serve current and future needs. It also sets out criteria and the process for the completion of five sub-area growth strategies to address common policy issues at a geographic scale beyond municipal boundaries.

As part of the Draft Growth Plan, a framework has been established to guide the protection and enhancement of natural and built resources existed in the GGH. Cultural Heritage resources are considered one such valuable asset as they are an important part of a community’s history and are critical to a community’s sense of place. The Draft Growth Plan has provided more policy direction for the preservation and protection of cultural heritage from growth pressure as follows:

- Municipalities are encouraged to prepare municipal cultural heritage plans to develop policies for the protection and appropriate use or re-use of cultural heritage resources as part of achieving intensification targets.
- Municipalities are encouraged to create heritage citizen committees and consult with them on all decision-making related to cultural planning and the identification, protection and use of cultural heritage resources.
- Municipalities will conserve significant cultural heritage resources in accordance with the provision of the PPS by using appropriate tools such as the *Ontario Heritage Act*, heritage conservation easements, zoning and secondary plan provisions.
- Municipalities are encouraged to work with municipal heritage committees, aboriginal groups and other stakeholders to plan for conserving, maintaining, developing and using these resources in a manner that will benefit the local community and be compatible with other growth plan objectives.

Under the *Places to Grow Act*, the Growth Plan will have precedence over official plans, zoning by laws etc. and municipalities are required to amend their official plans to conform as appropriate. In respect of cultural heritage policies, the current Brampton Official Plan is basically in conformance with these latest proposed policy directions of the Draft Growth Plan. In updating the Official Plan cultural heritage policies, the important role of cultural heritage conservation in growth management should be stressed, specifically, as a means to achieve intensification targets. The emphasis is on protection, adaptive re-use, and integration with new development.

3.1.5 Municipal Act, 2001

Although the *Planning Act* and the *Ontario Heritage Act* provide the primary regulatory tools for cultural heritage preservation, the *Municipal Act 2001* provides a potentially important mechanism for municipalities to finance cultural heritage preservation activities.

Financial assistance is an important aspect of the protection of cultural heritage resources, particularly built heritage resources, which are often threatened with demolition. Owners of heritage properties are burdened with higher maintenance and repair costs because of the age and low efficiency of older structures and the need to use traditional building materials and techniques. Alterations to heritage properties to ensure that they continue to serve a useful function are also more costly and are limited by the need to protect the architectural integrity of the structure. These properties are also subject to development restrictions that limit the potential use of the property.

Grants that had been available from the federal and provincial governments in the past for heritage preservation work have largely disappeared, while any remaining money available from the senior levels of government has been focused on prominent public buildings, leaving the owners of private heritage properties (the majority of heritage properties are privately owned) to

pay for the maintenance and repairs of their heritage properties or seek a better return on investment through replacement or unsympathetic alteration.

Tax Reduction for Heritage Properties

On December 5, 2001 the Provincial Government passed Bill 127, which amended the *Municipal Act* by adding Section 442.8, Tax Reduction for Heritage Property. This addition allows municipalities to “pass a by-law to establish a program to provide tax reductions or refunds in respect to eligible heritage property”.

The purpose of the initiative is to offer (property) tax relief to owners of heritage properties. The tax reduction or refund applies to the eligible building or structure (or portion thereof) and the associated lands. The tax reduction is based on a portion of the applicable property taxes, both municipal and school portions, levied on the property. The municipality will be expected to fund their portion of the property tax rebate, while the Province funds the education portion. The Region of Peel may decide to pass a similar by-law if the City decides to provide tax rebates to eligible heritage properties.

An eligible property is defined by Section 365.2 of the *Municipal Act, 2001* as a property:

- “a) 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,
- b) that is subject to,
 - i) an easement agreement with the local municipality in which it is located, under Section 37 of the Ontario Heritage Act,
 - ii) an easement agreement with the Ontario Heritage Foundation, under Section 22 of the Ontario Heritage Act, or
 - iii) an agreement with the local municipality in which it is located, respecting the preservation and maintenance of the property, and
- c) that complies with any additional eligibility criteria set out in the by-law passed under this section by the local municipality in which it is located;”

Other aspects of the Provincial initiative are as follows:

- The amount of tax reduction to be applied to eligible heritage properties varies from 10% to 40%. Municipalities determine the percentage of tax relief to apply to these properties and may apply different percentages to different property classes (single-unit residential, multi-unit residential, commercial, industrial).

- If the owner of an eligible heritage property demolishes the property or breaches the terms of the easement agreement, the municipality may require the owner to repay part or all of the tax reductions or refunds provided over one or more years, including interest as specified in the *Municipal Act*.
- The tax reduction can be applied either as a credit on the tax bill or a refund after taxes have been paid.

Brampton's Proposed Property Tax Reduction Program

Brampton Council approved a Heritage Board resolution in 2003 recommending that City staff report to Council on the impacts of such a tax reduction program for heritage properties in the City. Staff are currently working on a report which would recommend a heritage property tax rebate/refund program for 'eligible' heritage properties in the City. It is expected that if the City were to approve such a program, there would be an increased interest in designation under the *Ontario Heritage Act*. The staff report is scheduled for submission to the Council in 2005. The program is proposing different levels of relief for Category A and Category B Heritage properties. Eligibility will be subject to designation under Part IV of the *Ontario Heritage Act* and signed maintenance agreement. Properties in a Heritage Conservation District designated under Part V of the Act may also be eligible but they must be bona fide heritage properties in their own right, i.e. they are eligible for Part IV designation.

3.1.6 Development Charges Act

The *Development Charges Act* governs the financing of off-site infrastructure, (sewer and water works, arterial and collector roads, community facilities, etc.) which is paid for through a charge levied on development. Municipalities must pass a Development Charges By-Law under the *Act* to utilize the authority to levy these charges. There are two mechanisms which can be used to help facilitate the preservation of cultural heritage resources through development charges:

- Having the municipality compensate owners who redevelop existing buildings for the financing of required off-site infrastructure. This development charge credit program is based on the premise that the new use of the building may not require any more infrastructure than the original use. Like the Community Improvement Plan under the *Planning Act*, development charge credits are intended to encourage the redevelopment of existing buildings (referred to as brownfield sites) and are not specifically intended for heritage properties. As in the case of the Community Improvement Plan, many of the rationale which apply to the public funding of brownfield sites also apply to heritage properties.
- Planning, Design & Development staff are also investigating the possibility of establishing a policy for denying Development Charge credits where heritage properties are demolished.

3.2 Region of Peel

3.2.1 Region of Peel Strategic Plan

The latest Region of Peel Strategic Plan titled ‘Fast Forward Peel: Building a Strong Community Together’ was adopted by the Peel Regional Council on May 13, 2004. The Strategic Plan is intended to guide the decisions of Regional Council and staff to move forward with community partners in delivering high quality program and services to the citizens of the Peel Region. The Strategic Plan framework includes a vision, mission, goals, strategic actions and success indicators. Of relevance to cultural heritage is the strategic action to “*collect, preserve and facilitate understanding of Peel’s culture and heritage*” under the ‘Improve the community’s health, social well being and safety’ goal stream.

The Strategic Plan is a high level plan based on commitment to coordinated and cooperative partnerships, most importantly with the area municipalities. The Plan’s strategic goals and objectives are translated into more detailed policies in the Region of Peel Official Plan.

3.2.2 Region of Peel Official Plan

The Region of Peel Official Plan (cultural heritage) policies are more comprehensive than the Region of Peel Strategic Plan and the Provincial Policy Statement. They speak to the role of the Peel Heritage Complex, the Region’s support for cultural heritage initiatives, and the role of the Region in implementing Provincial policies related to cultural heritage. There are also specific mentions on cultural heritage landscapes, and the link between cultural and natural heritage, notably the Regional Greenlands system.

The elements of the Region of Peel’s cultural heritage policies have been largely addressed by the current version of the Brampton Official Plan. Through this review, consideration will be given to placing more emphasis on cooperation with the Peel Heritage Complex, cultural heritage landscapes and their linkage with natural heritage. The City will continue to maintain close liaison with the Region in major infrastructure and road construction projects to ensure better communication and cooperation in heritage conservation efforts needed.

3.3 City of Brampton

3.3.1 City of Brampton Strategic Plan

The City’s Strategic Plan (referred to as the ‘Six Pillars’) is the primary document intended to guide the development of the municipality and shape the decisions of Council and City management. The Strategic Plan includes priority goals representing the key elements which Council endorsed as the priorities for the City to focus on. The Strategic Plan includes a ‘vision statement’ intended to describe the kind of community the ‘Six Pillars’ are intended to support. The Strategic Plan’s overall vision statement is as follows:

‘To be a vibrant, safe and attractive city of opportunity where efficient services make it possible for families, individuals and the business community to grow, prosper and enjoy a high quality of life’.

Two of the ‘Six Pillars’ of the Strategic Plan refer to cultural heritage resources. These are ‘Pillar Three: Protecting our Environment, Enhancing our Community’, and ‘Pillar Five: Community Lifestyle’ that state the following:

“3.0 Protecting Our Environment, Enhancing Our Community

Brampton is committed to conserving and protecting significant environmental features for citizens of Brampton to enjoy. We shall build a community that preserves our heritage and achieves a high standard of civic design for the whole city.

3.2 Conserving our heritage Brampton shall conserve our natural and architectural heritage for future generations to enjoy and appreciate.

5.0 Community Lifestyle and Participation

Achieve a higher level of service excellence related to the attributes Brampton residents are most proud of: namely, parks, recreation and sports; fire and emergency services; cleanliness; multiculturalism; arts and culture; and Brampton’s rich history.

5.5 Arts, culture and entertainment

Brampton will be recognized as a leader in programming arts, culture heritage and entertainment. A new downtown performing arts centre serves as the cornerstone of the City’s commitment to enriching the lives of Brampton residents.”

The City of Brampton Strategic Plan recognizes the importance of cultural heritage resources and the need to protect and preserve these resources for residents, visitors and future generations.

3.3.2 Brampton Official Plan Policies

The Official Plan’s current cultural heritage policies are fairly comprehensive and address all of the significant cultural heritage resources which can be found in the City, with the possible exception of cultural heritage landscapes, which have only recently been defined as a separate and distinct type of cultural heritage resource. Even cultural heritage landscapes, however, could be seen as falling within the very broad definition of ‘Heritage Resources’ as defined by the Official Plan.

Heritage policies are grouped into five sections: General Heritage Policies; Heritage Structures; Heritage Conservation Districts; Archaeological Sites and Resources; and Implementation. The policies themselves are a list of the steps the City can take to protect various types of heritage resources. More attention needs to be paid to the history that the City is trying to protect and the role of protecting cultural heritage resources in the overall development of the City. This context should be provided and the overall presentation of the current Official Plan policies needs to be improved to convey more clearly what the City is trying to accomplish by protecting cultural heritage resources, or what specific programs or initiatives the City will be taking to protect these resources.

Other changes related to presentation include re-naming of this section to “Cultural Heritage” to reflect the broadened policy scope, the addition of new sections and provisions for cultural heritage landscapes and heritage cemeteries.

Moreover, updating of some of the policies is needed to reflect the relevant recent enabling legislation and policies including the *Ontario Heritage Act*, the new Provincial Policy Statement etc. as discussed.

3.3.3 Development Design Guidelines

The City’s Development Design Guidelines are intended to guide the development of communities from a design perspective; to guide secondary planning and more specifically the preparation of Block Plans. The Development Design Guidelines promotes the adoption of high standards in physical and development design which would contribute to the implementation of the vision set out in the “Six Pillars” of the City’s Strategic Plan. Amongst the various objectives to be pursued, “a connection to the horticultural heritage of the City by incorporating planting themes which include the heritage rose” is one.

In addition to the traditional development planning process comprising secondary plan and subdivision/zoning review, the block plan process has been introduced as an intermediate step in the planning process. The objectives of the Development Design Guidelines that are particularly relevant to cultural heritage are:

“To ensure that plans are consistent with and promote the City of Brampton’s vision and civic design objectives, from the initial stages of subdivision planning;

To promote high-quality development in the City of Brampton;

To encourage coordination between landowners and to ensure design compatibility between different land parcels;

To ensure appropriate interfaces/ transitions between.....existing features and conditions and proposed land uses and systems;

To incorporate and reinforce important natural and heritage features into the community structure. ”

At the secondary plan stage, requirements include the preparation of an overall Land Use Schedule that includes heritage resources. At the draft subdivision and zoning plans stage, a heritage/archaeological assessment is a requirement if such features are identified in the secondary plan area.

At the block plan level, three main design principles are proposed to guide the process, from concept to detailed design:

- Develop a strong Community Image and Character
- Incorporate Important and Existing Features and Conditions
- Enhance the Visual Experience for residents, motorist and pedestrians

With regards to the second design principle, heritage features are specifically mentioned as one of the features that should be preserved because they facilitate compatibility or fit between old and new elements in the landscape, thus creating a sense of visual integrity or wholeness throughout the community, and providing mature/established settings for new, planned communities. These and other significant features should be incorporated into Block Planning. The identification and preservation of heritage resources provide the opportunities for more integrated design strategies that capitalize on the heritage component which in turn further entrenches their worth and promotes them as assets.

These Development Design objectives and principles are proposed to be reflected in the cultural heritage policies of the Official Plan to guide development involving or adjacent to heritage resources.

As well, special emphasis should be given to heritage conservation in Brampton's Central Area in particular, the immediate Downtown core. Urban design here should be of the highest standard to ensure that the predominating heritage character is preserved and not compromised by high-rise high-density infill development. Height and massing limits should be considered and more heritage conservation districts should be designated if appropriate. These planning principles have been given cognizance in the proposed plan for Downtown Brampton in the Brampton Central Area Plan Review and need to be emphasised in the Official Plan cultural heritage policies as well.

4.0 EXISTING, PLANNED AND POTENTIAL POLICY INITIATIVES, PROGRAMS, AND TOOLS

The Official Plan's cultural heritage policies must reflect the range of cultural heritage initiatives and programs which the City is undertaking, as well as those which might reasonably be expected to be part of the City's efforts to protect cultural heritage resources in the future. It is important that the Official Plan policies reflect current and anticipated future cultural heritage programs and projects to ensure that Council approves of these initiatives. Provincial legislation also typically requires that Official Plan policies endorse the use of municipal powers for a specific purpose.

This section examines the initiatives that the City has undertaken in the last several years to protect and preserve cultural heritage resources as well as those tools and programs which might reasonably be expected to be utilized by the City in the future to protect and preserve cultural heritage resources. Some of these proposals have received some level of endorsement from Council (through the Brampton Heritage Board) and some are being proposed for implementation or further review by City staff.

4.1 Heritage 'Tools' Approved as a Municipal Heritage Preservation Strategy

In August of 1999, City Council approved the implementation of several 'heritage tools' designed as part of a Strategy to protect cultural heritage resources. These tools (in order of priority) are set out below:

- A review and update of the Inventory of Heritage Resources;
- Implementation of a Demolition Control By-Law (for all residential buildings);
- Implementation of a demolition permit application policy (for all non-residential buildings listed on the City's Inventory of Heritage Resources);
- Implementation of a Boarding By-Law (which allows for the repair and securing or demolition of buildings, for reasons of public safety and security);
- Ongoing efforts to establish heritage subdivisions;
- Encouragement of heritage easements in association with the Ontario Heritage Foundation;
- Enactment of special legislation under the *Ontario Heritage Act* (which would further extend the number of days required to lapse prior to the demolition of a designated heritage structure) which would allow for additional time to review the property and negotiate with the owner; and
- In extreme circumstances, City initiation of designation under the *Ontario Heritage Act* without the consent of the owner.

At the same time as Council endorsed the above heritage tools, they also directed staff to prepare an information package regarding the above tools and to communicate other municipal heritage programs and initiatives to the public.

Some of the initiatives have since been incorporated into the City's Heritage Program as discussed below and in Section 4.2.

Inventory of Heritage Resources

The core of sound cultural heritage policies should be identification, documentation, preservation and mitigation measures – starting with a comprehensive inventory of cultural heritage resources that exist. The Brampton Inventory of Heritage was originally compiled between 1991 and 1993 by City Staff and the Brampton Heritage Board. City Council endorsed the inventory for use as a record of heritage resources in 1995.

The Inventory is an administrative and documentation tool used to assist in the identification and on-going preservation of significant heritage resources within the land use planning and permit application process. As such, the Inventory represents basic public acknowledgement of the contribution of specific heritage resource to the rich cultural history of Brampton. It is also used to set priorities for subsequent heritage designation under Part IV of the *Ontario Heritage Act*.

Based on their historical, architectural and/or contextual heritage attributes, heritage resources are classified into three categories of significance, i.e., Class A, Class B and Class C, with Class A being the most significant and worthy of preservation. Properties can only be listed in the Heritage Inventory after undergoing:

- a) field assessment;
- b) research and documentation;
- c) criteria evaluation;
- d) formal review by Brampton Heritage Board; and
- e) endorsement of Planning, Design and Development Committee and City Council.

The latest Inventory has already been expanded to include also accessory structures such as barns; cultural landscapes, bridges and cemeteries. At present, 53 properties are rated Class A and 272 are rated Class B. Class C properties are not currently listed. For a full listing of the City's current heritage inventory, please refer to Appendix A.

All City departments should ensure that listed heritage resources are flagged appropriately (e.g. in the GIS, Amada system etc.) so that demolition and building permit applications, development applications, Committee of Adjustment, Signage Bylaw etc. take these resources into consideration. The City may also consider establishing a policy enabling designation of all Category A and other listed heritage properties of significance under Part IV of the *Ontario Heritage Act* as a matter of course, even without the owner's prior consent. Recent case law (Ontario Superior Court of Justice, *Tremblay V Lakeshore (Town)*, Windsor; November 4, 2003) confirms that the *Ontario Heritage Act* gives a property owner sufficient means to object to proposed designation if they wish and that the municipality has an obligation to protect significant heritage resources. The wishes of the property owner do not take precedence over this obligation.

The Heritage Inventory is an on-going work item in the Heritage Program. The listed properties may be subject to periodic re-evaluation and re-grading by the City's Heritage Coordinator.

A number of changes respecting the heritage inventory are expected to take place in the near future. The inclusion criteria are currently under detailed review and are likely to be revised and expanded. The inventory will be formally referred to as the "register" once Bill 60 is passed. As well, it is expected that there will be new emphasis or status placed on the importance of the inventory listing when Bill 60 is passed. The exact effects on its status are however not fully known at this time.

Demolition Control By-Law

Perhaps the most significant step the City has taken in the last several years to protect heritage properties is the enactment of a demolition control by-law under Section 33 of the *Planning Act*. Although the Demolition Control Bylaw was not established for its heritage applications, the fringe benefits to heritage conservation are obvious. Demolition control allows the City to prevent the demolition of 'residential units' as defined in the *Planning Act* until such time as plans are in place for the development of the property. Properties which are designated under the *Ontario Heritage Act* or which are listed on the City of Brampton Inventory of Heritage Resources are identified through the development process. The Demolition Control By-Law allows time for City staff and the Brampton Heritage Board to review the property and determine the significance of the heritage resources impacted by a development application. Depending upon the outcome of this review, the Brampton Heritage Board and staff may recommend the retention and incorporation of the identified heritage resources into the development, the relocation of the heritage resources, or documentation of the resources prior to demolition. By providing time for heritage resources to be evaluated, the Demolition Control By-Law allows time to take appropriate action to protect and preserve these resources.

The significant weakness of the Demolition Control By-Law is that it only applies to residential properties and provides no protection for significant heritage resources and other types such as barns or cultural landscapes. This weakness will be addressed when the 2004 *Ontario Heritage Act* Amendments are passed and the proposed heritage tax reduction program is adopted as discussed in the preceding section.

Demolition Permit Application Policy

A demolition permit application policy is intended to serve the same purpose as the Demolition Control By-Law with regard to non-residential properties. The difficulty in implementing such a policy, however, is that without a similar provision in the *Planning Act* for non-residential properties (the statutory authority to withhold a demolition permit as provided for in Section 33 of the *Planning Act* applies to only residential units), there is no legal authority for the municipality to implement such a policy.

The current practice is for staff in the Building Division of the Planning, Design & Development Department to notify the Heritage Coordinator of applications impacting upon identified heritage properties. This provides an opportunity for staff to express their concerns regarding the fate of

heritage resources impacted by a development or building permit application. As compliance with a demolition permit application policy is voluntary, the current process of consultation with landowners provides as much protection as the City can grant to non-residential properties which have not been designated under the *Ontario Heritage Act*. As such, Staff do not propose moving forward with such a policy as a priority. Instead, Staff propose to include a policy in the Official Plan to direct the City to actively and vigorously prosecute, under the *Planning Act* and *Ontario Heritage Act* as applicable, when buildings are illegally altered or demolished. The City should continue to actively discourage “demolition by neglect” scenarios, and the new *Ontario Heritage Act* when passed will provide the power to deal with such incidents.

Boarding By-Law

A Boarding By-Law was included in the list of heritage tools approved by Council to address the concern that heritage buildings that were vacant could be vandalized and/or stripped of valuable wood and fixtures if they were not properly secured. Discussions with staff from Legal Services and By-Law Enforcement led to the conclusion that the best mechanisms available to the City to properly secure these buildings was not the enactment of a Boarding By-Law but to use the existing powers under the *Building Code Act*, *Fire Prevention and Protection Act* and the Minimum Maintenance Bylaw. The City has been actively searching out buildings which have not been properly secured (whether they are heritage buildings or not) and using the powers provided by these statutes to secure them for the purposes of public protection. This issue has therefore been addressed and the passage of a Boarding Bylaw is considered unnecessary.

Moreover, the City has recently adopted a set of guidelines for securing vacant heritage buildings which is intended to ensure a basic level of protection for vacant and derelict heritage buildings, and resources. These guidelines are discussed under Section 4.3 below.

Heritage Subdivisions

Efforts to create one or more heritage subdivisions are now part of the Heritage Program. The proposal and related issues are discussed in Section 4.4 below.

Heritage Easements

The City will also be examining the use of heritage easements as a tool to protect heritage properties. Heritage easements are of greater importance to the City now that the Province has allowed municipalities to grant refunds (or rebates) on property taxes for the owners of designated properties who are willing to allow heritage easements to be registered on all or part of their lands. Given that such a heritage property tax program (a proposal for which will be presented to Council in 2005) would be administered by the City, it is likely that the City would want the easements to be granted in its favour, as opposed to the Ontario Heritage Foundation, as originally anticipated in the report to the Council in August 1999.

With the anticipated passage of Bill 60, the use for heritage easement may become less critical as simple designation will already provide sufficient control over heritage resources.

Enactment of Special Legislation under the Ontario Heritage Act

The request for this step was made redundant by an amendment to *the Ontario Heritage Act* (see Section 3.1.3 – amendments to the *Ontario Heritage Act*) which strengthens demolition controls by allowing municipalities to prohibit demolition of designated heritage properties.

Designation of Heritage Properties without the Consent of the Owner (in Extreme Circumstances)

The decision that City Council would be willing, under certain circumstances, to designate a property without the consent of the owner was unprecedented, as Council had never taken this action before. The recommendation in the August 1999 report stating this as one of the possible ‘heritage tools’ was essentially opening the door to this possibility. Support for this particular heritage tool was subsequently tested by concerns regarding the fate of the former Kenneth Chisholm Estate, known as Alder Lea, which was used by the Royal Canadian Legion at the time.

The Legion, which had cared for the building since purchasing it in 1944, had been discussing the fate of the building with the City for some time, as their aging membership and the cost of maintaining the building would necessitate a move to a more suitable building. Council moved to designate the property under Part IV of the *Ontario Heritage Act* due to concerns that the property would be sold and the building demolished, despite the objections of the Legion to the proposed designation. Although the Legion subsequently dropped their objections to the designation, Council had established that they would move to designate an important heritage property that was under threat, even if the owner objected to the designation. The property was eventually acquired by the City as discussed in Section 4.3 below.

In view of the Alder Lea experience, and to ensure protection of important heritage resources, the City should consider establishing a policy to enable designation of all Category A and other listed heritage properties of significance under Part IV of the *Ontario Heritage Act* as a matter of course, even without owner’s prior consent.

Public Outreach Program/ Communications Strategy

It is anticipated that with an increased public interest in cultural heritage issues and the expanded involvement of the City in this field, there will be an increasing need for the municipality to provide information to the public and for the public to dialogue with City staff regarding cultural heritage issues. The City’s Public Relations Office has been working with Planning, Design & Development Department staff to develop a communications strategy which would establish a framework for the Department’s presentation of cultural heritage issues to the public. Specific items which have been or would likely be undertaken as part of a public outreach program include:

- Council has endorsed a proposal for staff and the Brampton Heritage Board to undertake a public relations program to promote the City’s Inventory of Heritage Resources, as well as designation under the *Ontario Heritage Act*. The campaign will include developing

brochures explaining the Heritage Inventory and designation. The brochure was published in 2004;

- Staff are working on ways to make the Inventory of Heritage Resources database (including designated heritage properties) available to all City staff and the public through the internet and ultimately linking the database to a Geographic Information System (GIS);
- Presentation system (Expo) to display at heritage events;
- Regular newspaper (and journal) articles on heritage matters in Brampton; and
- Heritage Information in hard copy and on the internet (and possibly power point presentations) on a number of cultural heritage issues such as: the history of Brampton; virtual guided tour of heritage properties in the City; Living Heritage (the role of Heritage in urban design); researching the history and style of homes; best practices-renovation; best practices-restoration; heritage landscapes; and downtown heritage façade guide.

It is critically important that the City increase the level of public awareness of the diversity of cultural heritage resources in Brampton and the steps which the public and property owners can take to protect and preserve these resources. The considerable effort and resources necessary for this work must be supported by Council through the Official Plan.

4.2 Heritage Program

Following Council's endorsement of the 1999 Report, the Urban Design and Public Buildings Section of the Planning, Design & Development Department have developed a Heritage Program to consolidate and implement the various heritage tools and initiatives. The Program will further promote the City's commitment to preservation, protection, recognition, and the wise use and management of cultural heritage in Brampton.

The Heritage Program is framed by and integrated with other City-wide planning and urban design initiatives. It consists three main components i.e., 1) Heritage and the Broader Community – Preservation, Urban Design, Urban Planning; 2) Heritage Resources Management, and 3) Education, Outreach and Awareness. A list of the program projects can be found in Appendix B. As can be seen from the list, many of the initiatives in the 1999 Strategy (Section 4.1) have already been included in the Heritage Program while new items are also added as discussed below.

4.3 Other Heritage Initiatives

Brampton Heritage Board / Municipal Heritage Committee (formerly LACAC's)

The recent amendments to the *Ontario Heritage Act* (2002) have removed reference to Local Architectural Conservation Advisory Committees (LACAC's) and replaced it with the term 'Municipal Heritage Committee'. The new title is a better description of the role of these

committees (including the Brampton LACAC, or Brampton Heritage Board as it is known) which have evolved as advisory bodies that advise councils on matters related to cultural heritage resources. The only reference in the Brampton Official Plan to the role of the LACAC is in the designation of properties or districts under the *Ontario Heritage Act*. City staff are proposing to revise cultural heritage policies to recognize the new designation, Municipal Heritage Committee, and the broader mandate of the Brampton Heritage Board and its sub-committees and heritage district committee(s).

Planning Act/ Planning Process

Among the most significant difference in the practice of the protection and preservation of cultural heritage resources over the last two to three years (along with the enactment of a Demolition Control By-law) has been the extent to which the City has begun to utilize its powers under the *Planning Act*. The Brampton Official Plan refers to requirements such as heritage impact statements where heritage resources are to be impacted by proposed developments and the use of zoning by-laws, site plan control and density bonuses under the *Planning Act* to preserve heritage resources. In practice, however, these tools were rarely used. The City's more aggressive use of the *Planning Act* as a tool to protect cultural heritage over the last couple of years has focused on the following practices:

- Using the City's Heritage Inventory to identify heritage resources that may be impacted by proposed development;
- Requiring that heritage impact statements be completed as a condition of draft plan approval;
- Negotiating with developers and the owners of heritage properties to ensure that they will consider cultural heritage resources in plans to develop their property;
- A move away from requesting that an opportunity be provided to relocate heritage buildings to requiring that where possible, they be incorporated into the development of the property and that significant landscape elements be retained;
- Requiring that a schedule of cultural heritage resources to be retained when lands are further developed be included in new secondary plans;
- Utilizing the City's new block plan process to identify and incorporate cultural heritage resources; and
- Employing developer cost share agreements to provide financial means to implement heritage conservation strategies in Secondary Plan and Block Plan areas.

The use of the secondary plan and block plan processes is intended to ensure that cultural heritage resources are identified and dealt with early in the planning process. The purpose of this

initiative is to ensure that cultural heritage resources can be identified based on their importance at an early date, and appropriate measures taken to either document them, move them to a more suitable location, or incorporate them into the development in a manner that enhances the heritage resource and benefits the development. The emphasis on the incorporation of cultural heritage resources into proposed developments necessitates a close working relationship between planners working on development applications and Urban Design staff.

Cost Sharing Agreement

In recent years, the City has taken the opportunities to identify and include heritage resources into cost sharing agreements in the Secondary Plan and Block Plan processes as a means to implement cultural heritage preservation.

On October 27, 1997 City Council passed resolution PB225-97 that endorsed the practice of using Cost Sharing Agreements to ensure the orderly implementation of development in accordance with the policies and procedures of the Official Plan and individual Secondary Plans. The intent of landowner's Cost Sharing Agreements is to clearly identify common items that principally benefit a Secondary Plan Area or common areas within a Secondary Planning Area, by committing each landowner to contribute or share equally the costs/benefits of providing these necessary services. The City's basic concern is that all costs are shared in a reasonable and equitable manner for all potential parties, and to ensure that the City is able to implement the Secondary Plan without inappropriately transferring cost back to the City or compromising the integrity of the Secondary Plan.

Items that are generally included in a Cost Sharing Agreement are community land use items that are not normally included in nor financed by the City's Development Charges Bylaw or covered by other agreements enabled by the Municipal Act. Heritage resources including buildings and archaeological features are considered one such item suitable for cost sharing. The rationale for their inclusion is the enhancement of the identity and design of a community that can be achieved through their retention and preservation which benefits the community at large. The high cost involved in preserving these resources also makes them an appropriate item for cost sharing. To be most effective, the means and funding mechanism of heritage resource conservation need to be addressed at the earliest stages of Secondary Plan and Block Plan preparation. The requirement should be included as a policy in the Official Plan for implementation.

Heritage Security Bonds

With regard to new initiatives that the City may wish to pursue, the use of financial security measures such as letter of credit and security bonds to ensure the protection of cultural heritage resources during the development process would be another logical tool to add to the Official Plan's heritage policies.

The proposal will require developers or project proponents to provide financial security for significant heritage resources identified on their site very early in the planning process, preferably as a condition of a development agreement such as Site Plan Control Agreement. The

security amount could be determined by a qualified restoration architect or professionals of similar standing and should be sufficient to complete the work in accordance with the Agreement. The use of security bonds or similar financial arrangements will enable the City to take enforcement against any breach of agreement. This tool should be included into the Official Plan to ensure compliance with the requirements for retention, protection and preservation of heritage resources during the development process. It also helps to demonstrate that the City is committed to preserve and integrate significant heritage resources into new developments.

Lost Heritage

The City has embarked upon a 'branding' campaign designed to establish an image based upon the importance of the flower growing industry in Brampton's history. Brampton was known as Canada's 'Flowertown' for many decades. At peak production, Brampton boasted the largest commercial greenhouse operation in the Commonwealth. The City has adopted a strategy to resurrect the image of Brampton as a Flower City, as outlined in the document 'City of Brampton Flower City Strategy – Rediscovering our Flowertown Heritage'. The move to capitalize on Brampton's history to develop a public image for the modern City, broaden Brampton's appeal as a tourist destination and connect Brampton's community and their heritage.

This is one example of how the theme of 'lost heritage' (Brampton's greenhouses disappeared decades ago) can play an important role not only in commemorating the past, but in defining the City that exists today. Other ways to commemorate the past, such as recognizing prominent 'lost' landmarks like the portion of Etobicoke Creek which flowed through downtown Brampton, are also being considered.

Acquisition and Restoration of Heritage Properties (Alder Lea)

The City's decision to purchase the former Kenneth Chisholm Estate (Alder Lea) was a significant commitment on the part of the City towards the preservation and restoration of the City's most prominent cultural heritage resources. The home has served as the headquarters of Branch 15 of the Royal Canadian Legion since the end of the Second World War and also represents a significant heritage home in downtown Brampton. What is now Gage Park was once the front lawn of the estate. Although the circumstance under which the City would make such an investment are very rare, the Brampton Official Plan should nonetheless recognize the need for the City to purchase such important heritage property.

City-owned Heritage Resources

In addition to Alder Lea, the City of Brampton also owns a significant number of important heritage resources including Bovaird House, the Heritage Theatre and the Carnegie Library Building etc. The City's intent is to preserve and integrate them into the community, and to try to put them to adaptive reuse as far as practicable. As well, the City need to address the public expectation that a higher bar should be set for publicly owned heritage resources especially with regard to their care, management and stewardship. In this regard, all City-owned heritage resources of merits should be designated under the *Ontario Heritage Act*. Conservation

strategies and budgets should be prepared to plan and guide ongoing conservation efforts with City owned heritage resources and in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada. The Official Plan should include specific policies to provide clear direction for these public heritage resources.

Peel Heritage Complex

The Peel Heritage Complex is at this point the only appropriate facility for the storage of heritage documentation or artefacts. City staff are suggesting that the documentation of heritage properties and artefacts resulting from works required by the municipality be made available to the Peel Heritage Complex by the applicant or owner required to complete this work.

National Heritage Recognition Program

Although this document focuses primarily upon the role of the City of Brampton and the Provincial government in cultural heritage recognition and preservation, the Federal government has been proposing to assume a larger role in cultural heritage preservation.

The Historic Sites and Monuments Board has recognized important heritage sites across the country and has provided a modest level of funding for the restoration and preservation of these sites. More recently, the Federal government has announced the 'Historic Places Initiative', which would include a *Canadian Historic Places Act* and the establishment of a 'Canadian Register on Historic Places' based upon a set of conservation guidelines and standards. In addition to proposing a new standard for the identification and protection of cultural heritage resources under the jurisdiction of the Federal government (including archaeological resources), the proposed Register of Historic Places could apply to properties not owned by the federal government. Any Canadian or Canadian organization (including presumably municipal governments) could apply to the Historic Sites and Monuments Board to have a property included in the Registry as a national historic site. National historic sites not owned by the Federal government are eligible to apply for cost-sharing support from the Federal government.

At present, Brampton has no national historic sites. A project has been included in the 2006 Heritage Program to carry out a study to identify potential candidate properties and resources for national historic sites recognition.

Standards for the Conservation of Historic Places in Canada

The Standards for the Conservation of Historic Places in Canada (2003) are intended to promote responsible conservation practices that help protect Canada's irreplaceable historic places. The Standards provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about which features of a historic place should be saved and which can be changed.

In the context of these Standards, conservation refers to retaining and enhancing the heritage values of historic places and extending their physical life. The primary way to achieve such objective is to ensure that interventions do not obscure, damage, or destroy character defining elements which include the materials, forms, spatial configurations, uses and cultural

associations or meanings that together comprise the heritage value of the historic place. The Standards are intended to be applied to existing heritage resources as well as new construction attached, adjacent or related to these resources.

There are primarily three types of conservation activities, that is, preservation, rehabilitation and restoration. Conservation project often includes a combination of these activities. Standards are prescribed for each type of activity, with protection, maintenance and stabilization as the core principles for all conservation projects.

The Standards should be established in the cultural heritage policy of the Official Plan as the basis for conservation standards for all heritage projects.

4.4 Buildings and Structures

The term 'heritage' has typically been interpreted by most of the public as being best reflected in heritage structures (usually prominent heritage homes) which have the power to convey a sense of the past. Although we now recognize a very broad range of cultural heritage resources, there is still a strong emphasis in the City's cultural heritage program on protecting and preserving heritage structures.

Heritage Subdivisions

At the same time as City Council approved the revised Inventory of Heritage Resources, they endorsed a proposal to have staff, in cooperation with the Brampton Heritage Board, "...investigate the feasibility and financial implications of establishing one or more 'heritage subdivisions' in the City for the purpose of relocating heritage homes". The search for one or more 'heritage subdivisions' has been deemed to be necessary in order to ensure that heritage homes which must be moved in order to be saved from destruction, can be relocated. The City has provided opportunities to have heritage homes relocated in the past, based on the premise that private owners who value the heritage characteristics of these houses would be willing to pay to have them relocated. These efforts have proven unsuccessful, due (at least in part) to the absence of a suitable location for these heritage homes.

The heritage subdivision solution is based upon the success which the Town of Markham has enjoyed in having heritage homes relocated to their 'Heritage Estates', an area developed by the Town for the specific purpose of serving as a site for relocated heritage homes. Heritage subdivisions are anticipated to function as a means of saving heritage homes which would otherwise be destroyed, as well as an opportunity to create unique 'heritage landscapes' which would provide an appropriate environment for heritage homes. It is anticipated that these heritage subdivisions may become a local tourist attraction with a unique heritage character.

A project has been included in the Heritage Program for a preliminary study on heritage subdivision in Brampton to start in 2005.

Notwithstanding the proposed study, the option of relocation and heritage subdivision must be seen as a last resort for conserving heritage properties. The overriding policy to be adopted by

the City should be to encourage full retention, integration and adaptive re-use of heritage resources in situ. These resources should be retained, designated, restored and sold on the private market as applicable before the option of heritage subdivision should be considered. Consideration should also be given to using cost sharing, letter of credit etc. to facilitate such projects. In conjunction with the investigation on heritage subdivisions, the City should therefore establish a policy of encouraging appropriate integration of heritage resources into new developments, including all standing structures, cultural landscapes (eg. hedgerows, vistas) and other heritage attributes. Heritage impact assessment for built and cultural heritage resources should be made an integral part of a subdivision application, as archaeological assessment is currently.

Heritage Conservation District Study

As discussed in Section 3.1.3.1, Council has also endorsed a study to examine the possibility of developing one or more Heritage Conservation Districts in a section of downtown Brampton. The study has been tentatively scheduled to start in 2005 under the current Heritage Program. This represents the first comprehensive review of potential Heritage Conservation District(s) in Brampton since the approval of the Village of Churchville Heritage Conservation District in 1990.

The first part of this study will be a background study to determine the justification for one or more heritage conservation districts within the study area as defined by the Brampton Heritage Board. This includes the Main Street South area south of Queen Street and bounded by McMurchy Avenue to the west (as far south as Frederick Street) and Etobicoke Creek to the east. The study area also includes the properties on the west side of Main Street South as far south as Harold Street, as well as the 'Washington Block' area north of the railway tracks on the west side on Main Street North. As part of the work of determining justification for one or more heritage conservation districts within the study area, the public and Council support for such a proposal will be gauged. If there is sufficient public support for one or more heritage conservation districts, work will be carried out on the preparation of a heritage conservation district plan, to determine the guidelines which should guide development in these areas.

City of Brampton Guidelines for Securing Vacant and Derelict Heritage Buildings

The City of Brampton has recently adopted the Guidelines for Securing Vacant and Derelict Heritage Buildings to ensure a basic level of protection for these resources. The Guidelines are intended to assist property owners in securing and protecting heritage buildings and resources that for certain reasons must remain vacant for a period of time. The Guidelines are framed within and supported by the Ontario Fire Code, Minimum Maintenance Bylaw of the City of Brampton, the *Ontario Heritage Act*, the *Ontario Municipal Act* and the federal Standards for the Conservation of Historic Places in Canada.

The Guidelines seek to minimise the risk of arson, unauthorised entry and trespassing, vandalism, potential public health hazards and to ensure public safety. As well as buildings and structures, the Guidelines also help ensure the integrity and stability of all existing heritage

attributes and character defining elements on these properties against weather damage, theft, loss, deterioration and neglect.

The Guidelines are basically intended to be voluntary. Notwithstanding, where vacant heritage buildings are to be retained in plans of subdivision, and with concurrence of Planning Department staff, the adoption of these guidelines may be included as a condition of draft plan approval. Adoption of these guidelines may also be stipulated as an approval requirement for other planning applications where necessary. In future, if the current enforcement regime becomes an issue, an enabling bylaw could be adopted by City Council.

Signage

Ensuring that appropriate signage is used for designated and listed heritage properties is an important part of the heritage preservation effort. Staff will continue to work toward ensuring that signs which will have an impact upon the significant heritage elements of designated heritage properties require a heritage permit under Part IV of the *Ontario Heritage Act*. Staff will also comment on sign permit applications which impact upon heritage properties listed on the City of Brampton Inventory of Heritage properties.

In addition, a study to review the issues regarding signage and to develop a plugging system for heritage resources has been included in the City's Heritage Program.

4.5 Heritage Cemeteries

Cemeteries are an obvious cultural heritage resource with very special resonance for the families whose relatives and ancestors are interred at these sites. Some of the oldest cemeteries (sometimes referred to as 'pioneer cemeteries') have long since been abandoned and in some cases need to be clearly identified. Other heritage or pioneer cemeteries, even if their locations are known, have not been properly identified and are not being maintained and given the recognition and protection they deserve. A standard needs to be developed which would provide guidance in the design of appropriate fencing, signage and commemorative and/or interpretive plugging for these properties.

It will be necessary to recognize the special measures which must be taken when native burial sites are thought to be or are present. There are presently protocols for the accidental discovery of human remains.

Progress has been made with the expanded heritage inventory which now includes listing of heritage cemeteries. A project has also been included in the Heritage Program for development of design guidelines for cemetery preservation.

4.6 Archaeological Resources

Archaeological resources are treated in a very distinct manner from other cultural heritage resources (including heritage cemeteries). Archaeological resources are distinct because they are typically unseen and when they are found, the emphasis is on their documentation, recovery and

removal. While the efforts to protect and preserve built heritage resources, cultural landscapes and cemeteries are undertaken by municipalities with little direction from the Provincial government, the Province takes a much more paternalistic view of the fate of Ontario's archaeological resources. Archaeological resources (particularly aboriginal and pre-history remains) are treated in this manner because they are more clearly the legacy of the history of the entire Province.

The City should be provided with copies of all archaeological reports commissioned by landowners and should be permitted to comment on the scope of these studies to ensure that they are adequate and meet the requirements of the City.

The City of Brampton is planning to undertake the preparation of an Archaeological Master Plan to identify areas of high archaeological potential and establish procedures to protect them. The project is tentatively scheduled to start in 2007 under the Heritage Program.

4.7 Cultural Heritage Landscape

Cultural heritage landscape refers to a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It usually involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples of cultural heritage landscapes include heritage conservation districts designated under the *Ontario Heritage Act*, a heritage village, historic parks, gardens, battlefields, heritage main streets and neighbourhoods and cemeteries. The emphasis here is on conservation of resources of contextual values in addition to the main component(s). The recent case involving a heritage farm house, "Bonnie Braes" on Creditview Road illustrates the need for a more holistic approach to heritage conservation. Often, it is not sufficient to preserve the heritage building or property alone as it may be blocked or adversely impacted by surrounding development. In the case of "Bonnie Braes", the surrounding context, notably the laneway leading to the farm house, the hedgerows that flank the laneway and the open vistas that the farm house fronts on directly should be preserved altogether.

A new policy needs to be included in the Official Plan to address cultural heritage landscapes as important heritage resources worthy of listing on the City's Heritage Inventory and designation under the *Ontario Heritage Act*. Criteria for evaluating cultural heritage landscapes also need to be developed and included in the Official Plan.

5. REVIEW OF OTHER OFFICIAL PLANS

5.1 Overview

As part of the current review, a review of the Official Plans of other municipalities in respect of their cultural heritage policies was undertaken. The review is intended to identify and benchmark “best practices” for consideration in revising the cultural heritage policies of Brampton. The Official Plans of the Town of Markham, the City of Mississauga, the Town of Caledon and the City of Toronto were reviewed. Their choice was based on such considerations as similarities in geographical location, size, development characteristics, and historical background.

The policies surveyed vary in breath and depth but their contents are all framed within the relevant Provincial legislations and policies including the *Ontario Heritage Act* and *Planning Act*, as discussed in the preceding section. The review of the Official Plans has primarily been made from the perspectives of approach, scope, special policies/provisions, and applicability to the City of Brampton. These policies are located in Appendix C for ease of reference and consideration.

This review has been useful in identifying policy gaps and possible directions for enhancement of the cultural heritage policies of the Brampton Official Plan. Findings and recommendations are discussed below.

5.2 Summary of Review Findings

5.2.1 The Town of Markham

The cultural heritage policies of Markham focus primarily on the tools the Town has available to promote their heritage goals and objectives. The policies are particularly detailed in several respects including the definition of the role for their local heritage committee (Heritage Markham); criteria for designation; specific tools to be used to protect heritage resources (including provisions for funding), and an advocacy role for the Town in cultural heritage preservation. Markham’s ‘Heritage Conservation’ program focuses on the Town’s heritage conservation districts, individual designation, inventory, heritage subdivision, the role of Heritage Markham, adaptive re-use and the Markham Museum. Archaeological resources and pioneer cemeteries are also mentioned.

5.2.2 The City of Mississauga

Mississauga’s Official Plan policies on cultural heritage are fairly generic and do not contain as much details as that of Markham. The policies are organised around “heritage sites”, “heritage conservation districts”, and “archaeological protection areas”. Mississauga has a progressive Cultural Landscapes Inventory. However, this is not reflected in the existing policies of their Official Plan.

5.2.3 The Town of Caledon

The Town of Caledon has the most recent and most comprehensive cultural heritage policies of the four Official Plans surveyed. The policies are organized around components of archaeology, built heritage, and cultural heritage landscapes. It includes a detailed review of cultural heritage landscapes and archaeological resources, as well as special provisions for “areas with cultural heritage character”. The latter policy is considered particularly useful for providing a basis for drafting policies to protect potential conservation districts similar to Brampton’s Main Street South area. City staff are suggesting that Brampton’s Official Plan include policies to recognize the unique heritage character of these areas to support the secondary plan policies.

The Caledon Official Plan also emphasizes the link between the Town’s natural and cultural heritage resources that “the policies are based on a recognition that cultural heritage resources are interrelated with the Town’s natural heritage resources.....Current attitudes towards the Town’s outstanding natural features reflect a continuing evolution that is based on the historical connection between cultural heritage resources and natural heritage resources.”

5.2.4 The City of Toronto

Toronto has taken a different approach than the other three Official Plans surveyed. Its cultural heritage policies are descriptive and are written and presented in a more direct manner. For instance, there are very few references to “where appropriate” or “where possible”, and no separate sections for policies. Some descriptions on specific actions that can be taken to protect heritage are included but do not form part of the policy. Overall, Toronto has the shortest policy (i.e. the least number of policy statements) amongst the four municipalities. Special provisions include Heritage Master Plan, city-owned heritage properties, cultural heritage landscapes and fairly specific policies on density bonusing. In terms of the importance of protecting and maintaining cultural heritage resources, economic rationale is stated as one consideration and, specifically that “higher job and investment multipliers than new construction and heritage sites are a draw for tourism and the film industry”.

5.3 **Issues for Consideration in Brampton’s Policy Review**

As revealed from the analysis, each of the Official Plans reviewed has something to offer for consideration in revising Brampton’s cultural heritage policies. While the existing policies of the Brampton Official Plan are already fairly comprehensive and still highly relevant, enhancement of its overall presentation and the addition of new policy statements is desirable. Possible improvement to be considered include:

- Updating of the goals and objectives statements to reinforce the importance of cultural heritage preservation and its role in planning;
- City to be more proactive with regard to cultural heritage designation;
- Declaration regarding the relevant enabling sections of the *Planning Act* and the Provincial Policy Statement;
- cultural heritage landscapes;

- City to establish more heritage conservation districts;
- areas with cultural heritage character;
- more specific designation and evaluation criteria for all types of heritage resources;
- expansion of the scope of heritage inventory;
- a scale of appropriate preservation, from in-situ retention to off-site relocation to documentation;
- additional financial and other implementation tools;
- heritage easement;
- city-owned heritage properties;
- interpretation and commemoration such as signage, street naming etc.;
- the use of more decisive and declarative terms like “shall”, “will” etc.;
- separate or integrated implementation policies; and
- map /schedule to show heritage resources.

The review of other municipalities’ Official Plans complements the preceding review of the general legislative and policy framework (Section 4). It has confirmed some policy gaps and possible directions for cultural heritage policy amendments that are identified in the general policy review. A consolidated list of these issues and recommendations is presented in the last section of the paper as conclusions and sets the stage for the review of the cultural heritage policy of the Brampton Official Plan.

6.0 CONCLUSIONS AND RECOMMENDATIONS

The review of cultural heritage policies of the Brampton Official Plan and the relevant policy and legislative context undertaken as Phase 2 of the Official Plan review process is culminated in the presentation of this Discussion Paper. Findings and recommendations on possible directions for the cultural heritage policy amendment as discussed throughout this paper are recapitulated in this final section as conclusions.

6.1 Policy Relevance

Although many of the policies in the Brampton Official Plan reflect the current practice of the City regarding the protection of heritage resources, they do not collectively provide sufficient direction either to staff or members of the public regarding how the City should act in a given circumstance, or indeed why action is necessary. This is a general shortcoming of the Official Plan's existing cultural heritage policies which tend to reflect a more tactical approach. Actions and priorities are listed under a series of categories but more explanation should be provided on why these specific actions are necessary, or how the policies work together to achieve a goal. In most cases, it is the presentation of the policies as opposed to the actual policies that need to be updated in the City's Official Plan.

6.2 Policy Gaps

Some deficiencies in the existing Official Plan heritage policies have also been identified. The role of cultural heritage in Brampton's land use planning process is the most obvious gap. This is not surprising given that Brampton's planning process has evolved dramatically since the Official Plan was written in the early 1990s. The introduction of the Block Plan process, the Growth Management Program and the corporate reorganization of the now Planning, Design and Development Department (with a much stronger emphasis on urban design) has created a very different environment in which to deal with cultural heritage issues. It is critically important, if the Official Plan is to provide sufficient direction to City staff and the public, that the implementation of cultural heritage issues through land use planning be clearly defined. The goals and objectives need to be updated to include amongst other things a declaration that heritage conservation is vital, and the intent that the City will conserve all significant cultural heritage resources including buildings, sites, cultural landscapes, and archaeological resources.

Other areas which are obvious candidates for improved policies are the various implementation tools including financial incentives which are discussed throughout the paper for advancing cultural heritage programs and projects. The role of these various tools such as community improvement plans, heritage conservation easements, heritage property tax rebate program, heritage subdivisions etc. and the range of possible financial incentives including grants, cost sharing, development charges exemption etc. should be clearly described in the policy.

6.3 Recommended Policy Changes

Four broad directions to improve and update the cultural heritage policy section of the Brampton Official Plan are proposed as follows:

- Improvement of the presentation of the policies;
- Updating of the policies to reflect the latest Provincial, regional and local legislations, policies and programs in respect of cultural heritage;
- Updating of the policies to reflect existing, planned and potential policy initiatives, programs, and implementation tools; and
- Special policies based on staff's review of other municipalities' Official Plans.

Specific amendments to be pursued under these directions are summarized in the tables below that are cross-referenced to the section of this Discussion Paper for ease of consideration.

Recommended Changes to Cultural Heritage Section of the Brampton Official Plan -**Improvement of the Presentation of Policies**

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
Rename Policy to “Cultural Heritage” to reflect the broadened scope	3.3.2
Reinforce the important role of cultural heritage preservation in the City’s land use planning process <ul style="list-style-type: none"> ▪ Rewording of the goals and objectives statements and other relevant sections of the cultural heritage policies to include a declaration of the City’s commitment to heritage conservation; citing intent and objectives, Provincial policies, City initiatives, <i>Ontario Heritage Act</i> etc. 	3.3.2, 5.3, 6.2
Use more decisive and declarative terms in the policies	5.3
Provide a clearer linkage between objectives and actions (policies)	3.3.2, 6.1
New sections for <ul style="list-style-type: none"> ▪ Cultural heritage landscapes, and ▪ Heritage Cemeteries 	3.3.2, 4.7, 5.3 3.3.2, 4.5
Consolidated (as existing) or separate implementation policies for each cultural heritage resource	5.3
Schedule(s) to show designated and significant heritage resources	5.3



Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p><u>Planning Act</u></p> <ul style="list-style-type: none"> ▪ To include a declaration that the City’s cultural heritage policies are guided by the relevant sections of the Planning Act, and the Provincial Policy Statement, and that all permitted provisions will be used to ensure the protection of heritage resources including site plan approval, subdivision plan approval, zoning bylaws etc. 	<p>3.1.1</p>
<p><u>Provincial Policy Statement</u></p> <p>To reflect and incorporate the new PPS policies including</p> <ul style="list-style-type: none"> ▪ the new policy on adjacent development; ▪ the latest definitions on cultural heritage and related terms; and ▪ the new implementation standard of “<i>consistent with</i>” 	<p>3.1.2</p>
<p><u>Ontario Heritage Act</u></p> <p>To reflect the approved 2002 Amendments</p> <p>Part IV Heritage Designation (Individual Properties)</p> <ul style="list-style-type: none"> ▪ Change of basic designation criteria from “historic or architectural value or interest” to “cultural heritage value or interest” ▪ Requirement for specifying heritage attributes in the “reason for designation” to ensure their protection and preservation ▪ Strengthening demolition control over designated properties by the requirement of permit for new construction prior to demolition, increasing maximum fines for illegal demolition, setting time limit for completing the replacement building etc. 	<p>3.1.3.2(i)</p>



Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs (cont'd)

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p>Part V Heritage Conservation District</p> <ul style="list-style-type: none"> ▪ Streamlining of the approval process such that OMB approval is needed only if there is objection ▪ Permitting the inclusion of designated heritage properties into a heritage conservation district ▪ Permitting municipalities to recover cost of illegally altered properties <p>Part VI Heritage Designation (Archaeology)</p> <ul style="list-style-type: none"> ▪ Clarifications on various licensing requirements ▪ Revised definitions of terms <p>Renaming of Local Architectural Conservation Advisory Committee to Municipal Heritage Committee</p> <ul style="list-style-type: none"> ▪ to reflect the new title ▪ to articulate the broader mandate for the Brampton Heritage Board, its sub-committees and heritage district committee(s) <p>2004 Amendments (expected to be passed in 2005)</p> <p>Heritage Properties</p> <ul style="list-style-type: none"> ▪ New power to stop demolition of designated heritage properties with a built-in appeal system ▪ Strengthening of power by tightening maintenance standards and control over emergency alterations ▪ Improvement to the municipal designation process by developing standard, province-wide designation criteria and allowing the delegation of authority for minor alteration to municipal staff 	<p>4.3</p> <p>3.1.3.2 (ii)</p>

Recommended Changes to Cultural Heritage Section of the Brampton Official Plan –
Updating with respect to the Latest Provincial, Regional and Local Legislations, Policies and Programs (cont'd)

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
<p>2004 Amendments (cont'd)</p> <p>Heritage Conservation District</p> <ul style="list-style-type: none"> ▪ New emphasis on the supremacy of the District Plan ▪ strengthening protection by enabling municipalities to place interim control over identified study area, extending guidelines to surrounding buildings/ areas, requiring designation be registered on property titles <p>Heritage Inventory</p> <ul style="list-style-type: none"> ▪ Increasing status and accessibility of the inventory to facilitate better planning 	
<p><u>Places to Grow Act</u> To reflect the policies for cultural heritage protection in the Draft Growth Plan for the GGH when approved</p>	3.1.4
<p><u>Municipal Act</u> The provisions for tax reduction for heritage properties</p>	3.1.5
<p><u>Development Charges Act</u> Possible use of the Act to either compensate owner for preserving heritage properties, or deny development charge credit for projects where heritage properties are demolished</p>	3.1.6
<p><u>Region of Peel Official Plan</u> To reflect any relevant policies based on the approved ROP</p>	3.2.2
<p><u>City of Brampton Strategic Plan</u> To reflect the vision of “Six Pillars” in the area of cultural heritage</p>	3.3.1
<p><u>City of Brampton Development Design Guidelines</u> To reflect the new Block Plan process and relevant design principles to guide development involving heritage resources</p>	3.3.3

Recommended Changes to Cultural Heritage Section of the Brampton Official Plan
Updating with respect to Existing, Planned and Potential Policy Initiatives, Programs and Implementation Tools

Proposed Revision for Discussion Purposes	Section referenced in Discussion Paper
Community Improvement Plan <ul style="list-style-type: none"> ▪ The potential use of this tool (Section 28 Planning Act) for financing heritage preservation work in downtown and other areas of the City ▪ City of Brampton Façade Improvement Program 	3.1.1
Grants or Loans <ul style="list-style-type: none"> ▪ as provided under Section 39 of the Ontario Heritage Act to owners of properties designated under the Act, including the proposed Conservation Grant Program 	3.1.3.1
Heritage Inventory	4.1
Designation of all “Category A” and other significant heritage resources with or without owners’ prior consent	4.1
Demolition Control By-Law	4.1
Demolition Permit Application Policy	4.1
Heritage Subdivision	4.1, 4.4
Heritage easement	3.1.3.1, 4.1
Secondary Plan / Block Plan processes	3.3.3, 4.3
Heritage Program projects and studies including <ul style="list-style-type: none"> ▪ Heritage Property Tax Reduction Program ▪ Heritage Conservation District Study ▪ Education/ public awareness programs ▪ Archaeological Master Plan ▪ Signage Study 	4.2 3.1.5 3.1.3.1, 4.4 4.1 4.6 4.4
Flower City Strategy	4.3
Peel Heritage Complex	3.2.2, 4.3
Miscellaneous initiatives /tools including <ul style="list-style-type: none"> ▪ Acquisition and restoration of heritage properties ▪ Heritage security bonds, cost sharing etc. ▪ Brampton’s Guidelines for Securing Vacant and Derelict Heritage Buildings ▪ National Heritage Recognition Program ▪ Standards and Guidelines for the Conservation of Historic Places in Canada (2003) 	4.3 4.3 4.4 4.3 4.3



Recommended Changes to Cultural Heritage Section of the Brampton Official Plan
Special Provisions /Policies as Identified from Reviewing the Official Plans of other Municipalities

Proposed Revision for Discussion Purposes	Section Referenced in Discussion Paper
Areas with Cultural Heritage Character	5.3
City-owned heritage resources	4.3, 5.3