

Council Policy No.:	CP2023-XXX
Council Policy Name:	Ontario Heritage Act Notices
Date Approved by Council:	November 21, 2023
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	By-law 2015-095 (Public Notice By-law)

Policy Statement and Rationale:

The Ontario Heritage Act requires municipalities to provide notice for certain types of processes related to heritage properties. These include the individual designation of property, the designation of heritage conservation districts, the alteration and demolition of designated properties and the listing of property on the Heritage Register. This policy is intended to establish the parameters for providing notice to property owners and the general public for decisions made by the City in relation to heritage properties.

This policy outlines the processes for providing notice for both public notices and those sent directly to property owners. These processes are established through Parts IV and Parts V of the Act which lay out the requirements for the designation and alteration of heritage properties, including the provision of notice to property owners, the Ontario Heritage Trust and the public at large. Public notices must be published in a newspaper with general circulation in the municipality. However, Sections 26 and 39.1 give municipalities the ability to provide public notices in alternative formats to publication in a local newspaper through the passage of a policy under Section 270 of the Municipal Act which allows municipalities to establish the form, manner and times notice may be given to the public. The ability to publish notice in alternative formats allows a municipality to be more flexible in its provision of notice and less reliant on third party media, while still providing statutory and relevant information to property owners and the public in an accessible format.

This policy follows the guiding principles of the City's Public Notice By-law by providing timely, clear and accessible communication to the public about City matters and decision-making.

Scope:

This policy applies to statutory notices issued under the provisions of the Ontario Heritage Act. Under the Act, notices are issued for both the general public and directly to property owners and the Ontario Heritage Trust.

Public notices are issued in relation to the following actions:

- The designation of property under Part IV of the Ontario Heritage Act
- Amendments to and repeals of designation by-laws under Part IV of the Act
- Decisions related to the demolition of a building or structure or removal of a property's heritage attributes under Part IV of the Act
- Passage of by-laws in relation to the designation of heritage conservation districts under Part V of the Act

Notices are issued directly to property owners and the Ontario Heritage Trust in relation to the following actions:

- The designation of property under Part IV of the Ontario Heritage Act
- Amendments to and repeals of designation by-laws under Part IV of the Act
- Decisions related to the demolition of a building or structure or removal of a property's heritage attributes under Part IV of the Act
- Passage of by-laws in relation to the designation of heritage conservation districts under Part V of the Act
- Decisions related to the alteration of property and issuance of heritage permits designated under both Part IV and Part V of the Act
- The inclusion or removal of a listed property on the Heritage Register.

Definitions:

In this policy,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means the Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City website” means the official City of Kawartha Lakes corporate website, www.kawarthalakes.ca;

“heritage conservation district” means a heritage conservation district designated under Part V of the Ontario Heritage Act;

“heritage permit” means the authorization given in writing by the municipality to make alterations, including demolition, to a heritage property;

“Heritage Register” or **“Register”** means the City’s register of properties situated in the municipality which are of cultural heritage value or interest as required by Section 27 of the Ontario Heritage Act;

“individually designated property” means a property that is designated by by-law under Part IV of the Ontario Heritage Act;

“listed property” means a property included on the City’s Heritage Register as being of cultural heritage value or interest that is not designated under Part IV or Part V of the Ontario Heritage Act;

“Municipal Act” means the Municipal Act, S.O. 2001, c.25, as amended or any successor thereof;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c.o.18, as amended or any successor thereof;

“Ontario Heritage Trust” means the provincial body established under Part II of the Ontario Heritage Act;

“owner(s)” means the owner of a heritage property and includes a corporation of partnership, the heirs, executors, administrators, and other legal representatives of a person to whom the context can apply according to the law, and the person who has made application for approval for the alteration or demolition of a heritage property, the repeal of a heritage designation by-law or the removal of a property from the Heritage Register;

“public notice” is notice given by the City intended to inform the public at large regarding decisions made under the Ontario Heritage Act;

“social media” means web-based applications that allow users to interact, share and publish content such as text, links, photos, audio and video using media platforms including but not limited to Facebook, LinkedIn, X (formerly Twitter), Instagram, Snapchat, YouTube, wikis, blogs, and other similar applications and websites; and

“third party media” means a non-City publication in print or digital format with reasonable reach to community affected by the notice. This may include but is not limited to: paid social media, digital advertising, traditional media (radio, television, outdoor) and printed publications such as newspapers, magazines, or other direct mail publications. This does not include unpaid social media posts, press releases, or emails from the City.

Policy

Public Notices

Public notices issued in relation to actions under the Ontario Heritage Act will be published on the City's corporate website, www.kawarthalakes.ca. These notices will be considered the statutory notices required under the Act and will fulfil the requirements for public notice set out in the Act, as amended from time to time.

Notice may still be given to the public through the use of third party media, such as through local print publications or the City's corporate social media, if considered by staff to be beneficial and appropriate. Notice given through these media will not be considered the statutory notice required under the Act and will be intended to direct the public to the statutory notice on the City's website.

Notices to Property Owners and the Ontario Heritage Trust

The Ontario Heritage Act requires that notices be sent directly to the Ontario Heritage Trust and to the owners of the property that is subject to a decision under the Act. The scope and content of these notices is established through the provisions of Parts IV and V of the Act, as related to listed, individually designated properties and properties designated as part of a heritage conservation district.

Section 67 of the Act outlines the requirements for sufficient service of notice. In accordance with the Act, the City will send notices to property owners via mail and/or email. Notices will be sent to the Ontario Heritage Trust via mail, email or any other method requested by the Trust.

Legislative and Administrative Authority

Ontario Heritage Act, 1990
Municipal Act, 2001
City of Kawartha Lakes Public Notice By-law

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	November 21, 2023	Initial Release	

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