

Ontario Heritage Act, Part IV: Provincial Powers to Conserve Property of Cultural Heritage Value or Interest of Provincial Significance

In 2005, changes to the Ontario Heritage Act gave the province a stronger role in the conservation of cultural heritage property.

As a result of these changes the Act now enables the Minister of Tourism and Culture, in consultation with the Ontario Heritage Trust, to designate property of provincial significance and to prohibit the demolition or removal of a building or structure on designated heritage property of provincial significance. The Act also enables the minister to issue a stop order with respect to any property to prevent alteration, damage, or demolition or removal of any building or structure on the property, if the minister is of the opinion that the property may be of provincial significance.

For more information on provincial powers, please contact the Ministry of Tourism and Culture at (416) 212-0644 or Toll Free at 1-866-454-0049 or info.mcl@ontario.ca.

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FAQs

When will provincial designation and stop order powers be used?

Under the Ontario Heritage Act and Ontario Regulation 10/06, provincial designation is available only if a property is determined to be provincially significant or is located in parts of the province where there is no incorporated municipality (also known as unorganized territory) and the Minister determines that there is a provincial interest in designating the property.

The Ontario Heritage Act gives all lower tier municipalities the tools they need to identify and protect heritage property should they choose to use them. For more information on the Ontario Heritage Act, see the Ontario Heritage Tool Kit at

<http://www.culture.gov.on.ca/english/culdiv/heritage/Toolkit/toolkit.htm>

The primary responsibility to identify and protect cultural heritage property continues to rest with the municipality. Provincial designation and stop order powers are not substitutes for lack of action at the local level.

What makes a cultural heritage property provincially significant?

To be considered provincially significant, properties must meet specific provincial significance criteria set out in Ontario Regulation 10/06. Ontario Regulation 10/06 is available at

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/060010_e.htm.

How is provincial significance determined?

Under the Act, the Minister of Tourism and Culture is required to consult with the Ontario Heritage Trust, an agency of the Ministry of Tourism and Culture to determine provincial significance. The Ontario Heritage Trust applies the criteria for provincial significance set out in Ontario Regulation 10/06 to evaluate provincial significance based on thorough historical research and site analysis. The Ontario Heritage Trust then advises the Minister of Tourism and Culture on provincial significance.

What is the process to request provincial designation or stop order?

There is no formal application form for provincial designation or stop orders.

Any request to the minister should be made in writing and should provide documentation and rationale to support the request, e.g. research supporting a case for provincial significance.

A checklist of preliminary documentation for such a request is available from the Ministry of Tourism and Culture. Contact the ministry at (416) 212-0644 or Toll Free at 1-866-455-0049 or by email at info.mcl@ontario.ca.

How is provincially-owned heritage property protected and conserved?

Provincially-owned heritage property is protected under Part III.1 of the Ontario Heritage Act, which gives the Minister of Tourism and Culture the authority to develop standards and guidelines for the conservation of property of cultural heritage value that is owned or controlled by the provincial government.

The Standards and Guidelines for Conservation of Provincial Heritage Properties, which came into effect on July 1, 2010, provide ministries and prescribed public bodies with the direction on the identification, protection, maintenance, use and disposal of heritage properties that they own or control.

Provincial heritage properties are not subject to designation by municipalities or the Minister of Tourism and Culture (provincial designation or stop orders).

The information contained in this InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.