



MINISTRY OF TOURISM AND CULTURE

Standards & Guidelines for Conservation of
Provincial Heritage Properties

STANDARDS & GUIDELINES

April 28, 2010

TABLE OF CONTENTS

Introduction and Purpose

Application and Scope

Principles

Standards and Guidelines

 General Provisions

 Identification and Evaluation

 Protection

 Maintenance

 Use

 Disposal

Responsibilities

Glossary

Appendix A – Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06)

Appendix B – Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance (Ontario Regulation 10/06)

INTRODUCTION AND PURPOSE

These Standards and Guidelines apply to properties the Government of Ontario owns or controls that have cultural heritage value or interest—provincial heritage properties. They are issued under the authority of section 25.2 of the Ontario Heritage Act (the “Act”) and come into effect on July 1, 2010. They are mandatory for ministries and prescribed public bodies and have the authority of a Management Board of Cabinet directive.

Many provincial heritage properties are icons in the Ontario landscape. They are important to the social, economic, and cultural well-being of Ontario communities. The following are some examples:

- Many of Ontario’s courthouses, jails, and provincial hospitals are provincial heritage properties. The Ministry of Energy and Infrastructure manages these capital real estate assets through its agency, the Ontario Realty Corporation.
- Bridges can have cultural heritage value. The Ministry of Transportation, which manages provincial highways, also manages bridges owned by the province.
- Ontario’s 330 provincial parks cover 7.9 million hectares. They include natural heritage resources, but many also have cultural heritage value. The Ministry of Natural Resources manages Ontario’s provincial parks.
- The Ontario Heritage Trust holds title to 180 natural and cultural provincial heritage properties.

The Ontario Heritage Act provides the framework for provincial and municipal responsibilities and powers in the conservation of cultural heritage resources.

In 2005, the Government of Ontario amended the Ontario Heritage Act to strengthen and improve heritage protection in Ontario. The amendments enacted new heritage protection powers and mechanisms including:

- Provincial designation: the Minister of Tourism and Culture may designate properties of cultural heritage value or interest of provincial significance
- Strengthened demolition controls: both municipalities and the Minister of Tourism and Culture, in respect of properties of provincial significance, have the power to prevent demolition of designated heritage structures, subject to the owner’s right of appeal
- Enhanced protection of heritage conservation districts, marine heritage sites and archaeological resources
- Provision for the development of standards and guidelines for the conservation of provincial heritage properties (new Part III.1)

Provincial heritage properties are not subject to designation by municipalities or the Minister. The amendments to the Act gave the Minister of Tourism and Culture the authority to develop standards and guidelines for the conservation of provincial heritage properties. As a result, the province now has the responsibility to establish a comparable standard of identification, protection and care for provincial heritage properties as already exists for private property.

Part III.1 of the Act enables the Minister of Tourism and Culture, in consultation with the ministries and public bodies affected, to prepare standards and guidelines that set out the criteria and process for identifying provincial heritage properties and to set standards for their protection, maintenance, use, and disposal. In developing these Standards and Guidelines, the Ministry of Tourism and Culture drew from existing standards, policies, and best practices currently in use by the Government of Ontario, the federal government, and leading international jurisdictions. The Ministry consulted with affected ministries, public bodies proposed to be prescribed by Regulation 157/10 and the Ontario Heritage Trust.

It is important to recognize that many ministries and public bodies already take steps to protect the cultural heritage resources in their care. Some have processes consistent with the Class Environmental Assessments approved for them by the Minister of the Environment. Others are required to do so by legislation or their own charter, mandate or mission statement. Building on the measures already in place, these Standards and Guidelines will bring consistency and uniformity to the management of provincial heritage assets.

Ontario's cultural heritage resources belong to present and future generations of Ontarians. Managing provincial heritage properties wisely is in the best interest of the people of Ontario. By following these Standards and Guidelines, government ministries and public bodies will show that the province values the cultural heritage resources in its care and leads by example in conservation and responsible stewardship.

APPLICATION AND SCOPE

All Ontario government ministries and prescribed public bodies must comply with these Standards and Guidelines in the management of properties in their ownership or under their control. They apply to provincial heritage properties that are:

- owned by a ministry; or
- owned by a prescribed public body; or
- occupied by a ministry or a prescribed public body if the terms of the occupancy agreement are such that the ministry or public body is entitled to make alterations to the property.

Prescribed public body means a public body prescribed for the purposes of Part III.1 of the Act by a regulation made under clause 70(1)(i) of the Act.

Provincial heritage properties include three types of cultural heritage resources: built heritage resources, cultural heritage landscapes, and archaeological sites.

Built heritage resources means one or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, earthworks, monuments, installations, or remains that have cultural heritage value.

Cultural heritage landscape means a defined geographical area that human activity has modified and that has cultural heritage value. Such an area involves one or more groupings of individual heritage features, such as structures, spaces, archaeological sites, and natural elements, which

together form a significant type of heritage form distinct from that of its constituent elements or parts. Heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value are some examples.

Archaeological site means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.

PRINCIPLES

The purpose of these Standards and Guidelines is the appropriate conservation and management of provincial heritage properties. They are rooted in the following principles:

Accountability and Transparency

Decisions about provincial heritage properties will be made in an open, accountable way, taking into account the views of interested persons and communities.¹

Identification and Evaluation

Provincial heritage properties will be identified and evaluated based on research and documentary evidence.

Continuing Care

Sustaining the cultural heritage value of provincial heritage properties for long term benefit will be achieved most effectively by preventing deterioration through regular, on-going care.

Impact Assessment

Assessment of the impact of proposed activities on the cultural heritage value and the heritage attributes of provincial heritage properties will inform the decisions that may affect them.

Use and Reuse

Provincial heritage properties in active use by ministries and public bodies will continue to be used, or will be adaptively re-used, but uses that threaten a property's cultural heritage value will be avoided. Where no use of a property is possible, appropriate, timely disposal will take place.

¹ With respect to Aboriginal communities, ministries and prescribed public bodies should be aware that the Crown has a duty to consult with Aboriginal peoples when the following conditions occur:

- The Crown has knowledge, real or constructive, of the existence, or potential existence, of an Aboriginal right or treaty right and
- The Crown contemplates conduct that might adversely affect the right in question.

(From "Draft Guidelines for Ministries on Consultation with Aboriginal Peoples Related to Aboriginal Rights and Treaty Rights," Ministry of Aboriginal Affairs, June 2006)

STANDARDS AND GUIDELINES

(Note: Refer to the Glossary, which begins on page 12, for definitions of *italicized terms*.)

A. General Provisions

Ministries and prescribed public bodies shall:

- A.1. Recognize, manage, and use *provincial heritage properties* as assets that can support ministry or public body mandates and contribute to the social and economic well-being of Ontario's communities.
- A.2. Be accountable for all decisions affecting the cultural heritage value of property in their care and shall integrate provisions for conserving *provincial heritage properties* into decision-making processes in property planning and asset management.
- A.3. Base decisions affecting a *provincial heritage property* on appropriate studies and research (including analysis of physical, documentary, and oral evidence), aimed at understanding the property's cultural heritage value, including its level of significance (e.g., local, provincial, etc.), the impact of proposed activities on its cultural heritage value and *heritage attributes*, and measures to mitigate these impacts.
- A.4. Engage groups and individuals with associations to a *provincial heritage property* by providing them with opportunities to participate in understanding and articulating the property's cultural heritage value and in making decisions about its future.
- A.5. Establish and maintain a cultural heritage conservation policy and procedure(s) for identifying and managing *provincial heritage properties*, including objectives and targets and a commitment to continual improvement. The policy and procedure(s) should be available for review by the public.
- A.6. Follow their cultural heritage policy and procedure(s) in complying with these Standards and Guidelines.

B. Identification and Evaluation

Ministries and prescribed public bodies shall:

- B.1. Apply the "Criteria for Determining Cultural Heritage Value or Interest" set out in Ontario Regulation 9/06 under the Act as amended or replaced from time to time (see Appendix A) to determine the cultural heritage value or interest of a property; and apply the "Criteria for Determining Cultural Heritage Value of Provincial Significance" set out in Ontario Regulation 10/06 as amended or replaced from time to time (see Appendix B) to determine whether a property is of provincial significance.

- B.2. Develop an evaluation process to identify *provincial heritage properties*, consisting of the general sequence of events and actions set out below, and submit the process to the Ministry of Tourism and Culture for approval.
- a. Prepare a description of the property.
 - b. Gather and record information about the property sufficient to understand and substantiate its heritage value.
 - c. Determine cultural heritage value or interest, including potential provincial significance, based on the advice of *qualified persons* and with appropriate community input. If the property meets the criteria in Ontario Regulation 9/06, it is a *provincial heritage property*. If the property meets the criteria in Ontario Regulation 10/06, it is a *provincial heritage property of provincial significance*.
 - d. Document the identification process with a written account of the research and the evaluation.
 - e. For each *provincial heritage property*, prepare a *Statement of Cultural Heritage Value* and a description of its *heritage attributes*.

In reviewing and approving a ministry's or public body's evaluation process under this section the Ministry of Tourism and Culture shall take into account the mandate of the ministry or public body and its cultural heritage conservation policy.

- B.3. As they are identified, add properties to the list of *provincial heritage properties* maintained by the Ministry of Tourism and Culture, in order to ensure that decision-makers, asset managers, and the public know the extent and nature of the *provincial heritage properties* in the control of each ministry and prescribed public body (including whether a property has been evaluated as being of local or provincial significance).
- B.4. If a ministry or prescribed public body has not evaluated a property in its care or control, and if that property contains a building or structure that is 40 or more years old, then the ministry or prescribed public body shall:
- a. prevent the building or structure from undergoing *demolition by neglect*; and
 - b. obtain the consent of the Minister of Tourism and Culture before removing or demolishing the building or structure, or before transferring the property from provincial control.

Property, for purposes of this provision, excludes unpatented Crown land unless the land is within a provincial park or conservation reserve, or is being considered for development, change in use or *disposal*.

C. Protection

Ministries and prescribed public bodies shall:

- C.1. For identified *provincial heritage properties*, prepare a *Strategic Conservation Plan* to provide guidance on conserving, maintaining, using and disposing of them.

For each *provincial heritage property of provincial significance*, submit the *Strategic Conservation Plan* to the Ministry of Tourism and Culture for approval.

- C.2. Place records associated with identifying and conserving a *provincial heritage property* in a permanent archive and make information about *provincial heritage property* publicly accessible, observing security, privacy and other requirements.
- C.3. Protect *archaeological sites* by conserving them in their original location or through *archaeological fieldwork*. Endeavour to *conserve* significant *archaeological resources* in their original location through documentation, protection, and avoidance of impacts. Where activities could disturb significant *archaeological resources* or *areas of archaeological potential*, take appropriate measures to mitigate impacts.
- C.4. Ensure that only archaeologists licensed under Part VI of the Ontario Heritage Act will conduct *archaeological fieldwork* on *provincial heritage property*.

D. Maintenance

Ministries and prescribed public bodies shall:

- D.1. *Maintain provincial heritage properties* through continuous care, guided by the property's *Statement of Cultural Heritage Value* and *Strategic Conservation Plan*.
- D.2. Repair or *conserve*, rather than replace, building materials and finishes and other components that are part of a *provincial heritage property's heritage attributes*. Apply a *minimum intervention approach* that protects the cultural heritage value of the property.
- D.3. Retain and *maintain* the visual settings and other physical relationships that contribute to the cultural heritage value of a *provincial heritage property*. Ensure that new construction, visual intrusions, or other interventions do not adversely affect the *heritage attributes* of the property.
- D.4. If changes that may adversely affect a *provincial heritage property's* cultural heritage value are proposed for purposes of compliance with *health and safety requirements*, obtain advice from *qualified persons* on compliance alternatives or reasonable variances that protect cultural heritage value while satisfying health and safety objectives.
- D.5. In *maintaining provincial heritage properties*, consider energy-efficiency technologies and energy-saving practices and incorporate them in ways that do not adversely affect cultural heritage value. Make decisions on energy saving measures based on the total environmental cost of proposed changes compared to the total environmental cost of retaining existing features.

E. Use

Ministries and prescribed public bodies shall:

- E.1. Where the use of a *provincial heritage property* is significant or of long standing, and the property has cultural value or interest because of that use, apply best efforts to continuing that use.
- E.2. When an existing use of a *provincial heritage property* ends, or the property is no longer fully used, or any part of the property becomes surplus to the needs of the occupant, apply best efforts to arrange for an alternate use of the property that requires minimal or no change to its heritage attributes (*adaptive reuse*).
- E.3. Apply best efforts to avoid uses which adversely affect the cultural heritage value of a *provincial heritage property*.
- E.4. Give preference to using existing *built heritage resources* over constructing or leasing new space for accommodation needs, if those needs can be met without adverse impact on the cultural heritage value of a *provincial heritage property*. In accommodation design and space planning, respect and reinforce the heritage attributes of the property.
- E.5. In implementing accessibility standards made pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, balance accessibility needs with the need to *conserve* the cultural heritage value of *provincial heritage properties*, with the objective of providing the highest degree of access with the lowest level of impact on the *heritage attributes* of the property. Determine appropriate solutions by consulting *qualified persons* as well as affected users.
- E.6. Ensure that the cultural heritage value or interest of a *provincial heritage property* is appropriately interpreted and presented to communicate its meaning and to enhance public understanding and enjoyment.

F. Disposal

Ministries and prescribed public bodies shall:

- F.1. Where an *adaptive reuse* cannot be found within a reasonable period, take timely steps to *mothball* or otherwise *dispose* of the property.
- F.2. If a *provincial heritage property* is to leave provincial control, use best efforts to the extent possible in law to ensure the ongoing, legally binding protection of the property's cultural heritage value (such as designation under Part IV of the Act, heritage conservation easement, etc.) in any sale or other *disposal* agreement. The level of protection should be appropriate to the cultural heritage value of the property.

- F.3. Make provisions for effective protection of *heritage attributes when granting leases, licences, rights, or operating agreements affecting provincial heritage property.*
- F.4. All other alternatives having been considered, consider removal or demolition as a last resort, subject to heritage impact assessment and public engagement. Use best efforts to mitigate loss of cultural heritage value.
- F.5. In the case of a *provincial heritage property of provincial significance*, obtain the consent of the Minister of Tourism and Culture before removing or demolishing buildings or structures on the property, or before transferring the property from provincial control. The Minister may grant consent, with or without conditions, where the Minister is of the opinion that all alternatives to the removal, demolition or the transfer of the property have been considered by the Ministry or the prescribed public body requesting consent, including alternatives that would not adversely affect the property, and the best alternative in all the circumstances has been adopted. The Minister, as a condition of consent, may require that such reasonable steps as the Minister may specify be taken to minimize or mitigate adverse effects on the property resulting from the removal, demolition or the transfer of the property.
- F.6. When disposing of property considered to contain an area of archaeological potential, take appropriate measures to notify future owners, tenants or licensees of the existence of archaeological potential.

RESPONSIBILITIES

Management Board of Cabinet

- a. Reviews the Standards and Guidelines and recommends their approval to the Lieutenant Governor in Council.

Minister of Tourism and Culture

- a. Prepares the Standards and Guidelines, consulting with affected ministries, the Ontario Heritage Trust, and prescribed public bodies.
- b. Reports to Management Board of Cabinet and the public on the effectiveness of the Standards and Guidelines and on compliance with them.
- c. Consents to proposals for the removal, demolition or transfer from provincial control any *provincial heritage properties of provincial significance*.

Deputy Minister of Tourism and Culture

- a. Interprets and communicates the Standards and Guidelines to ministries and prescribed public bodies.

- b. Provides guidance and advice on the application of the Standards and Guidelines. Develops, as appropriate, advisory materials and training programs on the Standards and Guidelines for ministries and prescribed public bodies.
- c. Reviews and approves:
 - i) the process ministries and prescribed public bodies use to evaluate property of cultural heritage value or interest, including the assessment of provincial significance; and
 - ii) *Strategic Conservation Plans* for *provincial heritage properties of provincial significance*
- d. Advises the Minister on requests for the Minister's consent to proposals for the removal, demolition or transfer from provincial control of *provincial heritage property of provincial significance*.
- e. Keeps and maintains a list of all *provincial heritage properties* based on information provided by ministries and prescribed public bodies.
- f. Monitors and reviews the effectiveness of the Standards and Guidelines and compliance with them.

Deputy Ministers of ministries and Executive Leads of prescribed public bodies

- a. Develop and implement a cultural heritage conservation policy and procedure(s) to identify and manage *provincial heritage properties* consistent with these Standards and Guidelines.
- b. Establish heritage conservation objectives and plans for management of the ministry's or prescribed public body's *provincial heritage properties* consistent with these Standards and Guidelines.
- c. Record the ministry's or prescribed public body's *provincial heritage properties* on the list maintained by the Ministry of Tourism and Culture.
- d. Make strategic plans and decisions that conform to their cultural heritage conservation policies and objectives.
- e. Include measures for conserving the ministry's or prescribed public body's *provincial heritage properties* as an integral part of overall business planning, decision-making and resource requests to Treasury Board.
- f. Ensure that the Ministry of Tourism and Culture is consulted and its approval is obtained for:
 - i. the process for evaluating *provincial heritage properties*; and
 - ii. *Strategic Conservation Plans* for *provincial heritage properties of provincial significance*
- g. Ensure that the Minister of Tourism and Culture is consulted and the Minister's consent is obtained for the demolition, removal, or transfer from provincial control of *provincial heritage property of provincial significance*.
- h. Ensure that staff responsible for giving advice, making decisions, and undertaking activities that may affect *provincial heritage properties* are aware of and adhere to these Standards and Guidelines and any other approved cultural heritage conservation policies and procedures.
- i. Report on progress in implementation of their heritage policies, plans and procedures.

TRANSITION AND PHASE-IN

It is recognized that ministries and prescribed public bodies may already have policies or processes for the conservation of provincial heritage properties in their ownership or control. It is also recognized that on the date when these Standards and Guidelines take effect, planning and other activities affecting provincial

heritage properties may be underway following those existing policies or processes. The provisions below are intended to facilitate a smooth transition between those existing policies or processes and the requirements of these Standards and Guidelines.

1. Until the evaluation process required under section B.2. has been developed and approved by the Ministry of Tourism and Culture, ministries and prescribed public bodies may continue to use their existing evaluation processes. Properties evaluated and identified as heritage properties under those processes shall be subject to the requirements of section B.3. and parts C, D, E and F of these Standards and Guidelines.
2. The requirements of section B.4. apply in all cases.
3. At the request of the Ministry of Tourism and Culture, each ministry and prescribed public body shall establish with the Ministry of Tourism and Culture a mutually agreeable timeframe, no later than one year of the date of approval of these Standards and Guidelines, for the submission for approval of the evaluation process required under section B.2.
4. If, before the date when these Standards and Guidelines take effect, a ministry or prescribed public body has applied a planning process authorized by legislation to a proposed undertaking and has concluded that its preferred alternative for the undertaking involves demolishing or removing a building or structure on provincial heritage property of provincial significance, the requirement for the consent of the Minister of Tourism and Culture under section F.5. does not apply.

GLOSSARY

Adaptive reuse means the *alteration* of heritage buildings and structures to fit new uses or circumstances while retaining their heritage attributes.

Alter means to change in any manner and includes to restore, renovate, repair, or disturb. “Alteration” has a corresponding meaning.

Archaeological fieldwork means any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or altering an *archaeological site* and includes monitoring, assessing, exploring, surveying, recovering and excavating. (Ontario Heritage Act, O.Reg. 170/04)

Archaeological resources include artifacts, *archaeological sites*, and marine *archaeological sites*. The identification and evaluation of such resources are based upon *archaeological fieldwork* undertaken in accordance with the Ontario Heritage Act.

Archaeological site means any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. (Ontario Heritage Act, O.Reg. 170/04)

Areas of archaeological potential means areas with the likelihood of containing *archaeological resources*. Criteria for determining archaeological potential are established by the Ministry of Tourism and Culture. Archaeological potential is confirmed through *archaeological fieldwork* undertaken in accordance with the Ontario Heritage Act.

Built heritage means one or more significant buildings (including fixtures or equipment located in or forming part of a building), structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history and identified as being important to a community. For the purposes of these Standards and Guidelines, “structures” does not include roadways in the provincial highway network and in-use electrical or telecommunications transmission towers.

Conserve means identifying, protecting, using, and/or managing cultural heritage resources in such a way that retains their heritage value. “Conserving” and “conservation” have corresponding meanings.

Cultural heritage landscape means a defined geographical area of heritage significance that human activity has modified and that a community values. Such an area 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 distinct from that of its constituent elements or parts. Heritage conservation districts designated under the Ontario Heritage Act, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value are some examples.

Demolition by neglect occurs when preventative actions are not taken with the result that a building or structure is allowed to undergo change, through natural action, arson or vandalism, to the point of severe deterioration or collapse, often beyond repair.

Development means the construction or placing of buildings or structures on land; the addition to or alteration of existing buildings or structures; site alteration, including but not limited to, alteration of the grade of land, and placing or dumping fill; or the removal of vegetation.

Dispose means transferring control to another ministry or prescribed public body, granting licences or rights, entering into operating agreements, or leasing or selling the property. “Disposal” has a corresponding meaning.

Health and safety requirements include public health, occupational health and safety, life safety, fire code/safety, and electrical, seismic, structural, and building codes.

Heritage attributes means the physical features or elements that contribute to a property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its *visual setting*.

Maintenance generally includes routine, cyclical, anticipatory actions necessary to keep a property's *heritage attributes* in sound condition and to retard deterioration, and remedial or reactive actions that are intended to retain the integrity of a resource. "Maintain" has a corresponding meaning. Maintenance may include minor repair and refinishing operations; replacement of damaged, broken, or deteriorated materials that are impractical to save (e.g., broken window glass); rust removal; and cyclical horticultural activities such as pruning, planting, etc.

Minimum intervention approach means the course of action that applies the most benign physical effects to achieve the longest-term protection of *heritage attributes* while allowing compatible functional goals to be met.

Mothball means to remove a resource from active use and apply long-term stabilization intended to safeguard it from deterioration or damage over an extended period. Mothballing should provide for adequate safety, security, and regular monitoring.

Provincial heritage property means real property, including buildings and structures on the property, that has cultural heritage value or interest and that is owned by the Crown in right of Ontario or by a prescribed public body; or that is occupied by a ministry or a prescribed public body if the terms of the occupancy agreement are such that the ministry or public body is entitled to make the alterations to the property that may be required under these heritage standards and guidelines.

Provincial heritage property of provincial significance means provincial heritage property that has been evaluated using the criteria found in Ontario Heritage Act O.Reg. 10/06 and has been found to have cultural heritage value or interest of provincial significance.

Qualified persons means individuals – professional engineers, architects, archaeologists, etc. – having relevant, recent experience in the conservation of cultural heritage resources.

Statement of Cultural Heritage Value means a concise statement explaining why a property is of heritage interest; this statement should reflect one or more of the criteria found in Ontario Heritage Act O.Reg. 9/06 and 10/06.

Strategic Conservation Plan means a document detailing how the property will be conserved in accordance with these Standards and Guidelines.

Visual setting includes significant views or vistas to or from a heritage property.

Appendix A – REGULATION: Criteria for Determining Cultural Heritage Value or Interest**Ontario Heritage Act
ONTARIO REGULATION 9/06****CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST****Criteria**

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).
- (2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:
 1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
 2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community, yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - ii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
 3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

Appendix B – REGULATION: Criteria for Determining Cultural Heritage Value or Interest of Provincial Significance**Ontario Heritage Act
ONTARIO REGULATION 10/06****CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST OF PROVINCIAL SIGNIFICANCE****Criteria**

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 34.5 (1) (a) of the Act. O. Reg. 10/06, s. 1 (1).

(2) A property may be designated under section 34.5 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest of provincial significance:

1. The property represents or demonstrates a theme or pattern in Ontario's history.
2. The property yields, or has the potential to yield, information that contributes to an understanding of Ontario's history.
3. The property demonstrates an uncommon, rare or unique aspect of Ontario's cultural heritage.
4. The property is of aesthetic, visual or contextual importance to the province.
5. The property demonstrates a high degree of excellence or creative, technical or scientific achievement at a provincial level in a given period.
6. The property has a strong or special association with the entire province or with a community that is found in more than one part of the province. The association exists for historic, social, or cultural reasons or because of traditional use.
7. The property has a strong or special association with the life or work of a person, group or organization of importance to the province or with an event of importance to the province.
8. The property is located in unorganized territory and the Minister determines that there is a provincial interest in the protection of the property. O. Reg. 10/06, s. 1 (2).