



City of  
**Peterborough**

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**To:** Members of the Arts, Culture and Heritage Advisory Committee (ACHAC)

**From:** Erik Hanson, Heritage Resources Coordinator

**Meeting Date:** March 10, 2016

**Subject:** Report ACHAC16-014  
Heritage Property Severances

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## **Purpose**

A report to provide background on the process and impact of severance applications of heritage property.

## **Recommendation**

That the Arts, Culture and Heritage Advisory Committee approve the recommendation outlined in Report ACHAC16-014, dated March 10, 2016 of the Heritage Resources Coordinator, as follows:

That Report ACHAC16-014 on the process and impact of severance applications of heritage property be received for information.

## **Budget and Financial Implications**

There are no budgetary or financial implications associated with the recommendation.

## **Background**

The City has received two applications in the last month from property owners wishing to sever a portion of their property for the purpose of creating new building lots. Unique to these applications is the fact that both are designated under the Ontario Heritage Act (OHA). It is unusual for the City to receive applications for severances on designated

properties. The fact that two have been received in quick succession suggests that intensification pressures are growing and highlights the need for an understanding of their impacts and the statutory requirements involved.

It is the practice in Peterborough to designate the entire property under the OHA, not just the area encompassing the heritage attributes. This is done because it is assumed that planning applications for changes to the property, such as the construction of out buildings, will impact the significant heritage attributes and will require municipal review. While changes to the entire property are subject to this review, the property itself is not usually listed as a heritage attribute. In the case of the properties currently being considered, the Designation Brief originally provided to Council for their consideration of designation identifies the landscape elements of the property as significant.

Under the OHA when a severance is approved for a heritage designated property, the designation by-law must be amended to change the legal description of the property and removing the new lot from protection under the Act. Section 30.1 of the *Ontario Heritage Act* allows a municipality to amend existing heritage designation by-laws in order to correct the legal description or to clarify the statement of cultural heritage value. The Act requires municipalities to make “such changes as are necessary to ensure that the by-law satisfies the requirements of section 29”.

The Act also requires Council to consult with the municipal heritage committee before it gives notice that it intends to amend the designating by-law. Having received the recommendation of the heritage committee, Council serves notice of intention to amend the by-law on the property owner. The owners are provided with an objection period and if none are received, Council passes the amending by-law. If an objection is received, Council may withdraw the proposed amendment or move forward with a Conservation Review Board hearing.

Standard practice in many municipalities now includes creating an agreement which is registered on the title of the newly created property indicating that pursuant to Section 2.6.1 of the Provincial Policy Statement, any development on the newly created lot will be subject to design review by the heritage committee and heritage staff.

Submitted by,

Erik Hanson  
Heritage Resources Coordinator

Contact Name:  
Erik Hanson  
Heritage Resources Coordinator  
Phone: 705-742-7777 Ext. 1489  
Toll Free: 1-855-738-3755  
Fax: 705-748-8824  
E-Mail: [ehanson@peterborough.ca](mailto:ehanson@peterborough.ca)