

APPENDIX B

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Pre-Consultation Form

*Submit form to Heritage Planning staff. Please use ink or complete fillable PDF.
The completeness of the submission is to be determined by staff.*

Policy Planning & Heritage
Planning Services Department
Town of Oakville

Property Address: _____

Applicant's Name: _____

Address & Postal Code: _____

Phone: _____

Email: _____

Required?	Item
Yes <input checked="" type="checkbox"/>	Notice of Intention to Demolish/Remove Submission Form
Yes <input type="checkbox"/> No <input type="checkbox"/>	A Heritage Impact Assessment, to be submitted in accordance with the Heritage Impact Assessment Terms of Reference developed by Planning Services
Yes <input type="checkbox"/> No <input type="checkbox"/>	A scaled full size site plan and elevation drawings which clearly illustrate the proposed future use of the site with the location of the existing heritage building(s) clearly identified
Yes <input type="checkbox"/> No <input type="checkbox"/>	Photographs of the existing buildings, structures and/or heritage attributes that are affected by the submission.
Yes <input type="checkbox"/> No <input type="checkbox"/>	A complete and certified title search for the property, including: <ul style="list-style-type: none"> ○ A chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar; ○ Block map; ○ Certified copy of PIN; ○ Certified copy of old abstract pages; ○ Full copies of transfers and other relevant title documents (i.e. wills, mortgages); and ○ Copies of reference plans
Yes <input type="checkbox"/> No <input type="checkbox"/>	Other:

Notice of receipt of a complete submission will not be provided until the items below which are checked off as 'Required' are submitted to the Heritage Planning Section of the Planning Services Department by the applicant. This Pre-Consultation Form must also be submitted along with the Notice of Intention to Demolish Submission Form.

Heritage Planning Staff: _____

Signature: _____

Date: _____

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Submission Form

Submit form to Heritage Planning staff. Please use ink or complete fillable PDF. The completeness of the application is to be determined by staff. A notice of receipt will be provided to the applicant upon the submission of a complete application.

Policy Planning & Heritage
Planning Services Department
Town of Oakville

Part A: Property and Applicant Information

Owner Contact Information:

Name:

Address & Postal Code:

Phone:

E-mail:

Agent Contact Information (if applicable):

Name:

Company Name:

Address & Postal Code:

Phone:

E-mail:

Part B: Property Information

Address of Subject Property:

Heritage Status: Designated Part IV (individual) Listed on Heritage Register

Date of Acquisition of Subject Property:

Current Use(s):

Number and Type of Structures on Subject Property:

Is the subject property currently or previously the subject of a development application (i.e. re-zoning, site plan control, building permit)?

Yes No If yes, please provide details here:

Part C: Reasons for Demolition/Removal Request

Please provide the reasons for which the owner would like the building(s), structure(s) and/or heritage attribute(s) on the property demolished/removed.

If you have any additional information regarding the building(s), structure(s) and/or heritage attribute(s) or property that supports your request for demolition/removal, please attach to this form.

Part D: Declaration & Signature

I hereby declare that the statements made herein are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application. I have reviewed the Notice of Intention to Demolish/Remove Submission Requirements and the Pre-Consultation Form for my application and have submitted all of the required documents. I understand that incomplete applications may not be accepted.

I acknowledge that Town of Oakville staff and members of the Heritage Oakville Advisory Committee may visit the property that is the subject of this application for the purpose of evaluating the merits of this application. Property entry will be organized with the applicant or agent prior to entry.

I acknowledge that personal information on this form is collected under the authority of the *Ontario Heritage Act* and will be used to process the notice of intention to demolish application.

I confirm that the owner and/or agent for this property has reviewed this application with Heritage Planning staff at a pre-consultation meeting.

Owner's Signature (*required*)

Date

Agent's Signature (*if applicable*)

Date

This form is available in an alternate format upon request. Please contact the Planning Services Department for details.
Phone 905-845-6601 TTY 905-338-4200

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Submission Requirements

The following is a guide to the Town of Oakville's submission requirements for property owners who wish to demolish/remove a building(s), structure(s) and/or heritage attribute(s) on their heritage property. This guide does not constitute legal advice and is suitable for use in conjunction with appropriate independent legal advice.

"Heritage property" includes properties which are:

- Listed on the Town of Oakville's Register of Properties of Cultural Heritage Value or Interest;
- Individually designated under Part IV of the *Ontario Heritage Act*; or
- Subject to a "Notice of Intention to Designate"

**Note: for properties designated as part of a heritage conservation district under Part V of the Ontario Heritage Act, proposed demolitions are processed through a heritage permit application. See Heritage Planning staff for details.*

A notice of intention to demolish/remove for a heritage property will not be deemed to be received or complete unless/until it is accompanied by any plans or information required by Heritage Planning staff, which may include:

1. A Heritage Impact Assessment, to be submitted in accordance with the Heritage Impact Assessment Terms of Reference developed by Planning Services;
2. A scaled full size site plan and elevation drawings which clearly illustrate the proposed future use of the site with the location of the existing building(s), structure(s) and/or heritage attribute(s) clearly identified;
3. Photographs of the existing building(s), structure(s) and/or heritage attribute(s) that are affected by the submission; and
4. A complete and certified title search for the property, including:
 - A chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar;
 - Block map;
 - Certified copy of PIN;
 - Certified copy of old abstract pages;
 - Full copies of transfers and other relevant title documents (i.e. wills, mortgages); and
 - Copies of reference plans.

In addition to the requirements listed above, the property owner may be required to submit any other supporting information and materials that may be identified by the Town prior to submission of the notice of intention to demolish/remove or in consultation with the owner as being relevant and necessary to the evaluation of the notice. Town staff may also request entry onto the property as part of an evaluation of the heritage significance of the site.

The following is an outline of the notice of intention to demolish/remove process:

Submission of Notice

1. The owner contacts a Heritage Planning staff member to notify staff of their intention to demolish/remove the building(s), structure(s) and/or heritage attribute(s) on their heritage property.
2. Staff arranges a pre-consultation meeting with the owner (or an agent working on the owner's behalf). Staff makes it clear to the owner that if he or she decides to proceed with the submission of a notice of intention to demolish/remove for the heritage property, there is no mechanism to later withdraw the notice. Once the notice has been submitted, staff must follow the procedure outlined below in order for Council to make a final decision on the submission.
3. Heritage Planning staff provides the owner with a Pre-Consultation Form which lists the additional submission requirements which are applicable to their property.

4. Owner submits to Heritage Planning staff a Notice of Intention to Demolish/Remove Submission Form for the demolition/removal of the building(s), structure(s) and/or heritage attribute(s) on the heritage property, along with any additional information required, as outlined on the Pre-Consultation Form provided by staff. The Pre-Consultation Form must also be submitted at this time.
5. Upon receipt of the Notice of Intention to Demolish/Remove Submission Form and other submitted information (if applicable), Heritage Planning staff determines if the submission is complete in accordance with the Pre-Consultation Form. If the submission is not complete, staff contacts the owner to inform them of the additional information required. If the submission is complete, staff sends a letter to the owner, which confirms receipt of the complete submission and includes the dates and times of the Heritage Oakville Advisory Committee meeting and the Planning and Development Council meeting where the notice of intention to demolish/remove will be reviewed. Upon receipt of the submission by Heritage Planning staff, Council has 60 days to deal with a notice submitted for a listed property and 90 days for a notice submitted for a designated property, or those subject to a notice of intention to designate.

Review and Final Decision

1. Heritage Planning staff prepares a report to be presented to the Heritage Oakville Advisory Committee.
2. The Heritage Oakville Advisory Committee reviews the notice of intention to demolish/remove at their meeting and makes a recommendation to Council. The owner may attend the meeting and speak to the Committee regarding the submission.
3. Heritage Planning staff prepares a report to be presented to the Planning and Development Council.
4. Planning and Development Council reviews the notice of intention to demolish/remove at their meeting and makes a final decision on the matter. The owner may attend the meeting and speak to Council regarding the submission.
5. For listed properties:
 - (a) If Council proceeds to designate the property under the *Ontario Heritage Act*, notice will be served to the owner and the Ontario Heritage Trust and published in the local newspaper. A person who objects to a proposed designation has 30 days, upon the newspaper publication, to provide notice of their objection to the Town Clerk. The matter is then referred for a hearing before the Ontario Land Tribunal (OLT) who will make a final decision on the matter.
 - (b) If the OLT decides that the property is not to be designated under the *Ontario Heritage Act*, the property is removed from the Oakville Register of Properties of Cultural Heritage Value or Interest. If the OLT decides that the property is to be designated under the *Ontario Heritage Act*, the town will continue with the designation process by passing a designation by-law.
6. For designated Part IV properties:
 - (a) Unless otherwise agreed, within 90 days after a notice of receipt of a complete notice of intention to demolish/remove submission has been served on the owner, notice of Council's decision shall be served on the owner. Notice of Council's decision shall also be served on the Ontario Heritage Trust and published in the local newspaper. If Council does not consent to the demolition/removal, or if Council consents to the demolition/removal subject to terms and conditions, the owner may appeal Council's decision within 30 days of being notified to the Ontario Land Tribunal.
 - (b) If Council consents to the demolition/removal, the owners can continue with the demolition process. The property will remain designated unless further action is taken by Council to de-designate the property. An amendment to the designation by-law may be required.

Please be advised that buildings or structures or heritage attributes removed or demolished without approval of Town Council will result in prosecution under the Ontario Heritage Act.

Heritage Planning Staff Contacts:

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