



PB2.3

Amendments to O. Reg. 9/06 - Criteria for Determining Cultural Heritage Value

PB2.3 Amendments to O. Reg. 9/06 under the Ontario Heritage Act

- Changes to the Ontario Heritage Act made under the *More Homes Built Faster Act, 2022* (Bill 23) and regulatory changes to O. Reg. 9/06 and O. Reg. 385/21
- O. Reg. 9/06 - CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST
- Came into effect on January 1, 2023
- The revised O. Reg. 9/06 and O. Reg. 385/21 (General) can be found [here](#) on e-laws

Listing (Section 27)

- non-designated properties included on a municipal register must meet one or more of the criteria outlined in the regulation

Designation (Section 29)

- a property must meet two or more criteria in the regulation in order to be designated

Heritage Conservation Districts (Section 41)

- that at least 25% of the properties within an HCD must meet two or more criteria in the regulation in order to be designated

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Criteria to be used under Part IV - Section 27 (Listing) or Section 29 (Designation)

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

Section 41 and 41.1

41 (1) The council of the municipality may, by by-law, designate the municipality or any defined area or areas of it as a heritage conservation district if,

- (b) where criteria for determining whether a municipality or an area of a municipality is of cultural heritage value or interest have been prescribed, the municipality or any defined area or areas of the municipality meets the prescribed criteria.

41.(5.1) Content of Plan

- Where criteria have been prescribed for the purposes of clause 41 (1) (b), the statement referred to in clause (5) (b) of this section must explain how the heritage conservation district meets the prescribed criteria

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Criteria to be used under Part V - Section 41 (Heritage Conservation Districts)

At least 25 per cent of the properties within the municipality or defined area or areas satisfy two or more of the following:

- i. The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.
- ii. The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
- iii. The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
- iv. The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- v. The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- vi. The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- vii. The properties have contextual value because **they define, maintain or support the character of the district.**
- viii. The properties have contextual value because **they are physically, functionally, visually or historically linked to each other.**
- ix. The properties have contextual value because **they are defined by, planned around or are themselves a landmark.**



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Questions/Comments