

Heritage Conservation Districts in Toronto

What is a Heritage Conservation District (HCD)?

A Heritage Conservation District (or HCD) is a geographically defined area that has cultural heritage value. An HCD is legally protected by a municipal by-law passed by City Council under Part V of the Ontario Heritage Act (or OHA). Every property within the HCD boundary is subject to the by-law. This by-law is also referred to as a Part V designation.

HCDs have a concentration of heritage buildings that give them a distinct character, or sense of place. They can include residential neighbourhoods, commercial main streets, institutional and industrial campuses, or natural areas. By protecting our significant and historic neighbourhoods we recognize the importance of history and context within our growing city.

What is an HCD Plan?

When City Council passes a Part V designation by-law, a Plan for the Heritage Conservation District is adopted at the same time. An HCD Plan is a document that identifies the cultural heritage values of the district and provides clear instructions on how to conserve them. These instructions are called objectives, policies, and guidelines.

The contents of an HCD Plan give a municipality direction on how to manage future change in a way that respects and retains the heritage attributes that make the district unique. A municipality reviews proposed changes through the heritage permit process, which is described within the Plan.

An HCD Plan is also an important resource for property owners. It can be used like a guidebook to help property owners navigate the planning and permit application process, and to help them understand how their property contributes to the district.

What is the difference between an HCD Study and an HCD Plan?

In Toronto, an HCD Study and an HCD Plan are two distinct phases within the process of creating a Heritage Conservation District.

The first phase is the HCD Study. The goal of this phase is to determine if the area under study merits Part V designation. The process includes historic research, site visits, and community consultation. At the end of the HCD Study phase, Heritage Planning staff present a report with recommendations to the Toronto Preservation Board (a municipal advisory committee to Council) for their consideration.

If the Toronto Preservation Board believes the area merits a Part V designation, Heritage Planning staff will proceed to the second phase: the preparation of the HCD Plan. The Plan phase also requires Heritage Planning staff to host at least one community consultation meeting to gather public input about the HCD Plan before staff make their final recommendations to Council.

How is the boundary of an HCD determined?

HCD boundaries are determined by Heritage Planning staff once City Council authorize an HCD Study. The boundary includes areas that are relevant and important to the history and culture of the area under study.

The boundary is subject to change as the project progresses. Heritage Planning staff may re-examine the boundary in response to additional documentation and understanding of the area's history, evolution, and significance. Once an HCD is in effect, the HCD Plan includes a recommendation to review the boundary after a 5- to 10-year period to determine if any changes are appropriate.

What can be included in an HCD Plan?

There are required contents of an HCD Plan as stated under the Ontario Heritage Act (Section 41.1). In Toronto, an HCD Plan must also meet the requirements of a Terms of Reference document (adopted by City Council in 2012). Additional information is often included to inform the reader about the unique qualities of the district.

Some of the required contents include:

- An overview of the heritage permit process, including:
 - the identification of the types of alterations that **will** require a heritage permit
 - the identification of the types of alterations that **will not** require a heritage permit
- The identification of “contributing properties” and “non-contributing properties” within the district
- Policies and/or guidelines for:
 - the conservation of significant architectural features on contributing properties
 - the design of additions and/or alterations to contributing properties
 - the design of additions and/or alterations to non-contributing properties
 - the design of new (or “infill”) construction on non-contributing properties
- Policies and/or guidelines related to landscapes, public spaces, and the public realm

What is not included in an HCD Plan?

There are certain property conditions, or types of property alterations, which are not regulated by an HCD Plan. So, an HCD Plan will not include policies that manage:

- Alterations to the interior of a building (as long as they do not impact the building's exterior)
- Alterations and/or additions to the portions of a building or structure that are not visible from the street
- The use, or application to change the use, of a property (this is regulated by zoning by-laws)

What are “policies” and “guidelines,” and how do they relate to one another?

A policy is a rule that property owners need to follow when making alterations to their property. For example, an HCD Plan might include a policy that says new additions must keep the appearance of the original roofline of the heritage building.

A guideline is not a rule, but a strong recommendation. Many policies have guidelines to support them. A guideline can support a policy by giving suggestions for best conservation practices, such as keeping original materials and features where possible. Guidelines can also give additional explanation for how property owners can make alterations to their property that still meet the requirements of a policy.

What are “contributing” and “non-contributing” properties, and how do they relate to one another?

All properties within the district boundary are designated properties that are protected by, and subject to, the Part V designation by-law under the Ontario Heritage Act. In the HCD Plan, all designated properties are evaluated and placed in one of two categories: “contributing,” or “non-contributing.” The HCD Plan has different policies and guidelines for contributing and non-contributing properties. The separate policies acknowledge that the properties have different ways of supporting the district as a whole.

Contributing properties have heritage attributes that clearly reflect and relate to the history and unique character of a district. The HCD Plan will explain how they support the district’s character and heritage attributes. Then, the policies for contributing properties work to protect the identified heritage attributes. The demolition of a contributing property is not allowed within an HCD, except in exceptional circumstances.

Non-contributing properties may consist of vacant land, or a building that does not clearly support the district’s unique character. Non-contributing properties can be replaced with new infill construction. However, because a non-contributing property is still part of the district, any new development must be respectful of the district’s unique character and not negatively impact it. Through following the relevant policies in the HCD Plan, new development on a non-contributing property can remain sensitive to surrounding contributing properties and the district’s sense of place.

How will the HCD Plan manage change to buildings and structures within the District?

All HCD Plans anticipate future changes to buildings and structures as a natural result of how communities grow and evolve. To address this, new development within the HCD boundary will require a heritage permit. New development may include alterations or additions to an existing building, or the construction of a new building. All of the City’s HCD Plans include a chapter of policies and guidelines for new development within the district. A development application will need to meet the policies in the HCD Plan, as well as the zoning by-law.

New development may use modern materials and have a modern design; it should be respectful of, but not copy the design of existing heritage buildings or structures. Development proposals should conserve heritage attributes and contribute to the district’s character and sense of place. Heritage Planning staff are available to collaborate with applicants to help them understand how to use the HCD Plan and meet the requirements of its policies.

How are rooming houses and multiplexes addressed within an HCD Plan?

In May 2023, the City of Toronto adopted an Official Plan and Zoning By-law Amendment that allows multiplexes in all residential zones. The regulation applies city-wide.

HCD Plans do not regulate either the use of a property or changes to a building’s interior. This includes applications to create more dwelling units. Both contributing and non-contributing properties may accommodate multiplexes. Policies in the HCD Plan may direct how certain alterations, such as additional entrances, can be made in order to conserve the district’s cultural heritage value and character.

How does the HCD Plan affect and align with the existing zoning by-laws?

Zoning by-laws implement the land use policies of the City's Official Plan. They are legal instruments that set the required standards for obtaining a building permit. Zoning by-laws regulate the use of land and where buildings and structures can be located. They regulate building heights, densities, setbacks, and parking requirements, and other important aspects of development. If a conflict exists between an HCD Plan and a zoning by-law that affects the HCD, the HCD Plan prevails to the extent of the conflict. However, in all other respects the zoning by-law stays in full force.

How is barrier-free access addressed in an HCD Plan?

All HCD Plans will support the design of private and public spaces that are physically accessible to all people. The Accessibility for Ontarians with Disabilities Act outlines accessibility standards.

Alterations to buildings may be needed for accessibility reasons. If the change affects the exterior of a building, the work will need a heritage permit. The permit process ensures that alterations will have minimal effect on the heritage value of the property and are reversible where possible.

Owning a Property in an HCD

How will HCD designation affect my ability to alter or renovate my property?

Certain types of alterations or renovations to a property within an HCD will require a heritage permit. The HCD Plan will explain when a heritage permit is required. For further clarity, property owners are encouraged to consult with Heritage Planning staff when undertaking alterations to their property.

Sometimes a heritage permit is not needed. A heritage permit is not required if an alteration or renovation is not visible from the street, or if it only affects the interior of a building. Routine maintenance activities do not require a heritage permit, either.

The purpose of an HCD is not to prevent change. HCD policies and guidelines ensure that future changes complement, rather than detract from, the district's unique character.

Is there a cost for heritage permit applications, and how long is the application process?

There is no cost to apply for a standalone heritage permit. Heritage permit applications can be approved within a week. Complicated applications that involve extensive alterations can take longer.

Certain alteration or renovation projects may also require a building permit. A heritage permit does not replace a building permit. If your project also requires a building permit, the two permit systems are assessed and issued together. Take note that there may be fees connected to the building permit application.

Will being part of an HCD affect my ability to change the use of my property?

No, Part V designation does not affect the use of a property. If an owner would like to change (rezone) the use of a property, an application is required under the Planning Act. If a change of use would involve alterations to the exterior of the building, the alterations may require a heritage permit.

Will being part of an HCD affect my property values?

Property values depend on many complex factors. The Municipal Property Assessment Corporation (MPAC) does not use HCD status as a determining factor for current value assessment. Property owners are encouraged to seek advice from real estate agents who have experience with properties in HCDs.

Will being part of an HCD affect my insurance premiums?

Insurance premiums should not increase because of heritage designation in Ontario. Both the Ministry of Citizenship and Multiculturalism and the Insurance Bureau of Canada have confirmed this. The age and condition of a property can be factors when assessing insurance premiums, but this is not necessarily related to a property's designation status.

Heritage property owners are encouraged to shop around to find the right insurance provider. Owners should contact the Insurance Bureau of Canada if their insurer has questions about designation. Additional information on heritage designation and insurance premiums can be found on our website: [Insuring Your Heritage Home](https://www.toronto.ca/wp-content/uploads/2022/01/8e71-CityPlanning-Heritage-Home-Insurance-Information-Sheet.pdf). (<https://www.toronto.ca/wp-content/uploads/2022/01/8e71-CityPlanning-Heritage-Home-Insurance-Information-Sheet.pdf>).

Are there Financial Incentives for Heritage Properties?

Yes, the City of Toronto has two financial incentive programs for heritage properties: the Heritage Grant Program, and the Heritage Property Tax Rebate program. Both programs provide property owners with financial assistance to repair and retain heritage attributes on their property.

The Heritage Grant program is for heritage properties with residential, or non-profit uses. The Heritage Property Tax Rebate (HPTR) program is for heritage properties with commercial, or industrial uses. The HPTR program can also help with the costs of maintenance and conservation work.

Within an HCD, only contributing properties are eligible for funding.

The Kensington Market Heritage Conservation District

How was Kensington Market selected to become an HCD?

City Council authorized the Kensington Market HCD Study in 2015. This decision was based on the analysis and recommendations in a report from Heritage Planning staff. That report also took into account a public nomination from the Kensington Market Business Improvement Area (or BIA), who nominated the commercial market area to become an HCD.

How was the boundary of the Kensington Market HCD determined?

The boundary of the Kensington Market HCD has evolved throughout the HCD Study and HCD Plan phases. It has been informed by extensive analysis by Heritage Planning staff, and community consultation. The boundary includes areas that have the strongest connections to the identified cultural heritage values of the district.

During the HCD Study phase in 2016, City Council adopted a motion to expand the study area boundaries to include the residential properties surrounding the interior commercial streets. This allowed for a better understanding of the relationship between the residential and commercial characters of Kensington Market.

How has the boundary of the Kensington Market HCD changed?

Heritage Planning staff began work on the HCD Plan after the completion of the Kensington Market HCD Study in 2017. The former boundary proposed in the HCD Study is different from the current boundary. The current boundary is a result of additional research, analysis, and community engagement conducted during work on the HCD Plan.

The boundary of the HCD focuses on the interior core of the Kensington Market neighbourhood and its collection of shorter, interconnected streets. It does not include the major streets of College Street, Dundas Street West, Bathurst Street, and Spadina Avenue at the edges of the district. These streets have a different character than the interior of the Kensington Market neighbourhood.

How will Heritage Planning staff address the properties excluded from the Kensington Market HCD boundary?

Heritage Planning staff continue to identify and protect properties of cultural heritage value under the Ontario Heritage Act. There is an ongoing effort to prioritize properties currently listed on the City's Heritage Register for consideration for Part IV designation. Part IV designation protects the cultural heritage value of an individual property. This is different from the collection of properties that are protected together within a Part V designation.

Properties along the major streets at the edges of the Kensington Market HCD, including College Street, Dundas Street West, Bathurst Street, and Spadina Avenue, may be evaluated for inclusion on the City's Heritage Register on the basis of their individual cultural heritage value. Those values will be assessed independently from the HCD.

How does the 2017 HCD Study relate to the HCD Plan that is being proposed today?

The HCD Plan is the second phase in the process towards passing a Part V designation by-law, and so it builds on the research of the Kensington Market HCD Study that was completed in 2017.

The HCD Study laid the groundwork for understanding the history of the Kensington Market neighbourhood. It described how the area's history influences Kensington Market's unique character today. Based on its findings, the HCD Study made several recommendations. It recommended a list of properties to add to the City's Heritage Register. It also recommended that the area was a good candidate for Part V designation. As part of that recommendation, the HCD Study included a draft Statement of District Significance that outlined why the area merited Part V designation.

Now, the research from the HCD Study is used to inform the description of Kensington Market's cultural heritage value in the HCD Plan. The research is also used to identify the district's heritage attributes. The policies and guidelines written in the HCD Plan will seek to protect the history and significance of the Kensington Market neighbourhood that were described during the HCD Study.

How is the community involved in the HCD Plan process?

Since the start of the project in 2015, community engagement has been essential to the development of the Kensington Market HCD Plan. Heritage Planning staff have hosted several public meetings to share information with community members, and to seek their input during both the HCD Study and Plan phases. The City of Toronto regularly exceeds the minimum requirement of public meetings (as required by the Ontario Heritage Act)

because understanding the lived experiences of an area is vital when determining a district's cultural heritage value.

Also, at the beginning of the HCD Plan phase, a Community Advisory Group (or CAG) was initiated by the City. The members of the CAG include residents and business owners from within the Kensington Market who have generously volunteered their time to participate in this process. The CAG shares local knowledge and ideas for City staff to use when writing the objectives, policies, and guidelines of the HCD Plan.

Heritage Planning staff have also engaged with Treaty and Territorial Partners, and local Indigenous community members. Materials and summaries from all these meetings are posted on the [City Planning website](https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/kensington-market-heritage-conservation-district-plan/meetings-events-kensington-market-hcd-study/). (<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/kensington-market-heritage-conservation-district-plan/meetings-events-kensington-market-hcd-study/>).

Are there guidelines about what type of businesses can exist in Kensington Market? Will the HCD Plan regulate large commercial space, or chain store retail?

HCD Plans do not include policies or guidelines that control the commercial and retail use of a property, or prohibit the use of a property by chain store retail. The City regulates the use of properties through zoning by-laws. The City does not currently restrict the location of chain store retail.

In 2019, City Council adopted the Kensington Market Restaurant and Bar Study. The report includes amendments to the City's zoning by-laws that limit the maximum size of new restaurants and bars in Kensington Market to one hundred square metres. The report also recommended a separate study on strategies to regulate chain store retail in Kensington Market.

The HCD Plan will include policies and guidelines about the size of property lots, and fine-grain retail. Fine-grain retail means that the property lots are narrow, or that the appearances of the storefronts are narrow. This can encourage smaller retail spaces and promote variety in commercial businesses along a street.

Is there coordination between the Kensington Market HCD Plan and the Safe Streets project for Kensington Market?

While the two City projects are independent from each other, City staff are in regular contact to share community engagement timelines and feedback, and to make sure that the final plans do not contradict one another.

Heritage Planning is leading the Kensington Market HCD Plan. The HCD Plan will affect buildings, properties, and the parts of the public realm. Transportation services is leading the Kensington Market Safe Streets project, which will affect the streets and sidewalks.

More information can be found on the [Kensington Market Safe Streets Project website](https://www.toronto.ca/KensingtonSafeStreets) ([toronto.ca/KensingtonSafeStreets](https://www.toronto.ca/KensingtonSafeStreets))

When will Council decide on the Kensington Market HCD Plan?

Heritage Planning staff will host a final Community Consultation Meeting. The purpose of this meeting is to receive public feedback on the proposed recommendations of the HCD Plan. City staff will then present their report and the HCD Plan to the Toronto Preservation Board (or TPB). All property owners will be notified by mail when the report and HCD Plan go forward to the TPB. The TPB meeting is the public meeting as required by the

Ontario Heritage Act. It gives concerned parties the ability to submit comments, and/or request to speak at the meeting.

Upon adoption by the TPB, the City staff report and HCD Plan will proceed to the Toronto and East York Community Council for their consideration, followed by final consideration by City Council. The Kensington Market HCD Plan and staff report are anticipated to be brought to City Council in early 2025.

How can I learn more about HCDs in Toronto?

Visit the City's website for HCD Plans and Studies: [Heritage Conservation Districts & Studies](https://www.toronto.ca/city-government/planning-development/heritage-preservation/heritage-conservation-districts-planning-studies/) (<https://www.toronto.ca/city-government/planning-development/heritage-preservation/heritage-conservation-districts-planning-studies/>).

Heritage Planning
City Hall
100 Queen Street West
19th floor, East Tower
Toronto ON M5H 2N2
Email: heritageplanning@toronto.ca

