

Acquisition process for Trust cultural heritage conservation easements

Under section 10 of the [Ontario Heritage Act](#), the Ontario Heritage Trust is entitled to enter into agreements, easements and covenants with owners of real property for the conservation, preservation and protection of Ontario's heritage. Using heritage easement agreements, the Trust protects properties of historical, architectural, archaeological, recreational, esthetic, natural and scenic heritage value and interest. While all heritage properties are unique, the process by which an owner donates a cultural heritage conservation easement to the Trust is standardized and follows six distinct steps.



St. James Anglican Church, Stratford

1. Initial inquiry by owner

- Owner of a specific property/properties (or an authorized representative or the owner) contacts Trust staff to discuss the possible donation of a cultural heritage conservation easement to the Trust

2. Preliminary assessment by Trust staff

- Consult with owner, agents, representative, consultants, property managers, tenants and other knowledgeable stakeholders
- Review known secondary sources (e.g., designation by-laws, existing statements of significance, reports, papers, commemorative data and publications)
- Undertake site visit with owner or the owner's representatives
- Consider threshold heritage value, significance and integrity
- Estimate the Trust's potential resource requirements for a potential easement
- In consultation with Trust management, staff determine the potential for an easement (i.e., yes/no and conditions)
- Share preliminary assessment with the owner and discuss options

3. Formal written request by owner

- Owner submits a written request to the Trust's Executive Director or Board Chair with an offer to donate a cultural heritage conservation easement on a specific property
- This request may include other issues associated with the easement donation, including: timing, financial commitment and plans for the property

4. Easement acquisition evaluation conducted by Trust staff

- Consult with the owner and other stakeholders (ongoing dialogue)

- Undertake a comprehensive site visit to the property
- Complete a comprehensive photo documentation of the entire property and all buildings, structures and landscapes
- Assemble historical information on the property (using primary and secondary sources)
- Assess the property for archaeological potential, known archaeological sites and previous research
- Assess the property for provincial natural heritage value
- Assess the property's physical condition, heritage integrity and current use(s)
- Conduct strategic historical research (archival and material culture)
- Develop/refine a statement of cultural heritage value and a statement of significance for the property
- Using the Trust's evaluation model, assess the property against the criteria for determining cultural heritage value or interest of provincial significance as described in [Ontario Regulation 10/06](#)
- Analyze easement resource implications (e.g., financial and staff time, short- and long-term costs, etc.)
- Consider conservation issues, planning and future use(s)



Hamilton Museum of Steam and Technology

- Conduct a title search, review the legal description, and consider other legal issues
- Identify any third-party conditions associated with the easement and the property
- Trust staff and management prepare a draft statement of significance and an acquisition report, with recommendations, and submit it to the Trust's Board of Directors for its consideration
- The Trust's Board of Directors consider easement acquisition requests at its Board meetings, which are held approximately every three months

5. Easement authorization by the Trust and the owner

- Trust staff and management receive legal authorization for easement acquisition, easement content and coverage from the Trust's Board of Directors, including any fiscal, in-kind and legal conditions
- Trust shares the notice of Board authorization and any associated conditions with the owner
- Owner confirms legal authorization for execution and registration of easement agreement

6. Development and completion of easement agreement by the Trust and the owner

- Working with the Trust's solicitor, Trust staff prepare a draft easement agreement for discussion with the owner
- Trust and owner negotiate terms, content and language of the easement agreement
- Trust and owner satisfy all conditions of easement authorization
- Trust and owner execute the easement agreement
- Trust and owner satisfy all conditions of the easement registration
- Trust or owner's solicitor registers the easement agreement on property title

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