# The Corporation of the City of Kawartha Lakes
# Agenda
# Kawartha Lakes Municipal Heritage Committee Meeting

KLMHC2021-03

Thursday, March 11, 2021

5:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Ron Ashmore
Ann Adare
William Bateman
Jim Garbutt
Athol Hart
Rob Macklem
Ian McKechnie

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**9. Adjournment**

# The Corporation of the City of Kawartha Lakes

# Minutes

# Kawartha Lakes Municipal Heritage Committee Meeting

**KLMHC2021-02**
**Thursday, February 4, 2021**
**5:00 P.M.**
**Council Chambers**
**City Hall**
**26 Francis Street, Lindsay, Ontario K9V 5R8**

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## 1. Call to Order

A. Hart called the meeting to order at 5:05 p.m. with the following members present Councillor R. Ashmore, A. Adare, W. Bateman, J. Garbutt, J. Hartman, R. Macklem, W. Peel and J. Pitcher.

Staff Present: E. Turner, Economic Development Officer - Heritage Planning, and D. Harding, Planner II.

Regrets: W. Purdy

Absent: I. McKechnie

## 2. Introduction of New Members

Three new members were introduced to the Committee: J. Hartman, W. Peel and J. Pitcher.

## 3. Administrative Business

3.1 Adoption of Agenda

**KLMHC2021-09**
**Moved By** W. Peel
**Seconded By** W. Bateman

**That** the agenda be adopted as circulated.

**Carried**

3.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

3.3 Adoption of Minutes

3.3.1 Minutes of the January 14, 2021 Municipal Heritage Committee Meeting

**KLMHC2021-10**
**Moved By** R. Macklem
**Seconded By** J. Garbutt

**That** the minutes of the Municipal Heritage Committee meeting held on January 14, 2021, be adopted as circulated.

**Carried**

## 4. Presentations and Deputations

There were no presentations or deputations.

## 5. Reports

5.1 KLMHC2021-04

Report KLMHC2021-04 Listing Properties on the Heritage Register

The Committee reviewed the proposed list of properties for listing on the Heritage Register.

**KLMHC2021-11**
**Moved By** A. Adare
**Seconded By** R. Macklem

**That** Report KLMHC2021-04, **Listing Properties on the Heritage Register**, be received; and

**That** the proposed properties for inclusion on the Heritage Register attached as Appendix A of this report be forwarded to Council for approval.

**Carried**

5.2 KLMHC2021-05

Report KLMHC2021-05 Municipal Heritage Committee Terms of Reference

The Committee discussed the proposed changes to the terms of reference which would eliminate the positions for dedicated representatives from heritage conservation districts.

**KLMHC2021-012**
**Moved By** W. Bateman
**Seconded By** W. Peel

**That** Report KLMHC2021-05, **Municipal Heritage Committee Terms of Reference**, be received;

**That** the composition of the Committee be amended to include eleven members of the public and one Council representative; and

**That** this recommendation be forwarded to Council for approval.

**Carried**

5.3 KLMHC2021-06

Report KLMHC2021-06 Alteration Application - 28 Boyd Street, Bobcaygeon

A. Adare provided an overview of the proposed restoration of the dry stone wall at 28 Boyd Street.

**KLMHC2021-13**
**Moved By** A. Adare
**Seconded By** J. Hartman

**That** Report KLMHC2021-06, **Alteration Application – 28 Boyd Street, Bobcaygeon**, be received; and

**That** the proposed alterations be approved.

**Carried**

5.4 KLMHC2021-07

Report KLMHC2021-07 Planning Application Comments

The Planning application comments from the January meeting were presented to committee for information.

5.5 KLMHC2021-08

Report KLMHC2021-08 Application for Consent - 170 William Street North

The committee discussed the proposed severance of 170 William Street North, Lindsay.

**KLMHC2021-14**
**Moved By** R. Macklem
**Seconded By** W. Bateman

**That** Report KLMHC2021-08, **Application for Consent – 170 William Street North, Lindsay**, be received for information.

**Carried**

## 6. Subcommittee Updates

6.1 HCD Study Subcommittee

A. Hart provided an update on the HCD Study. The inventory teams are currently waiting for the stay at home order to end to undertake on site property surveys. Preliminary work is being undertaken virtually in the meantime.

6.2 Outreach Subcommittee

E. Turner provided an update on Doors Open. The Ontario Heritage Trust is looking at doing a variety of hybrid virutal-in person events in 2021 as the pandemic permits. E. Turner and I. McKechnie are currently planning the Kawartha Lakes event for 2021.

A. Hart suggested that the committee defer the decision as to whether to host the Osprey Heritage Awards until later in the year and dependent on the trajectory of the pandemic.

6.3 Signs Subcommittee

A. Hart provided an update on the sign subcommittee which is currently compiling a report for the Committee regarding the signs in Downtown Lindsay. J. Garbutt is currently going through photographs taken on a walk about in late 2020.

E. Turner provided an update on the Lindsay Bong and Dong sign. The owners are working to get a new sign which complies to the sign guidelines. E. Turner will present the sign to the committee when a design is received.

## 7. Correspondence

There was no correspondence reviewed by the Committee.

## 8. New or Other Business

8.1 Million Dollar Makeover

E. Turner informed the Committee that the next deadline for the Million Dollar Makeover program was February 28, 2021.

8.2 Downtown Reconstruction

E. Turner updated the committee on her conversation with Engineering. C. Purdy, who is overseeing the project, is not able to come to the committee's meeting, but it happy to answer questions and address concerns by email. E. Turner will compile the committee' comments and forward them.

J. Garbutt asked if the photos taken during the reconstruction project could be obtained by the Committee. E. Turner said she could get the photos from Engineering but would likely require a hard drive to do so.

J. Garbutt also asked if the committee could be provided with an update on artifact finds and where old bricks and material from the historic sewers were going.

**KLMHC2021-15**
**Moved By** A. Adare
**Seconded By** J. Hartman

**That** funds be used to purchase a hard drive to contain the documentation photos taken from the Downtown Lindsay Reconstruction project.

**Carried**

8.3 Sturgeon Lake Cabins

Councillor Ashmore provided an update on the Sturgeon Lake cabins. He has reached out to Jamie Schmale's office which is helping to connect him with Parks Canada representatives.

J. Garbutt is going to connect with Fleming College. A. Adare is going to provide contacts through Trail Towns.

## 9. Next Meeting

The next meeting will be Thursday, March 11 at 5:00p.m. in Council Chambers at City Hall (26 Francis Street, Lindsay), subject to provincial restrictions.

## 10. Adjournment

**KLMHC2021-16**
**Moved By** W. Peel
**Seconded By** A. Adare

**That** the Municipal Heritage Committee Meeting adjourn at 6:49 p.m.

**Carried**

# Municipal Heritage Committee Report

| | |
|---|---|
| **Report Number:** | **KLMHC2021-09** |
| **Meeting Date:** | March 11, 2021 |
| **Title:** | **Planning Policy Presentation** |
| **Description:** | Presentation from planning policy staff. |
| **Author and Title:** | Emily Turner, Economic Development Officer, Heritage Planning |

## Recommendation(s):

**That** Report KLMHC2021-09, **Planning Policy Presentation**, be received; and

**That** the presentation from Planning staff be received for information.

**Department Head:** _____

**Financial/Legal/HR/Other:**_____

**Chief Administrative Officer:**_____

## Background:

Planning Policy staff will provide a presentation to the Committee on City planning policy and current initiatives.

## Rationale:

The Committee is often required to comment on development applications and should be familiar with City planning policy. The presentation will provide an overview of the City's planning policy and current initiatives.

## Other Alternatives Considered:

There are no recommended alternatives.

## Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

## Consultations:

N/A

## Attachments:

N/A

**Department Head email:** cmarshall@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

# Municipal Heritage Committee Report

| | |
|---|---|
| **Report Number:** | **KLMHC2021-11** |
| **Meeting Date:** | March 11, 2021 |
| **Title:** | **Heritage Policy Overview Presentation** |
| **Description:** | Overview of current heritage policy in Kawartha Lakes |
| **Author and Title:** | Emily Turner, Economic Development Officer, Heritage Planning |

## Recommendation(s):

**That** Report KLMHC2021-11, **Heritage Policy Overview Presentation**, be received for information.

**Department Head:** _____

**Financial/Legal/HR/Other:**_____

**Chief Administrative Officer:**_____

## Background:

The City of Kawartha Lakes has a number of heritage-related policies which the Municipal Heritage Committee should be familiar with. These policies inform heritage preservation in the municipality and guide the work undertaken by the Committee. The Economic Development Officer – Heritage Planning will provide an overview of the City's various heritage policies.

## Rationale:

The current heritage related policies in Kawartha Lakes have been developed over the past ten years and cover a number of different areas of heritage preservation. These policies are outlined below.

### City of Kawartha Lakes Official Plan/OPA 26 (2017)

The heritage guidelines in the City of Kawartha Lakes Official Plan were amended in 2017 through Official Plan Amendment 26. This amendment was put in place to allow for the designation of heritage conservation districts within the municipality, but also made changes to the heritage policies in general to bring them more in line with current best practices and accepted policies in Ontario municipalities. The policies include general principles regarding heritage preservation goals in the municipality, as well as more specific guidelines regarding heritage impact and archaeological assessments, the Municipal Heritage Committee, and the designation of heritage conservation districts.

Both Lindsay and Fenelon Falls have their own Official Plans which remain in effect until the Secondary Plans for the City's settlement areas are finalized. Similar amendments were made to these Plans at the same time as OPA 26 to allow for heritage conservation district designation and to update their heritage conservation policies more generally.

These OPAs are attached as Appendix A.

### Standards and Guidelines for the Conservation of Historic Places in Canada (2020)

The Standards and Guidelines for the Conservation of Historic Places in Canada is a document developed by Parks Canada which provides practical guidance and best practices for heritage planners, conservation practitioners, and stewards of heritage properties. It has been adopted by Councils across Ontario, including in Kawartha Lakes, as the benchmark for assessing heritage treatments and forms the basis for assessment, review and decision-making regarding proposed projects on heritage properties. It was adopted by Council in Kawartha Lakes in 2020.

The Standards and Guidelines can be accessed here:
https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf

**Delegated Authority By-law (2019)**
The heritage delegated authority by-law (By-law 2019-154) was passed by Council in 2019. It is enabled under the Ontario Heritage Act which allows for the approval of heritage permits to be delegated to an employee or official of the municipality. The intention of this by-law is to allow for more efficient processing times for minor alterations to heritage properties. This by-law also allows staff to request a heritage permit application for any project on a heritage property being funded by the City, whether or not the project would generally require a permit.

The delegated authority by-law is attached as Appendix B.

**Heritage Master Plan (2012)**
The Heritage Master Plan was written in 2012 and provides direction for the heritage sector in Kawartha Lakes. However, this document does not focus only on heritage preservation as it contains a significant amount of content directed at the museum sector. It provides some general direction on initiatives the City could undertake regarding heritage preservation in the municipality. In general, this document is significantly out of date.

The Heritage Master Plan can be accessed here:
https://www.kawarthalakes.ca/en/living-here/resources/Arts-and-Culture/Heritage-Master-Plan-for-City-of-Kawartha-Lakes---Accessible.pdf

**Heritage Conservation District Plans (2017)**
There are two heritage conservation districts in Kawartha Lakes. As required by the Ontario Heritage Act, each district has its own district plan which guides the growth and development of the district. Each of these plans includes requirements and regarding the alteration of existing heritage property and guidelines for new construction and infill. These plans are individualized to the specific heritage conservation district and applies within its boundaries.

The Oak Street Heritage Conservation District Plan can be accessed here:
https://www.kawarthalakes.ca/en/business-growth/resources/Heritage-Building-Register/Documents/20170628-final-OakSt-HCD-Plan-Accessible.pdf

The Downtown Lindsay Heritage Conservation District can be accessed here:
https://www.kawarthalakes.ca/en/business-growth/resources/Heritage-Building-Register/Documents/20170628-LindsayHCDPlanFINAL.pdf

**Downtown Streetscape and Façade Guidelines (2016)**
The Downtown Streetscape and Façade Guidelines were developed in 2016 for Lindsay, Fenelon Falls, Omemee and Coboconk/Norland as part of the City's downtown revitalization programs. While these guidelines are not specifically heritage-related, they provide guidelines for streetscapes and facades in downtown Lindsay where they have been adopted as part of the Downtown Lindsay Heritage Conservation District Plan. The guidelines aim to enhance the historic streetscapes of the downtown areas and provide guidance on signage, façade improvement, lighting and the public realm.

These guidelines can be accessed here: https://www.kawarthalakes.ca/en/business-growth/downtown-revitalization.aspx

**Cultural Master Plan (2020)**
The City's Cultural Master Plan was adopted in 2020. While primarily addressing the cultural and museum sectors, this plan also addresses the need to continue with heritage preservation efforts in the municipality and directs the municipality to continue to conserve heritage resources.

The Cultural Master Plan can be accessed here:
https://www.kawarthalakes.ca/en/living-here/resources/Arts-and-Culture/20200206FinalAccblCMP-1.pdf

## Other Alternatives Considered:
There are no recommended alternatives.

## Financial/Operation Impacts:
There are no financial or operational impacts as a result of the recommendations of this report.

## Consultations:
N/A

## Attachments:
Appendix A – Kawartha Lakes Official Plan Cultural Heritage Policies

By-law
2017-098AmendOffici

Appendix B – Delegated Authority By-law (By-law 2019-154)

2019-154 Delegate Authority for the Alter

**Department Head email:** cmarshall@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

**The Corporation of the City of Kawartha Lakes**

**BY-LAW 2017-098**

**A By-law to Amend the City of Kawartha Lakes Official Plan, the Town of Lindsay Official Plan and the Village of Fenelon Falls Official Plan, Respecting All Lands within the City of Kawartha Lakes**

[Files: D01-17-002/003/004, Report PLAN2017-019 – Culture and Heritage Amendments]

**Recitals:**

1. Sections 17, 21 and 22 of the *Planning Act, R.S.O. 1990, c. P.13,* authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an updated Culture and Heritage policies for the City of Kawartha Lakes Official Plan, the Town of Lindsay Official Plan, and the Village of Fenelon Falls Official Plan.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt the Official Plan Amendment.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-098.**

## Section 1:00: Official Plan Amendment Details

1.01 **Property Affected**: The lands affected by this By-law are identified as all land in the City of Kawartha Lakes Official Plan.

1.02 **Amendment**: Amendment No. 026 to the City of Kawartha Lakes Official Plan, Amendment No. 051 to the Town of Lindsay Official Plan and Amendment No. 017 to the Village of Fenelon Falls Official Plan attached hereto and forming a part of this By-law is hereby adopted.

## Section 2:00: Effective Date

2.01 **Force and Effect**: This By-law shall come into force and take effect on the date it is finally passed by the City of Kawartha Lakes in accordance with the provisions of Sections 17 and 22 of the *Planning Act, R. S. O. 1990, c. P.13.*

By-law read a first, second and third time, and finally passed, this 2nd day of May, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk

Official Plan Amendment No. 026 – City of Kawartha Lakes Official Plan
Official Plan Amendment No. 051 – Town of Lindsay Official Plan
Official Plan Amendment No. 017 – Village of Fenelon Falls Official Plan

CULTURE AND HERITAGE OFFICIAL

# AMENDMENT NO. 26

# TO THE

# CITY OF KAWARTHA LAKES

# OFFICIAL PLAN

# AMENDMENT NO. 51

# TO THE

# TOWN OF LINDSAY

# OFFICIAL PLAN

# AMENDMENT NO. 17

# TO THE

# VILLAGE OF FENELON FALLS

# OFFICIAL PLAN

Schedule 'A' to By-law No. 2017-0XX
The Corporation of the City of Kawartha Lakes

## PART A - THE PREAMBLE

**A. Purpose of the Amendment:**

The City of Kawartha Lakes (City) has made good progress in the development of an effective heritage program, however a stronger policy framework for heritage conservation is needed. This amendment proposes to implement policies that enable Heritage Conservation Districts in the following manner:

1) The City of Kawartha Lakes Official Plan is proposed to be revised with enhanced policies contained in Section 10: Culture and Heritage and to revise the archaeological study requirements in Section 36.1: Appendix A – Background Studies, and add Section 36.11 Appendix K: Heritage Impact Assessment.

2) The Town of Lindsay Official Plan is proposed to be revised with enhanced policies contained in Section 3.3: Heritage Conservation Polices, in Section 6.4: Requirements for Supporting Studies, and amend Section 7.1: General.

3) The Village of Fenelon Falls Official Plan is proposed to be amended to include new culture and heritage policies to the Environmental policies under Section 2.2.2: Objectives, to the Community Improvement policies under Section 2.8.2: Objectives, to the Main Central Area policies under Section 3.6.3: Polices, to the Community Improvement Policies under Section 6.2: Criteria for Designation and Section 6.4: Implementation, add a new Section 7.4: Heritage Conservation, and add Section 8.12: Archaeological Assessment and Section 8.13: Heritage Impact Assessment.

**B. Location:**

**C.** The new Culture and Heritage policies proposed by this Amendment apply to all lands within the City of Kawartha Lakes.

**D. Basis:**

**Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to cultural heritage. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. The Province's natural heritage resources, water resources, agricultural resources and cultural heritage resource provide important environmental, economic and social benefits. These resources are to be managed in a sustainable way to conserve biodiversity, protect essential

ecological processes and public health and safety, minimize environmental and social impacts, and meet its long-term needs.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment in the following manner:

"Significant built heritage resources and significant cultural heritage landscapes shall be conserved."

"Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved."

"Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

"Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources."
"Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources."

**Ontario Heritage Act**

One of the key pieces of legislation for heritage conservation in Ontario is the Ontario Heritage Act (OHA). Its purpose is to give municipalities and the provincial government powers to preserve the heritage of Ontario. The Act addresses a variety of different cultural heritage resources, including individual properties, heritage conservation districts and archaeological resources. It also identifies appeal processes and provisions for enforcement.

**Growth Plan for the Greater Golden Horseshoe, 2006**

The Growth Plan guides decisions on a wide range of issues, including land-use planning, urban form, natural heritage and resource protection. The Growth Plan provides that:

"Municipalities will develop and implement official plan policies and other strategies in support of cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified."

**Official Plans in Effect**

At the time of passing this Official Plan Amendment, the City of Kawartha Lakes has three (3) official plans in effect for the affected lands of the municipality; including:

1) City of Kawartha Lakes Official Plan

The City's OP was approved by the Province in January 2012 and contains policies relating to Culture and Heritage. Since then, amendments to the Provincial Policy Statement came into effect on April 30, 2014. The Ontario Heritage Act and the Provincial Policy Statement (2014) gives the City the tools and responsibilities to conserve these heritage properties and the Growth Plan requires the municipality to implement Official Plan policies to conserve our heritage resources where feasible as built up areas are intensified. Without these implementing policies to conserve heritage properties, the City will lack the ability to fully protect them in forums such as the Ontario Municipal Board and the Conservation Review Board.

2) Lindsay Official Plan

The Town of Lindsay Official Plan, approved by the Ontario Municipal Board in December 21, 2000, has some existing language that speaks to heritage conservation. However, the policies being reflective of the time in which the plan was written, does not necessarily reflect the current PPS and OHA requirements.

3) Village of Fenelon Falls Official Plan

The Village of Fenelon Falls Official Plan was approved by the Ministry of Municipal Affairs on June 26, 1989. With the exception of policies relating to the main core and Community Improvement Area, there are no heritage policies. New policies must be introduced to reflect the current PPS and OHA requirements.

## PART B - THE AMENDMENT

### E. Introductory Statement:

All of this part of the document, entitled "Part B - The Amendment", consisting of the following text constitutes Amendment No. 26 to the City of Kawartha Lakes Official Plan, Amendment No. 51 to the Town of Lindsay Official Plan (Official Plan for the former Town of Lindsay), and Amendment No. 17 to the Village of Fenelon Falls Official Plan (Official Plan for the former Village of Fenelon Falls).

### F. Details of the Amendment:

1) The City of Kawartha Lakes Official Plan is hereby amended as follows:

a) Section 10 (Culture and Heritage Policies): there is no change to sections 10.1 or 10.4; Subsection 10.6 (Heritage Conservation Districts) is added; subsections 10.2, 10.3 and 10.5 are hereby amended by deleting some of the existing text and replacing with the following:

**"10. CULTURE AND HERITAGE**

**10.1 GOAL**

Encourage the conservation and enhancement of cultural heritage resources.

**10.2 OBJECTIVES**

a) To conserve and enhance the City's cultural and heritage resources. Features of particular interest include buildings, structures and significant structural remains, areas of unique or rare composition, landscapes of scenic value, artifacts, archaeological sites, cemeteries and burial grounds.

b) To raise public awareness and celebrate the history of the community.

c) To encourage participation and involvement in conservation efforts and foster the community's understanding and appreciation of the area's heritage resources.

## 10.3 ARCHAEOLOGICAL CONSERVATION

a) Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

b) Any archaeological assessment report prepared on an area located within Kawartha Lakes must be filed with the City at the time the report is filed with the Provincial Government.

c) It is the policy of the City to keep confidential the existence and location of archaeological sites to protect against vandalism, disturbance, and the inappropriate removal of resources.

d) The City will consider the development of an Archaeological Management Plan

e) The City shall consider the interests of Aboriginal communities in conserving archaeological resources.

## 10.4 MUNICIPAL HERITAGE COMMITTEE

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Within the City of Kawartha Lakes, it is known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee). Heritage Victoria advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan.

## 10.5 HERITAGE POLICIES

a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.

b) Through the review of development applications, the City shall require archaeological assessment by an archaeologist licensed by the Province

where identified archaeological resources exist or where the potential for such resources exist.

c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.

d) Any archaeological assessment report prepared on an area located within the City must be filed with the City at the time the report is filed with the Provincial Government.

e) The City shall use the tools available to it under the *Municipal Act*, the *Planning Act*, the *Environmental Assessment Act*, and the *Ontario Heritage Act* to conserve cultural heritage resources.

f) Cultural heritage resources shall be maintained in situ and in a manner that prevents deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.

g) The City shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.

i) The City shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.

j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate.

k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.

l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee.

m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.

n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.

o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.

p) The City shall consider the development of an Archaeological Management Plan.

## 10.6 HERITAGE CONSERVATION DISTRICTS

### 10.6.1 Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria. Council may, by by-law, designate any area within the City, as a heritage conservation district.

### 10.6.2 Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public

and Heritage Victoria. Candidate areas to be analyzed include, but are not limited to the following areas:

- Fenelon Falls (Oak Street)
- Fenelon Falls (Downtown)
- Lindsay (Downtown)
- Bobcaygeon (Downtown)
- Omemee (Main Street Area)
- Woodville (Main Street Area)
- Kinmount (Main Street Area)
- Sturgeon Point

10.6.3 Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designated. Such district plans are to be update from time to time.

10.6.4 Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act."

b) Section 30 (Definitions) is hereby amended by deleting and replacing the term Adjacent Lands and adding the term Alteration.

Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law.

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register."

**36.1. APPENDIX A - BACKGROUND STUDIES** is revised by replacing the policies under the headings "Level One Archaeological Assessment:" and "Level Two Archaeological Assessment:" with the following text:
"Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: Property assessment

All applications where development is proposed on lands containing a registered Archaeological site or where a Level One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required.

The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found

are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: Site-specific assessment

This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment.

Stage 4: Mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders."

c) The following new section is being added and subsequent appendices are renumbered accordingly.

**"36.11 APPENDIX K – HERITAGE IMPACT ASSESSMENT**

1) A Heritage Impact Assessment will be required under the following circumstances:
   a) Any property listed or designated in the municipal heritage register that is subject to land use planning applications;
   b) Any property listed or designated in the municipal heritage register that is facing possible demolition; and/or,
   c) Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register.

2) A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value as determined by the City will be subject to an appropriate level of heritage due diligence and may require a Heritage Impact Assessment.

3) Where a Heritage Impact Assessment is required, the terms of reference for the study will be determined in conjunction with the City.

4) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, will include, but not necessarily be limited to the following:
   a) historical research, site analysis and evaluation;
   b) identification of the significance and heritage attributes of the cultural heritage resource;
   c) description of the proposed development or site alteration;
   d) assessment of development or site alteration impacts;
   e) consideration of alternatives, mitigation and conservation methods;
   f) schedule and reporting structure for implementation and monitoring; and
   g) a summary statement and conservation recommendations.
   i) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.

5) Where approval of a development application, or site alteration permit application would result in the demolition of a built heritage resource, a Heritage Impact Assessment will require the documentation of the built heritage resource. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The Heritage Impact Assessment shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed development application, or site alteration permit application being considered by Council.

6) Heritage Impact Assessments may be scoped or waived by the City."

2) The Town of Lindsay Official Plan is hereby amended as follows:

a) Section 3 (Heritage Conservation Policies) is renamed "CULTURE AND HERITAGE" and is deleted in its entirety and replaced with the following:

"3.3 CULTURE AND HERITAGE

3.3.1 General

The City's Cultural Heritage Resources shall be conserved. It is the intent of Council to integrate and balance the conservation of cultural heritage resources with legislative requirements.

### 3.3.2 Policies

It is the policy of the City that:

a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.

b) Through the review of development applications, the City shall require an archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist.

c) The City may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.

d) Any archaeological assessment report prepared on an area located within the City must be filed with the municipality at the time the report is filed with the Province.

e) The City shall use the tools available to it under the *Municipal Act*, the *Planning Act*, the *Environmental Assessment Act*, and the *Ontario Heritage Act* to conserve cultural heritage resources.

f) Cultural heritage resources shall be maintained in situ and in a manner that prevents deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.

g) The City shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.

i) The City shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.

j) The City shall seek the advice of the Province regarding heritage conservation matters when appropriate.

k) The City shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.

l) The City shall not permit the demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the City, and any appropriate advisory committee.

m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.

n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.

o) The City shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.,

p) The City shall consider the development of an Archaeological Management Plan.

### 3.3.3 Heritage Conservation Districts

a) Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria. Council may, by by-law, designate any area within the Municipality, as a heritage conservation district.

b) Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and Heritage Victoria. Candidate areas to be analyzed include, but ara not limited to the following area:

- Lindsay (Downtown)

c) Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designated. Such district plans are to be update from time to time.

d) Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act.

### 3.3.4 Municipal Heritage Committee

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee), the committee advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a

public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan."

b) Section 6.4 REQUIREMENTS FOR SUPPORTING STUDIES is hereby amended by adding the following text:

"6.4.5 Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: Property assessment

All applications where development is proposed on lands containing a registered Archaeological site or where a Stage One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required.

The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found

are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: Site-specific assessment

This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment.

Stage 4: Mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.

6.4.6. Heritage Impact Assessment

1) A Heritage Impact Assessment will be required under the following circumstances:
   a) Any property listed or designated in the municipal heritage register that is subject to land use planning applications;
   b) Any property listed or designated in the municipal heritage register that is facing possible demolition; and/or,
   c) Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register.

2) A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value as determined by the City will be subject to an appropriate level of heritage due diligence and may require a Heritage Impact Assessment.

3) Where a Heritage Impact Assessment is required, the terms of reference for the study will be determined in conjunction with the City.

4) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, will include, but not necessarily be limited to the following:
a) historical research, site analysis and evaluation;
b) identification of the significance and heritage attributes of the cultural heritage resource;
c) description of the proposed development or site alteration;
d) assessment of development or site alteration impacts;
e) consideration of alternatives, mitigation and conservation methods;
f) schedule and reporting structure for implementation and monitoring; and
g) a summary statement and conservation recommendations.
h) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.

5) Where approval of a development application, or site alteration permit application would result in the demolition of a built heritage resource, a Heritage Impact Assessment will require the documentation of the built heritage resource. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The Heritage Impact Assessment shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed development application, or site alteration permit application being considered by Council.

7) Heritage Impact Assessments may be scoped or waived by the City."

c) The Lindsay Official Plan is amended by adding the following text to the end of Section 7 GENERAL:

"Whenever a term is used in this Plan and a term is defined in an approved Provincial Plan, the definition of the term shall be as identified in the approved Provincial Plan."

d) The Lindsay Official Plan is amended by adding the following definitions alphabetically to Section 7.2 DEFINITIONS:

"Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law.

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register."

3) The Village of Fenelon Falls Official Plan is hereby amended as follows:

a) Section 2.2 (Environmental Objectives) is hereby amended adding the objective below:

**2.2.2 Objectives**

"h. The Cultural Heritage Resources shall be conserved. It is the Intent of Council to integrate and balance the conservation of cultural heritage resources with legislative requirements."

b) Section 2.8 (Community Improvement Objectives) is hereby amended adding the objective below:

**2.8.2 Objectives**

"g. To ensure the conservation of cultural heritage resources."

c) Section 3.6 (Main Central Area) is hereby amended by amending the policy below:

**3.6.3 Policies**

"f. Through the conservation of cultural heritage resources, in accordance with Provincial requirements, innovative building design and layout shall be encouraged."

d) Section 6.2 (Criteria for Designation) is hereby amended by adding the criteria below:

**6.2 Criteria for designation**

"xi. A concentration of cultural heritage resources."

e) Section 6.4 (Implementation) is hereby amended by adding the policy below:

**6.4 Implementation**

"viii. By using the tools for heritage conservation under the Ontario Heritage Act, the Municipal Act, and the Planning Act."

f) Section 7.4 (Heritage Conservation), which includes General Policies, Heritage Conservation Districts, Heritage Victoria, is hereby added as follows:

**"7.4 Heritage Conservation**

7.4.1 General Policies:

It is the policy of the municipality that:

a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected, and conserved.

b) Through the review of development applications, the Council shall require archaeological assessment by an archaeologist licensed by the Province where identified archaeological resources exist or where the potential for such resources exist.

c) Council may require that a heritage impact assessment be prepared by a qualified person to the satisfaction of the City for any development or site alteration that has the potential to impact a cultural heritage resource.

d) Any archaeological assessment report prepared on an area located within the City must be filed with the municipality at the time the report is filed with the Provincial Government.

e) Council shall use the tools available to it under the *Municipal Act*, the *Planning Act*, the *Environmental Assessment Act*, and the *Ontario Heritage Act* to conserve cultural heritage resources.

f) Cultural heritage resources shall be maintained in situ and in a manner that prevents deterioration and conserves the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.

g) Development and site alteration on adjacent lands to protected heritage property shall not be permitted except where the proposed

development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

h) The provisions of the *Funeral, Burial and Cremation Services Act* and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any excavation activity.

i) The municipality shall maintain a Register of Heritage Properties as per the requirements of the *Ontario Heritage Act*.

j) The municipality shall seek the advice of the Province regarding heritage conservation matters when appropriate.

k) The municipality shall create and maintain a municipal heritage committee to advise on matters of cultural heritage.

l) The demolition, destruction or alteration or reuse of cultural heritage resources that results in the loss of identified cultural heritage values or interest and/or identified heritage attributes shall not be permitted. If there is no other option, prior to the demolition or alteration of a cultural heritage resource, documentation shall be required of the property to the satisfaction of the municipality, and any appropriate advisory committee.

m) The City shall lead the community in the management of its cultural heritage resources by providing good examples of proper heritage stewardship in the care and management of the municipally owned heritage properties.

n) Heritage easements shall be used as a means of protecting significant cultural heritage resources, where appropriate.

o) Council shall consider the interests of Aboriginal communities in conserving cultural heritage resources, including archaeological resources, as well as for the protection of human remains through the development approvals process and related master planning exercises.

p) Council shall consider the development of an Archaeological Management Plan.

7.4.2 Heritage Conservation Districts

a) Designation of Heritage Conservation Districts

A heritage conservation district is the most common type of cultural heritage landscape. Designation under Part V of the Ontario Heritage Act enables the protection of a heritage district while at the same time allowing for compatible new development in consultation with Heritage Victoria. Council may, by by-law, designate any area within the City, as a heritage conservation district.

b) Heritage Conservation District Study

Prior to designating an area as a heritage conservation district under Part V of the Ontario Heritage Act, the City must undertake a heritage conservation district study to determine the physical extent and appropriateness of the proposed district. The study process will include consultation with the public and Heritage Victoria. Candidate areas to be analyzed include, but are not limited to the following areas:

- Fenelon Falls (Downtown)
- Fenelon Falls (Oak Street)

c) Heritage Conservation District Plan

Pursuant to the Ontario Heritage Act, the City will adopt a heritage conservation district plan for each district that it designated. Such district plans are to be update from time to time.

d) Proposed Development

This analysis will be consistent with the requirements of Part V of the Ontario Heritage Act. Where it is determined that an area is eligible for designation as a heritage conservation district, and the process moves on to the Plan and Guidelines phase, any Plan and Guidelines document prepared must be consistent with the requirements of Part V of the Ontario Heritage Act.

7.4.3 Municipal Heritage Committee

The Ontario Heritage Act provides for the creation of a municipal heritage committee. Known as Heritage Victoria (formerly the City of Kawartha Lakes Local Architectural Conservation Advisory Committee), the committee advises and assists Council on matters concerning conservation and designation of buildings of historic or architectural value. This may include the designation of individual properties as well as the designation of a group of properties as a Heritage Conservation District. In addition, the committee will undertake a public education initiative and establish criteria to manage an inventory database of the City's current and candidate heritage resources. The name of the municipal heritage committee may be changed without amendment to this Plan."

g) Section 8.12 Archaeological Assessment and Section 8.13 Heritage Impact Assessment are hereby added as follows:

"8.12 Archaeological Assessment

The Study may include the following components:

Stage 1: Background study and property inspection

All official plan and zoning amendments and subdivision, condominium or consent applications affecting undisturbed lands, which: are within 300 metres of a lake, major watercourse, a wetland, or an ancient water source; are on a site possessing elevated topography, sandy soil in a clay or rocky area or unusual land forms; include historic cultural features; are a known Archaeological site; or are a designated Historical site will require a Stage One Archaeological Assessment.

The consultant archaeologist determines whether there is potential for archaeological sites on the property. He or she reviews geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out whether or not there are any known archaeological sites on or near the property. A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: Property assessment

All applications where development is proposed on lands containing a registered Archaeological site or where a Stage One Assessment has identified the presence of archaeological resources and Stage Two Archaeological Assessment will be required.

The consultant archaeologist surveys the land to identify any archaeological resources on the property being developed. For a ploughed field, he or she will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, he or she will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts. He or she may use other strategies if properties are paved, covered in fill or have deeply buried former topsoils (such as floodplains or former sand dunes). The consultant archaeologist will help determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: Site-specific assessment

This stage is for all archaeological sites that may be of cultural heritage value or interest. The consultant archaeologist accurately determines the size of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies. To this end, he or she conducts further background research and fieldwork that expands the information gathered in Stage 2. He or she maps the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site. Based on circumstances, some sites, for example ones that have been paved or are deeply buried, may require specialized methods of assessment.

Stage 4: Mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites that are of cultural heritage value or interest. Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Aboriginal communities, and other heritage stakeholders.

8.13 Heritage Impact Assessment

1) A Heritage Impact Assessment will be required under the following circumstances:
   a) Any property listed or designated in the municipal heritage register that is subject to land use planning applications;
   b) Any property listed or designated in the municipal heritage register that is facing possible demolition; and/or,
   c) Any property that is subject to land use planning applications and is adjacent to a property designated in the municipal heritage register.

2) A property does not have to be designated or listed in a heritage register to be subject to a Heritage Impact Assessment. Any property that may exhibit cultural heritage value as determined by the City will be subject to an appropriate level of heritage due diligence and may require a Heritage Impact Assessment.

3) Where a Heritage Impact Assessment is required, the terms of reference for the study will be determined in conjunction with the City.

4) A Heritage Impact Assessment, prepared by a qualified heritage conservation professional, will include, but not necessarily be limited to the following:
   a) historical research, site analysis and evaluation;
   b) identification of the significance and heritage attributes of the cultural heritage resource;
   c) description of the proposed development or site alteration;
   d) assessment of development or site alteration impacts;
   e) consideration of alternatives, mitigation and conservation methods;
   f) schedule and reporting structure for implementation and monitoring; and
   g) a summary statement and conservation recommendations.
   h) Modifications to the development proposal to ensure compatibility with the cultural heritage resource on adjacent lands.

5) Where approval of a development application, or site alteration permit application would result in the demolition of a built heritage resource, a Heritage Impact Assessment will require the documentation of the built heritage resource. Information to be provided will include land use history, photographs, measured drawings and other information of the heritage resource that can be used for archival purposes. The Heritage Impact Assessment shall be submitted to the Municipal Heritage Committee for review and comment prior to the proposed development application, or site alteration permit application being considered by Council.

6) Heritage Impact Assessments may be scoped or waived by the City."

h) Section 9.6 Definition of Terms is hereby amended by adding the following definitions:

"Adjacent Lands: means those land adjoining a property on the Heritage Register or lands that are directly across from and near to a property on the Heritage Register and separated by land used as a private or public road, highway, street, lane, trail, right-of-way, walkway, greenspace, park and/or easement, or an intersection of any of these; whose location has the potential

to have an impact on a property on the heritage register; or as otherwise defined in a Heritage Conservation District Plan adopted by by-law."

Alteration: is any change to a property on the Heritage Register in any manner including its restoration, renovation, repair or disturbance, or a change, demolition or removal of an adjacent property that may impact the heritage attributes of a property, district or designated feature on the Heritage Register."

## G. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

# The Corporation of the City of Kawartha Lakes

# By-Law 2019-154

# A By-law to Delegate Authority for the Alteration of Heritage Property in the City of Kawartha Lakes

**Recitals**

1. Subsections 33(15) and 33(16) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law delegate the power to consent to alterations to property designated under Part IV of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.

2. Subsections 42(16) and 42(17) of the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended, provides that a Council of a municipality may pass a by-law to delegate the power to grant permits for the alteration of a property designated under Part V of the Act to an employee or official of the municipality after having consulted with its municipal heritage committee.

3. Council has deemed it advisable to delegate certain powers to an appointed officer of the City of Kawartha Lakes by position occupied.

4. The delegation is required to be adopted by by-law.

5. Council has consulted with its Municipal Heritage Committee.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-154.**

## Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

**“alter”** means to change in any manner and includes to restore, renovate, repair, erect, and disturb; and “alteration” and “altering” have corresponding meanings;

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“designated property”** means any property that is designated individually under Part IV of the Ontario Heritage Act or under Part V of the Act as part of a heritage conservation district or is subject to a notice of intention to designate as per subsection 30(2) of the Act and includes buildings, structures, landscape features, and subject lands;

**“Director of Development Services”** means the person who holds that position and his or her designate(s) or, in the event of organizational changes, another person designated by Council;

**“heritage conservation district”** means a heritage conservation district designated under Part V of the Ontario Heritage Act;

**“heritage conservation district plan”** means a plan adopted by Council to provide direction on the preservation of heritage character and defining elements of a heritage conservation district;

**“information”** means any information requested by the Director of Development Services, or designate, with regard to an application to alter a designated property including, but not limited to plans, reports, historical documentation and photographs;

**“Municipal Heritage Committee”** means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

**“Ontario Heritage Act”** or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

**“owner(s)”** means the owner of a property and includes a corporation or partnership, the heirs, executors, administrators, and other legal representatives of a person to whom the context can apply according to the law including a designated agent making application for approval for the alteration of a property.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## Section 2.00: Delegated Authority

2.01 **Delegation of Authority:** Council grants the Director of Development Services, or designate, the power to:

(a) request additional information from an owner as may be required to complete an application for alterations to a designated property under the by-law and the power to determine when said application in complete;

(b) consent to the alteration of properties designated under Part IV of the Act, in consultation with the Municipal Heritage Committee, through the granting of heritage permits;

(c) grant heritage permits for the alteration of property situated in a heritage conservation district designated under Part V of the Act;

(d) extend the timeline in which alterations proposed in a previously approved heritage permit can be undertaken if the owner is not able to complete the work in the specified timeframe.

2.02 **Classes of Alterations:** The delegated authority in Section 2.01 (b) and (c) is limited to the following alterations to properties designated either individually under Part IV of the Act or situated in a heritage conservation district designated under Part V of the Act and which do not have a significant negative impact on the heritage attributes of the property or district:

(a) Alterations to or replacement of exterior building elements including, but not limited to, windows, doors, roof finishes, skylights, cladding, cornices, decorative architectural features, porches, verandahs, and storefronts;

(b) Additions to residential buildings;

(c) Construction of accessory buildings;

(d) Construction or modification of agricultural buildings;

(e) New or increased parking areas;

(f) Installation or removal of, or alterations to, hard landscaping features including, but not limited to, walkways, driveways, patios, gazebos, fences, gates, ponds, and walls;

(g) Alterations to landscape features identified in a heritage conservation district plan or designating by-law;

(h) Removal or replacement of, or alteration to, non-heritage features;

(i) Installation or removal of, or alteration to, exterior lighting;

(j) Installation of solar panels;

(k) Installation of above ground and in-ground swimming pools;

(l) Installation of septic systems;

(m) Installation of utilities and associated fixtures;

(n) Installation of or alterations to signage;

(o) Installation of or alterations to accessibility features;

(p) Erection of temporary structures;

(q) Any alterations identified in a heritage conservation district plan as being delegated to staff;

(r) Alterations proposed as part of a municipal financial incentive program;

(s) Alterations necessary to comply with the Ontario Fire Code;

(t) Minor revisions to previously approved heritage permits;

(u) Temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building at risk of damage or when the condition of a building or property is a risk to public safety.

2.03 **Part IV Interior Designated Features:** In addition to the alterations identified in Section 2.02 (a) to (u) inclusive, the delegated authority of Section 2.01 extends to designated interior features in applicable properties as designated under Part IV of the Act including:

a) Alteration to or replacement of interior elements including, but not limited to, windows, doors, ceilings, decorative architectural features, stairs, lighting and interior finishes as identified in the designating by-law;

b) Removal or replacement of non-heritage features which impact identified heritage attributes;

c) Installation, alteration or removal of signage and/or interpretive material which impacts identified heritage attributes.

2.04 **Financial Incentive Programs:** The Director of Development Services, or designate, may request the submission of a heritage permit application for any application made with regard to a designated property under a financial incentive program offered by the City and is authorized to review and request additional information as necessary to ensure that projects funded through City programs are consistent with City heritage policy.

2.05 **Reference to Council:** Notwithstanding Section 2.01 of this by-law, the Director of Development Services, or designate, may refer any application to the

Municipal Heritage Committee and/or Council as appropriate. In such cases, the Director, or designate, will prepare a report for Council and Council will retain all powers under the Act.

2.06 **Exercise of Authority:** In exercising the delegated authority in Section 2.01 of this by-law, the Director of Development Services, or designate, in consultation with the Municipal Heritage Committee as appropriate, may:

(a) Grant a heritage permit for an application to alter a designated property; or

(b) Grant a heritage permit for an application to alter a designated property with conditions.

2.07 **Council Retains Authority:** Notwithstanding any provision of this by-law to the contrary, Council may, after notifying the Director of Development Services and the Municipal Heritage Committee, exercise any authority that is delegated to either party.

## Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 19th day of November, 2019.

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| Andy Letham, Mayor | Cathie Ritchie, City Clerk |

# Municipal Heritage Committee Report

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| **Report Number:** | **KLMHC2021-12** |
| **Meeting Date:** | March 11, 2021 |
| **Title:** | **Alterations and Demolitions Policy First Draft Review** |
| **Description:** | Review of the first draft a proposed policy regarding the procedures and application requirements for the alteration or demolition of a heritage property, the repeal of a designation by-law and the removal of property from the Heritage Register |
| **Author and Title:** | Emily Turner, Economic Development Officer, Heritage Planning |

## Recommendation(s):

**That** Report KLMHC2021-12, **Alterations and Demolitions Policy First Draft Review**, be received for information.

**Department Head:** _____

**Financial/Legal/HR/Other:**_____

**Chief Administrative Officer:**_____

## Background:

In June 2019, the Ontario Government passed the More Homes, More Choice Act (2019) which made amendments to a several pieces of planning-related legislation, including the Ontario Heritage Act. A number of changes were proposed in the legislation, including minimum content requirements for applications to alter a heritage property which are to be prescribed through regulation. These changes and the new regulations are scheduled to come into effect in 2021. At the same time, the legislation in its current form, both before and after the 2019 amendments, requires that Council set it own submission requirements for certain types of applications, including the demolition of designated and listed properties. It also establishes that an owner of a property may apply to the municipality to repeal the designation by-law on their property, but does not specify submission requirements. At present, Kawartha Lakes does not have any policies outlining submission requirements and processes for these types of applications.

In order to address the current legislation and upcoming changes under the More Homes, More Choice Act, staff are proposing that a Council-adopted policy be put in place to provide clear guidance for the policies and processes regarding these types of applications. An initial draft of this policy has been written for review by the Municipal Heritage Committee. An internal staff technical team is also reviewing the proposed policy and providing input on it.

This report presents the first draft of a new policy document which outlines the procedures associated with the four applications which a property owner can make regarding their heritage property under the Act: the alteration of a property; the demolition of a property; the repeal of a designating by-law; and the removal of a listed property from the Heritage Register. The intent of the policy is to ensure that the municipality's heritage resources are protected while providing for situations for which one of the above noted applications might be received.

## Rationale:

The proposed policy is broadly intended to respond to three specific matters:

- Legislative direction from the Ontario Heritage Act, its associated regulations, and the amendments made by the More Homes, More Choice Act
- The provision of clarity for property owners regarding submission requirements and municipal procedures for four key processes under the Ontario Heritage Act
- The provision of direction for staff, the Municipal Heritage Committee and Council through a Council adopted policy to ensure consistency of approach to applications regarding heritage property

In order to respond to this issues, the policy covers a wide range of processes and documents which relate to the four types of applications that owners of heritage properties can make under the Ontario Heritage Act. Staff have undertaken a review of provincial legislation and policy and the processes and policies currently in place in other Ontario municipalities and drafted the proposed policy attached as Appendix A. The attached document is the first draft of the proposed policy. A review of the draft allows the Municipal Heritage Committee to provide input on the document in its early stages which can be incorporated into the final policy. The final policy will be presented to and reviewed by the Committee prior to its presentation to Council.

The proposed policy covers a wide range of topics pertinent to the alteration and demolition of heritage properties. The key topics are outlined and summarized below.

**Alteration of Property**

The new regulations under the Ontario Heritage Act resulting from the More Homes, More Choice Act (2019) will provide minimum submission requirements for an application to alter a property designated individually under Part IV of the Act or as part of a heritage conservation district under Part V of the Act. The draft version of these submission requirement that the Committee reviewed in fall 2020 is attached to this report as Appendix B. The final version of the regulations has not yet been released, but staff are anticipating minimal changes to the proposed submission requirements for the alteration of heritage properties. The regulation outlines minimum requirements which all municipalities are required to request from applicants. However, the regulation also allows the Council of a municipality to introduce specific municipal requirements.

The submission requirements proposed by staff are substantially the same as those outlined by the province and what the City already requires the owner of a heritage property to submit when applying to alter their property. This section of the proposed policy provides additional clarification on the potential for staff to request additional studies and the relationship of heritage permit applications to the City's Building and Planning processes.

Applications to alter a property are the most common type of application made under the Ontario Heritage Act and are regularly received by the City from the owners of properties designated under Parts IV and V of the Act. This section of the policy does not apply to listed properties as owners of listed properties are not required to apply to the municipality for consent to alter their property outside of the usual building and planning processes.

## Demolition of Property

Sections 27, 34, and 42 of the Act allow a property owner to apply to the municipality to demolish their heritage property. This includes both designated and listed properties. The Act allows Council to request information be provided with that application such that it can be evaluated and a decision made. At present, there is no municipal procedure for processing this type of request.

Staff are suggesting that, along with a completed heritage permit application form, the owner be required to submit both a Heritage Impact Assessment and the plans and elevations for the proposed future use of the site. The Heritage Impact Assessment would be used to evaluate the proposed future use of the site and proposed demolition.

As with applications for the alteration of property, the submission requirements can be scoped or waived at staff's discretion. This allows staff to make exceptions regarding submission requirements where it is appropriate, particularly in cases where there are mitigating circumstances for the owner's request to demolish, such as catastrophic loss or structural failure in a building. It also allows for staff to request additional studies, such as an engineering report, if it is deemed necessary to evaluate the application.

## Repeal of a Designating By-law

The process for the repeal of a designating by-law at the request of an owner is informed by section 32 of the Act. This section allows for the owner of a designated property to apply to Council for the by-law of their property to be repealed and establishes the process that a municipality must follow should it receive a request of this type. It does not specify what documents must be submitted as part of this type of application. At present, there is also no municipal process or associated submission requirements for an owner to make this request. This section of the policy is intended to establish and provide direction for those types of applications.

Staff are suggesting that an owner submit a Cultural Heritage Evaluation Report along with their application to repeal the by-law. The intent of the Cultural Heritage Evaluation Report is to establish whether or not a property has cultural heritage value and what that value is based on the Ontario Regulation 9/06 criteria. This report, which would have to be prepared by a qualified heritage consultant, would help inform the recommendations provided by staff and the Municipal Heritage Committee and Council's decision making process.

This section of the proposed policy only applies to properties designated under Part IV of the Act for which there is a designating by-law to repeal. Properties located in a heritage conservation district cannot opt out of a heritage conservation district plan. The repeal of a heritage conservation district designation by-law would be a public process requiring extensive consultation and is not included in this policy which only addresses applications for individual properties. It also does not apply to the repeal of a heritage designation by-law at Council's initiative which has an associated public process under Section 31 of the Act and does not require the submission of documents.

## Removal of a Listed Property from the Heritage Register

Outside of the new appeals process introduced in Section 27 of the Ontario Heritage Act by the More Homes, More Choice Act, there is no process for removing a property from a municipality's Heritage Register outlined in the Act. The Act stipulates that an owner must supply any information that a Council may require along with an application to demolish, but does not identify what that information must consist of. Council must also consult its Municipal Heritage Committee prior to removing a property from the Register. At present, there is no established municipal process for an owner to apply for their property to be removed from the Register.

Staff have identified two instances where an owner might want their property removed from the Register, namely an application to demolish the property or a request to remove the property because the owner does not believe it has sufficient heritage value to warrant inclusion on the Register. Applications for demolition for a listed property will follow the same requirements for demolition as for other heritage properties to ensure consistency across the City's processes. An application to remove a property from the Heritage Register without demolition will require the owner to demonstrate why they do not believe their property has cultural heritage value.

An application to remove a property from the heritage register without demolishing it are substantially the same as those to repeal a Part IV designation by-law. The owner will be required to submit a Cultural Heritage Evaluation Report for their property to which studies and evaluations its cultural heritage value.

## Fees

Staff are proposing the introduction of new fees for the applications to demolish a heritage property and to repeal a heritage designation by-law. These new fees are

intended to cover the costs to the municipality associated with these types of applications, namely the registration of by-laws and the provision of public notice.

The dollar amount of these fees has not yet been determined but would be in line with those currently charged by other municipalities for these types of applications.

This policy also provides for the payment of fees associated with appeal to the LPAT and peer review of technical studies. The payment of these fees is already established within the Planning process.

## Terms of Reference

The proposed policy refers to two different types of study and their respective terms of reference: the Cultural Heritage Evaluation Report (CHER) and the Heritage Impact Assessment (HIA). These two studies, which serve different purposes, are both widely used by municipalities as part of the planning process to understand the heritage value of a site and help to identify and mitigate the impacts of a proposed development on a cultural heritage resource. A CHER is used to determine what, if any, heritage value a property has, based on Ontario Regulation 9/06. An HIA is used to determine the impact of a proposed development on an identified heritage resource and provide mitigation and conservation strategies.

These two types of reports are already used to assist staff with determining heritage value and the potential impact of proposed developments and are enabled by the City's Official Plan and the Provincial Policy Statement (2020). The proposed policy is intended to clarify their use and the requirement to submit them for different types of heritage-related applications. The terms of reference for HIAs and CHERs are attached as Appendix C and Appendix D respectively. The Terms of Reference for CHERs are currently in draft form and are in the process of being finalized.

## Removal of Heritage Attributes

One of the changes made to the Ontario Heritage Act by the More Homes, More Choice Act was a change in the definition of demolition to include the removal of heritage attributes from a property. This would require every application involving the removal of a heritage attribute of a designated property to be reviewed and approved by Council as authority cannot be delegated for demolition.

Staff from the Ministry of Heritage, Sport, Tourism and Culture Industries have provided verbal guidance that this means the permanent removal of heritage attributes. The proposed policy provides an explanation of where the removal of a heritage attribute would be considered an alteration and where it would be considered a demolition.

## Other Alternatives Considered:

There are no recommended alternatives.

## Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

## Consultations:

Ministry of Heritage, Sport, Tourism, and Culture Industries
Director, Development Services
Manager, Planning
Manger, Economic Development
Chief Building Official
Policy Planning Supervisor
Development Planning Supervisor

## Attachments:

Appendix A – Heritage Alterations and Demolitions Draft Policy

Alteration and Demolition Policy Drat

Appendix B – Proposed Submission Requirements (OHA Regulation)

Submission Requirements Propos

Appendix C – Heritage Impact Assessment Terms of Reference

HIA Terms of Reference 2021.pdf

Appendix D – Cultural Heritage Evaluation Report Terms of Reference

Cultural Heritage Evaluation Report Ter

**Department Head email:** cmarshall@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

**Draft**

## Alteration and Demolition of Heritage Property Policy

### Policy Statement and Rationale

The Ontario Heritage Act and the City's Official Plan authorize the City to have set procedures which require the submission of certain documentation as part of an application by an owner to alter or demolish a heritage property located within the municipality, repeal a heritage designation by-law, or remove a listed property from the Heritage Register. This policy is intended to establish the process of application for the alteration or demolition of a heritage property, the repeal of a heritage designation by-law, or the removal of listed property from the Heritage Register, including the submission requirements for applicants, and staff and Council procedures for processing such applications.

Ontario Regulation #TBD under the Ontario Heritage Act prescribes minimum submission requirements for an application to alter or demolish a heritage property but stipulates that a municipality may also request additional materials which have been established through a by-law, Council resolution or plan. Similarly, Sections 27, 34, and 42 of the Ontario Heritage Act require Council to identify the information it requires when processing an application for the demolition of a listed or individually designated property and the alteration and/or demolition of a property designated as part of a Heritage Conservation District. This policy responds to that legislative direction.

Both the Provincial Policy Statement (2020) and the City's Official Plan require the municipality to conserve its heritage resources, as part of its broader approach to planning, development, and growth. This policy is intended to strike a balance between the preservation of important heritage properties in the City of Kawartha Lakes with the understanding that both alteration and demolition applications are received for these properties for a variety of reasons. It is also intended to address provincial requirements under the Ontario Heritage Act and its regulations, while providing transparency and consistency for applicants, staff, and Council regarding the process, submission requirements, and evaluation procedures for applications to alter or demolish a heritage property.

### Scope

This policy applies to heritage properties as identified on the City's Heritage Register. These include:

- Properties designated individually under Part IV of the Ontario Heritage Act

- Properties designated under Part V of the Act as part of a Heritage Conservation District
- Properties listed on the Heritage Register as properties of cultural heritage value or interest

This policy also applies to individual properties for which a Notice of Intention to Designate has been issued by Council in accordance with Section 30 of the Act, which provides for interim control prior to the passage of a designation by-law. It may also apply to properties located in a Heritage Conservation District study area if Council has passed a study area by-law with interim controls that prohibits or set limitations with regard to the demolition or removal of buildings or structures within the study area, as enabled by Section 40.1 of the Act. It does not apply to a Heritage Conservation District study area if a by-law has not been passed to designate it as a study area and provide interim controls.

Properties located within a Heritage Conservation District which have been identified as non-contributing properties in a Heritage Conservation District Plan are also subject to these requirements in instances where they are required to submit heritage permit applications to the municipality. In general, this would include the construction of a new building, the demolition of property or the installation of commercial signage. However, for these properties, the submission requirements may be scoped or waived as appropriate.

The requirements for the request to repeal a designation by-law only applies to properties designated under Part IV of the Act for which an individual designation by-law can be repealed. Individual properties within an Heritage Conservation District designated under Part V of the Act cannot opt out of a Heritage Conservation District Plan.

**Policy:**

**Heritage Register**

As required by subsection 27(1) of the Ontario Heritage Act, the City has established and will maintain a Register of Heritage Properties (the Heritage Register) located within the municipality. The Register will include properties designated under Parts IV and V of the Act and listed properties. As required by the Act, it will be publically accessible in the Clerk’s Office as well as on the City’s website, in the Economic Development Office, and in the Building Division. The Register will be maintained by the Economic Development Officer – Heritage Planning, or designate, and updated as necessary. Owners of properties within the municipality and other members of the public will be able to access the Register to ascertain whether or not a property is subject to this policy. There is no fee to access the Heritage Register.

Properties included under this policy because they are subject to interim controls under Section 30 or Section 40.1 of the Act are not included on the Register. However, owners of these properties will receive notice as required by subsections 29(4) and 40.1(3) of the Act, as appropriate, which will alert them to the interim controls in place.

**Definitions:** In this policy,

**"alter"** means to change in any manner and includes to restore, renovate, repair, erect, or disturb; and "alteration" and "altering" have corresponding meanings;

**"applicant"** means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner's behalf;

**"Building Code Act"** means the *Building Code Act,* S.O. 1992, Chap. 23, as amended or any successor thereof;

**"Building By-law"** means the by-law or by-laws passed by the municipality for the administration and enforcement of the Building Code Act within the City of Kawartha Lakes, as amended from time to time;

**"building permit"** means a permission or authorization given in writing by the Chief Building Official for the construction or demolition of a building or structure, or part thereof, as defined in subsection 1(1) of the Building Code Act;

**"Chief Building Official**" means the person appointed by Council as the Chief Building Official for the purpose of the enforcement of the Building Code Act;

**"City", "City of Kawartha Lakes"** or **"Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"Council"** or **"City Council"** means the municipal council for the City;

"**delegated authority by-law**" means the by-law or by-laws passed by Council under Sections 33 and 42 of the Ontario Heritage Act to delegate authority to approve the alteration of heritage property to an employee or appointed officer of the City by position occupied, as amended from time to time;

**"demolish"** means the removal of a building or structure, in whole or in part, from a property, either by destruction or relocation, the removal of a heritage attribute from a property designated under Part IV of the Act as identified in a property's designation by-law, or the removal of a heritage attribute from a property designated under Part V of the Act where the removal would impact the heritage attributes of the district as identified in a heritage conservation district plan; and "demolition" and "demolishing" have corresponding meanings;

**“demolition permit”** means a permission or authorization given in writing by the Chief Building Official for the demolition, in whole or in part, of a structure;

**“designated property”** means any property that is designated individually under Part IV of the Ontario Heritage Act or under Part V of the Act as part of a Heritage Conservation District;

**“Economic Development Officer – Heritage Planning”** means the person who holds that position or his or her designate(s) as appointed, or, in the event of organizational changes, another person designated by Council;

**“Heritage Conservation District”** means a Heritage Conservation District designated under Part V of the Ontario Heritage Act;

**“Heritage Conservation District plan”** means a plan adopted by Council to provide direction on the preservation of heritage character and defining elements of a Heritage Conservation District;

**“heritage permit”** means the authorization given in writing by the municipality to make alterations, including demolition, to a heritage property;

**“heritage property”** means any property that is designated under Part IV or Part V of the Ontario Heritage Act, is subject to a Notice of Intention to Designate, is located in a heritage conservation district study area subject to an interim control by-law, or is listed as a property of cultural heritage value or interest on the City’s Heritage Register and includes buildings, structures, landscape features and subject lands;

**“Heritage Register”** or **“Register”** means the City’s register of properties situated in the municipality which are of cultural heritage value or interest as enabled by Section 27 of the Ontario Heritage Act;

**“listed property”** means a property included on the City’s Heritage Register as being of cultural heritage value or interest that is not designated under Part IV or Part V of the Ontario Heritage Act;

**“Municipal Heritage Committee”** means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

**“Ontario Heritage Act”** or **“the Act”** means the *Ontario Heritage Act,* R.S.O. 1990, c. o.18, as amended or any successor thereof;

**“owner(s)”** means the owner of a heritage property and includes a corporation or partnership, the heirs, executors, administrators, and other legal representatives of a

person to whom the context can apply according to the law, and the person who has made application for approval for the alteration or demolition of a heritage property;

**"Planning Act"** means the *Planning Act,* R.S.O. 1990, Chap. 13, as amended or any successor thereof;

**"Sign By-law"** means City of Kawartha Lakes By-law 2009-076, being a By-law to Regulate Advertising Devices in the City of Kawartha Lakes, as amended from time to time.

**Procedures:**

**Roles**

The implementation of this policy will be coordinated by the City's Economic Development Officer – Heritage Planning in conjunction with Building and Planning staff. Staff will:

- Ensure that the Heritage Register is kept up to date to provide a complete inventory of all properties to which this policy applies
- Conduct pre-consultations with applicants
- Conduct site visits to subject properties as required
- Advise applicants of the submission requirements and ensure all appropriate documentation is submitted
- Request additional information from the applicant as required
- Review applications, studies and plans and make recommendations to the Municipal Heritage Committee and Council
- Ensure all statutory requirements under relevant legislation including, but not limited to, the Ontario Heritage Act, the Planning Act, and the Building Code Act are met
- Waive submission requirements as appropriate
- Review and approve applications for certain classes of alterations for which authority is delegated to staff, as outlined in the delegated authority by-law
- Issue appropriate permits and execute relevant documents as directed by Council

Under the Ontario Heritage Act, the Municipal Heritage Committee must be consulted regarding the demolition of a heritage property, the repeal of a designating by-law and/or the removal of a listed property from the Heritage Register. The Committee must also be consulted when an application for alteration is presented to Council. Similarly, under the City's delegated authority by-law, staff must also consult with the Committee regarding the approval of certain classes of alterations for which authority is delegated

to staff when the property in question is designated under Part IV of the Act. The Municipal Heritage Committee will:

- Review applications, studies, plans and recommendations from staff
- Request additional information from staff and/or the applicant as required
- Provide recommendations to staff regarding the approval of certain classes of alterations to individually designated properties for which authority is delegated to staff, as outlined in the delegated authority by-law
- Provide recommendations to Council regarding alterations, demolitions, the repeal of heritage designation by-laws and the removal of property from the Heritage Register

The Ontario Heritage Act establishes Council as the decision-making body on matters regarding the demolition or alteration of a heritage property, the repeal of a heritage designation by-law or the removal of a property from the Heritage Register. As per the Act, only Council may consent to the full or partial demolition of a property, repeal a heritage designation by-law, and/or remove a property from the Heritage Register. While under the City's delegated authority by-law, certain classes of alterations are delegated to staff for approval, certain type of alterations are not delegated and must be approved by Council. Similarly, Council may retain authority related to the approval of any application to alter a heritage property. Council will:

- Review applications, studies, plans, and recommendations from staff and the Municipal Heritage Committee
- Request additional information from staff, the Municipal Heritage Committee and/or the applicant as required
- Consent to or deny applications to demolish a heritage property, in full or in part
- Consent to or deny applications to alter a heritage property
- Repeal designation by-laws, as appropriate
- Remove properties from the Heritage Register, as appropriate

**Removal of Heritage Attributes**

Subsections 34(1) and 42(1) of the Ontario Heritage Act define the demolition of a designated property as either the full demolition or removal of a property designated under either Part IV or Part V, respectively, of the Act or the removal of any of a designated property's identified heritage attributes. For properties designated under Part IV of the Act, this means the removal of any of the heritage attributes identified in the property's individual designation by-law. For properties designated under Part V of the Act, this means the removal any heritage attribute of a property if its removal would affect the heritage attributes of the district as a whole as identified in the heritage conservation district plan.

For the purpose of determining submission requirements and processing applications, a property's heritage attributes will be considered to have been removed when they are removed from a property and not replaced. Such applications will follow the submission requirements and process for demolition. Applications where heritage attributes are removed and replaced in kind, for example as part of a restoration project, will not be considered to have been removed and will be processed as alterations.

**Cultural Heritage Evaluation Reports and Heritage Impact Assessments**

As part of an application to alter or demolish a heritage property, repeal a designating by-law or remove a listed property from the Heritage Register, staff may request either a Cultural Heritage Evaluation Report or a Heritage Impact Assessment from the applicant. Each study is designed to fulfil a different purpose and will be requested based on the nature of the proposal. The preparation of either study will be undertaken by a qualified heritage professional and follow the respective Terms of Reference developed by the City.

A Cultural Heritage Evaluation Report (CHER):

- Reviews and summarizes the history and development of a site
- Identifies any cultural heritage resources, including built or natural heritage and cultural heritage landscapes, present on the site
- Evaluates the identified cultural heritage resources based on O. Reg. 9/06 and/or O. Reg. 10/06
- Identifies the potential for impacts from future development on the site, if applicable
- Provides conclusions and recommendations regarding the cultural heritage value of the site

A CHER may be requested when the cultural heritage value of a property is unclear or in question, or when it is required to determine the presence and scope of cultural heritage resources on a site. In general, a CHER will be requested with an application is made to remove a listed property from the Heritage Register or repeal a designation by-law when there is not a corresponding application for demolition or alteration.

A Heritage Impact Assessment (HIA):

- Determines the impact of a proposed development on a cultural heritage resource
- Identifies any cultural heritage resources, including built or natural heritage and cultural heritage landscapes, present on the site and summarizes its historical development

- Identifies potential mitigation and conservation strategies to protect the cultural heritage resource present on the site
- Provides recommendations and conclusions regarding the most appropriate mitigation and conservation strategies for identified heritage resources in relation to the proposed development.

An HIA may be requested when a proposed development has the potential to impact an identified cultural heritage resource. In general, an HIA will be requested when an application is submitted under the Planning Act which directly involves or is adjacent to an identified heritage property or cultural heritage landscape, including a heritage conservation district. An HIA will also be requested with an application is made to demolish a heritage property.

**Submission requirements**

The Ontario Heritage Act allows for a municipality to request the submission of certain documents as part of a complete application to alter a heritage property, demolish a heritage property or remove it from the Heritage Register and the power for a municipality to deem when an application is complete. The following sets out the documents required for a complete application for the alteration or demolition of a heritage property, the repeal of a designating by-law, and/or the removal of a listed property from the Heritage Register.

**Alteration**

Authorization for the alteration of a heritage property is granted through the issuance of a heritage permit and applicants will apply using the Heritage Permit Application form. For alterations which also require a building permit, heritage approvals must be granted prior to application for a building permit from the Building Division. For alterations which also require permission under the Planning Act, applications may be processed either consecutively or concurrently. Applicants are required to submit a complete application for the alteration of a heritage property prior to their application being processed.

An application for the alteration of a heritage property is not deemed to be complete under the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Completed Heritage Permit Application Form including the following information:
    - The name, address, telephone number, and, if applicable, the email address of the applicant
    - A description of the subject property including the municipal address and legal description
    - A written description of the proposed alterations and reasons for undertaking them

    - Identification of other applications made to the City relating to the proposed alteration
    - An affidavit or sworn declaration by the applicant certifying that the information provided is complete and accurate
- Photo documentation of the portion of the property to be altered
- Site plan, elevations, and other drawings, as appropriate, clearly demonstrating the proposed alteration to the property. Drawings must include all architectural details and proposed materials

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer – Heritage Planning. In addition to the requirements listed above, the applicant may be required to submit additional supporting documents that may be identified by the City as being relevant or necessary to the evaluation of the application. These may include, but are not limited to, a Heritage Impact Assessment or Engineering Report. Any additional requirements will be established at a pre-consultation meeting prior to application. Staff may request entry onto the property in order to evaluate the proposed alteration on the heritage attributes of the site.

If a heritage permit is granted for the alteration of the property, the applicant is then responsible for applying for a building permit from the City's Building Division and fulfilling any and all requirements under the Building Code Act and as required by the City's Building By-law, as amended, prior to the issuance of a building permit. Applications for new commercial signage are required to apply for and receive a Sign Permit, as required by the City's Sign-By-law. Some alterations to heritage properties for which a heritage permit is required, such as the replacement of doors and windows, will not require a building permit. The applicant should consult with the Building Division to verify the requirements under the Building Code Act.

The applicant is also responsible for ensuring any permissions required under the Planning Act are received and any conditions related to those applications are fulfilled. Not all heritage permit applications will require an application to be made under the Planning Act, but the applicant should consult with the Planning Division to verify the requirements under the Planning Act.

There is no additional fee to process an application to alter a heritage property. The appropriate fee is payable for the application for a building permit from the Building Division as per the fee schedule in the Building By-law.

Owners of listed properties are not required to apply for a heritage permit to alter their property, except for demolition. This section of the policy does not apply to listed properties.

**Demolition**
Authorization for the demolition of a heritage property is granted through the issuance of a heritage permit and applicants will apply using the Heritage Permit Application form. Heritage approvals must be granted prior to application for a demolition permit from the Building Division. Applicants are required to submit a complete application for the demolition of heritage property prior to their application being processed. Approval from Council is required for the full or partial demolition of a heritage property.

An application for the demolition of a heritage property is not deemed to be complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Completed Heritage Permit Application Form
- Heritage Impact Assessment prepared in accordance with the City's Heritage Impact Assessment Terms of Reference
- A scaled, full size site plan and elevation drawings which clearly show the proposed future use of the site with the location of the existing buildings clearly identified. Elevation drawings must include all architectural details and proposed materials.
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
    - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
    - Block map
    - Certified copy of PIN
    - Certified copy of old abstract pages
    - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
    - Copies of reference plans

For properties where the demolition involves the relocation of a heritage building to another site, the owner will also be required to submit a site plan which clearly shows the proposed future location of the heritage building.

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer- Heritage Planning. In addition to the requirements listed above, the applicant may be required to submit any other supporting materials that may be identified by the City as being relevant and necessary to the evaluation of the application. Any additional requirements will be established at a pre-

consultation meeting prior to application. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

The documents required for a complete submission under this policy may be waived all or in part in writing by the Economic Development Officer – Heritage Planning, in consultation with Planning and Building staff. Reasons for waiver of some or all submission documents may include, but are not limited to:

- Demolition of a property, in whole or in part, that is required to ensure public safety as determined by the Chief Building Official
- Measures required to deal with an emergency that puts the integrity of a building or structure in danger as determined by the Chief Building Official
- Demolition of the interior of a building when the building is listed on the Heritage Register, designated under Part V of the Ontario Heritage Act as part of a heritage conservation district, or designated under Part IV of the Ontario Heritage Act and does not have identified interior attributes and the interior demolition will not compromise the structural integrity of the building or the property's identified heritage attributes
- Demolition of an accessory structure not identified in a heritage designation by-law

The waiver of documents will be confirmed in writing by the Economic Development Officer – Heritage Planning. In situations where documents and/or requirements are waived prior to the full or partial demolition of a structure, the applicant still must receive consent in writing from the Economic Development Officer – Heritage Planning, through the issuance of a heritage permit, and a demolition permit from the Building Division prior to commencing demolition.

If a Heritage Permit is granted for the demolition of a structure, the applicant is then responsible for applying for a demolition permit from the City's Building Division and fulfilling any and all requirements under the Building Code Act and as required by the City's Building By-law, as amended, prior to the issuance of a demolition permit.

In cases where there will be new construction, either of a new building or as an addition to an existing heritage building, as the next step to demolition, the application for a heritage permit for new construction may be processed simultaneously with the application to demolish.

If an application for demolition involves partial demolition of a property and can be considered minor in nature and will not have an impact on the property's heritage attributes, such as, for example, the removal of a non-historic addition, staff may process the application through the heritage alterations application process, as opposed

to the demolition process outlined in this policy. This may allow a permit to be granted without approval from Council, should it be deemed appropriate, under the City's delegated authority by-law. In such cases, the application will follow the submission requirements, processes, and timelines prescribed under Sections 33 or 42 the Act and in this policy for alterations to heritage properties. Applicants will be advised regarding the processing stream for their application at the pre-consultation meeting.

The applicant will be required to pay the established fee for the demolition of a heritage property as outlined in the City's Consolidated Fees By-law. The applicant is also responsible for any additional fees incurred as a result of the application which may include peer review or appeal to the Local Planning Appeals Tribunal (LPAT).

**Repeal of Designation By-law**

Section 32(1) of the Ontario Heritage Act allows the owner of an individually designated property to apply to the Council of a municipality to repeal the designation by-law of their heritage property. Approval from Council is required for the repeal of a designating by-law. An application to repeal, in whole or in part, a designating by-law for a property designated under Part IV of the Ontario Heritage Act is not deemed complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Notification, in writing, of the applicant's intention to apply to Council to repeal the designation by-law including a detailed description of the reasons for which the repeal of the designating by-law is being requested
- A Cultural Heritage Evaluation Report prepared in accordance with the City's Cultural Heritage Evaluation Report Terms of Reference, or a Heritage Impact Assessment prepared in accordance with the City's Heritage Impact Assessment Terms of Reference, as appropriate
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
    - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
    - Block map
    - Certified copy of PIN
    - Certified copy of old abstract pages
    - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
    - Copies of reference plans

If the applicant is also seeking a heritage permit for demolition, they must also submit the documentation noted above as part of their application to demolish the property. Applications which involve both the demolition of a property and the repeal of a designating by-law should be submitted concurrently and will be processed as a single application. Applicants are not required to submit duplicate documentation.

An application is deemed complete when all of the required documentation is submitted to the Economic Development Officer- Heritage Planning. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

Staff will request either a Cultural Heritage Evaluation Report or a Heritage Impact Assessment Report as part of an application to repeal a designating by-law. In general, a CHER will be requested in situations where the applicant is seeking to only repeal the designating by-law. An HIA will be requested where the repeal of the designating by-law is requested in conjunction with an application to demolish or alter and/or an application made under the Planning Act. Staff will advise the applicant as to the required study at the pre-consultation meeting.

Although applications to demolish a property and repeal its designating by-law should be submitted together, the designating by-law for the property will be presented to Council for repeal after the subject property has been demolished.

The documents required for a complete submission may be waived, in whole or in part, in writing by the Economic Development Officer – Heritage Planning in consultation with Building and Planning staff if it is deemed appropriate.

The applicant will be required to pay the established fee for the repeal of a heritage designation by-law as outlined in the City's Consolidated Fees By-law. The applicant is also responsible for any additional fees incurred as a result of the application which may include peer review or appeal to the LPAT.

**Removal of a Listed Property from the Heritage Register**

Owners may request that their listed property is removed from the Heritage Register, either because they believe that it does not have cultural heritage value or because they wish to demolish the property. Approval from Council is required to remove a property from the Heritage Register. For applications which involve the demolition of the property, the applicant must submit an application to demolish the property, as outlined above, and the submission requirements for the demolition of a heritage property apply. The property will be removed from the Heritage Register after it has been demolished.

The partial demolition of a property, such as the removal of an addition or the demolition of the interior, will not necessitate the removal of a listed property from the Heritage

Register and will be processed on a case by case basis. Submission requirements may be scoped or waived by staff.

For applications where the owner is proposing the removal of a property from the Heritage Register but is not proposing the demolition of the property, an application to remove a listed property from the Heritage Register is not deemed complete until the owner has submitted the following documents to the Economic Development Officer – Heritage Planning:

- Notification, in writing, of the applicant's intention to apply to Council to remove the property from the Heritage Register including the reasons for which the removal from the Register is being requested
- A Cultural Heritage Evaluation Report prepared in accordance with the City's Cultural Heritage Evaluation Report Terms of Reference
- Photo documentation of the property and all structures demonstrating the architectural and heritage features and including at least one photograph of each elevation of any structures on the property
- A complete and certified title search of the property including:
    - A chain of title with instrument numbers and brief legal descriptions identified with the title searcher's name, stamp or similar;
    - Block map
    - Certified copy of PIN
    - Certified copy of old abstract pages
    - Full copies of transfers or other relevant title documents (wills, mortgages, etc.)
    - Copies of reference plans

An application is deemed complete when all of the required documents are submitted to the Economic Development Officer – Heritage Planning. Staff may request entry onto the property as part of an evaluation of the heritage significance of the site.

The documents required for a complete submission may be waived, in whole or in part, in writing by the Economic Development Officer – Heritage Planning if it is deemed appropriate.

**Application Process**

Application for the alteration or demolition of a heritage property, the repeal of a designating by-law or the removal of a listed property from the Heritage Register will follow the requirements and process outlined in the Ontario Heritage Act and the City's delegated authority by-law and will take place within the timeframes outlined by the Act (see below). The general process will be as follows:

1. The applicant meets with staff at a pre-consultation meeting before submitting an application where staff will advise on their proposal and establish waiver of document submission, if applicable, and/or any additional documentation that might be required. It is the responsibility of the applicant to reach out to staff to coordinate the meeting. The meeting will be coordinated by the Economic Development Officer – Heritage Planning. Alternately, the applicant may undertake preconsultation through the Planning Division's Preconsultation process for applications which require an associated Planning Act application.
2. The applicant submits a completed heritage permit application form or notice of intent and all required documentation. Staff review application for completeness and request additional information if necessary. A notice of receipt is served on the applicant when the application is deemed complete.
3. For applications where authority is delegated to staff, staff review the application and approve, approve with conditions, or deny the application. A notice of decision is served on the applicant. The applicant may appeal the decision to Council.
4. For application where authority is not delegated or where recommendations from the Municipal Heritage Committee are required, staff prepare a report for the Municipal Heritage Committee including a staff recommendation, the application and all submitted documents.
5. The application is reviewed by the Municipal Heritage Committee which makes a recommendation, through a resolution, regarding the application.
6. For applications for which authority is delegated to staff in consultation with the Municipal Heritage Committee, staff serve a notice of decision, approving, approving with conditions, or denying the application, on the applicant. The applicant may appeal the decision to Council.
7. For applications where authority is not delegated, staff prepare a report for Council including the Municipal Heritage Committee's recommendation, the application, and all submitted documents.
8. Council reviews the application and makes a decision to approve, approve with conditions, or deny the application.
9. Staff execute the appropriate documents, provide notification to the owner, revise the Heritage Register, publish appropriate public notifications, and notify the Ontario Heritage Trust, as necessary with respect to the type and outcome of the application.

For applications to repeal a designation by-law that also includes the demolition of the designated property in question, the applications should be submitted simultaneously and will be processed as a single application. However, the designating by-law will only be repealed after the property has been demolished and an inspection carried out by a Building Inspector. Similarly, a listed property for which demolition is proposed will only

be removed from the Heritage Register once the property has been demolished and an inspection carried out.

Building and/or demolition permits will not be issued until heritage permits have been issued as per the requirements of the Building Code Act. Similarly, applications under the Planning Act will not be approved until heritage permits have been issued for the proposed alterations or demolition.

**Relocation of Heritage Properties**

If an application to demolish a heritage property involves the relocation of a building to another site, the by-law will be repealed, repealed and replaced or amended, as appropriate, to reflect the new site of the building, its associated legal description, and any changes in the heritage attributes or statement of significance. The by-law will not be repealed or amended until the building is moved to its new site. The processes established under the Ontario Heritage Act for repeal or amendment will be followed.

Any removal which requires the disinterment and/or relocation of human remains or a burial marker from a heritage property will follow the processes outlined in the Funeral, Burial and Cremation Services Act which prevails over the Ontario Heritage Act. Applications of this nature will be processed on a case by case basis in consultation with the applicant and other relevant agencies, including local First Nations as appropriate.

**Amendment of a Heritage Designation By-law Following a Partial Demolition**

If an application to demolish a heritage property designated under Part IV of the Act involves the partial demolition of a building, the demolition of one building which forms part of a designated property, or the permanent removal of heritage attributes and the application is approved, the designation by-law for the property will be amended to reflect the changes to the property. The process for amending a designation by-law, including the provision of notice and appeal process, is established by Section 30.1 of the Act.

Applicants do not need to apply to amend the designating by-law for the property. An amending by-law will be brought forward by staff, in accordance with the processes outlined in the Act, following approval of the demolition by Council to reflect the changes made to the property.

**Application Timeframes**

The Ontario Heritage Act establishes timeframes for consent to or refusal of permits for the alteration of heritage properties under Sections 30(4) and 42(4), the demolition of

heritage properties under Sections 27(3), 34(2), and 42(4) of the Act, and for repeal of a designation by-law under Section 32(2). The prescribed timeframes are:

- 60-day review period for the demolition of a listed property
- 90-day review period for the alteration of a property designated under Part IV or V of the Act
- 90-day review period for the demolition of a property designated under Part IV or V of the Act
- 90-day review period for the repeal of a by-law designating a property under Part IV of the Act

The City will adhere to these timeframes which begin when an application is deemed complete and a notice of receipt is served on the applicant.

There is no timeline established in the Act for the removal of a property from the Heritage Register that does not include the demolition of the property. In keeping with the legislated timeline for other types of applications, the City will process these requests within 90 days of deeming the application complete and serving a notice of receipt on the applicant.

**Legislative and Administrative Authority**

Ontario Heritage Act, 1990
Planning Act, 1990
Building Code Act, 1992
Funeral, Burial and Cremation Services Act, 2002
Provincial Policy Statement, 2020
City of Kawartha Lakes Official Plan, including Official Plan Amendment 26 (2017)
City of Kawartha Lakes By-law 2019-154

INFORMATION AND MATERIAL – SUBSECTIONS 33 (2) AND 34 (2) OF THE ACT

**Prescribed information and material**

**8.** (1) For the purpose of subsections 33 (2) and 34 (2) of the Act, the following information and material shall accompany an application:

1. The name, address, telephone number and, if applicable, the email address of the applicant.

2. The name of the municipality from which consent is being requested.

3. A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers.

4. Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context.

5. A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.

6. Drawings and written specifications of the proposed alteration, demolition or removal.

7. The reasons for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.

8. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.

9. An affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

(2) The information or material referred to in subsection (1) must also include any information or material that is required to accompany an application by a municipal by-law, resolution or official plan.

(3) The owner of the property shall serve an application made under subsection 33 (1) or 34 (1) of the Act on the council of the municipality.

(4) Use of a municipality's electronic system to submit an application mentioned in subsection (3) is a method for the purpose of clause 67 (1) (d) of the Act.

(5) Service using a municipality's electronic system is effective on the day the application is submitted unless the application was submitted after 5 p.m., in which case it is effective on the following day. If the day on which service would be effective is a Saturday or a holiday, service is instead effective on the next day that is not a Saturday or a holiday.

(6) For the purpose of paragraph 2 of subsection 33 (7) of the Act and paragraph 2 of subsection 34 (4.3) of the Act, an application is considered to have commenced on the day that it is served on the council of the municipality.

## REQUIRED STEPS – SECTION 34.3 OF THE ACT

**Council consents to application under s. 34 of the Act**

**9.** (1) The following steps are prescribed for the purposes of subsection 34.3 (1) of the Act:

1. After the demolition or removal of a building, structure or heritage attribute on the property is complete, the council of the municipality shall, in consultation with the municipal heritage committee established under section 28 of the Act, if one has been established, make one of the following determinations:

    i. The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.

    ii. The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.

    iii. The property no longer has cultural heritage value or interest as a result of the demolition or removal.

# Heritage Impact Assessments

## Terms of Reference

A Heritage Impact Assessment (HIA) is a study to determine the impact of a proposed development on the cultural heritage value of a property and to recommend an overall approach to the conservation of the heritage resource. The assessment results in a report that identifies all heritage resources present on a site, provides an evaluation of those resources and makes recommendations regarding conservation methods and/or mitigation that would minimize the impact of the proposed development. HIAs are important planning tools to ensure that heritage values and attributes are considered in the land development process.

The study will be based on a thorough understanding of the significance and heritage attributes of the cultural heritage resource, identify the proposed development or alteration will have, and consider and recommend mitigation and conservation strategies that best conserves the resources within the context of the proposed development.

Minimal intervention should be the guiding principle for all work.

### Policy Context

An HIA is intended required to determine compliance of a proposed development with heritage policies and assist staff with analysis and report preparation. The rationale for requiring a heritage impact assessment arises from:

- The Ontario Heritage Act
- Section 2(d) of the Planning Act
- Section 2.6 of the Provincial Policy Statement (2020)
- The City of Kawartha Lakes Official Plan, Sections 10.5—Heritage Policies and 35.11 Appendix K—Heritage Impact Assessment, enacted through Official Plan Amendment 26 (2017)

Heritage impact assessments should be based on accepted conservation principles and guidelines including:

- *The Standards and Guidelines for the Conservation of Historic Places in Canada* (Parks Canada)
- *Heritage Conservation Principles for Land Use Planning* (Ontario Ministry of Tourism, Culture and Sport)
- *Eight Guiding Principles in the Conservation of Historic Properties* (Ontario Ministry of Tourism, Culture and Sport)
- *Standards and Guidelines for the Conservation of Provincial Heritage Properties* (Ontario Ministry of Tourism, Culture and Sport)
- *Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation* (Ontario Heritage Trust)
- *The Appleton Charter for the Protection and Enhancement of the Built Environment* (ICOMOS)

## When is a Heritage Impact Assessment Required?

In accordance with the policies in the PPS (2020) and the City of Kawartha Lakes' Official Plan, a heritage impact assessment is required when there is a proposed alteration, demolition, or development involving or adjacent to an identified heritage resource. This includes properties which are:

- Designated individually under Part IV of the Ontario Heritage Act
- Located in a Heritage Conservation District designated under Part V of the Ontario Heritage Act
- Listed on the City's Heritage Register
- Adjacent to designated properties, heritage conservation districts, or listed properties
- Designated provincially under Part IV of the Ontario Heritage Act, federally as a National Historic Site or as a UNESCO World Heritage Site

The City's Official Plan also allows the City to request an HIA for any property which is deemed to exhibit cultural heritage value, even if it is not designated or listed.

For the purpose of an HIA, adjacent means lands that are contiguous to a heritage property or which are near to a heritage property and separated by a road, trail, right of way, walkway, greenspace/park or similar, or whose location has the potential to impact a heritage property, as defined in the City's Official Plan.

HIAs are triggered by certain types of applications which include, but are not limited to:

- Official Plan and Zoning By-law Amendments
- Plan of Subdivision
- Site Plan
- Consent or Minor Variance
- Heritage Alteration Permit
- Demolition Permit

Depending on the scope of the proposed project, a heritage impact assessment may not be required. Heritage impact assessments may be scoped or waived at staff's discretion in certain circumstances.

## Minimum Content Requirements

An HIA submitted to the City will contain, but is not limited to, the following sections. The report must clearly analyze the historic value of the site, the impact of the proposed development, and appropriate mitigation measures specific to the property and its heritage attributes, history and context. Staff may scope or expand the HIA in consultation with the applicant to develop a modified terms of reference specific the proposed project, as appropriate. The scope of the HIA will be established at a preconsultation meeting.

### 1. Introduction

- A location and site plan of the current property, showing any adjacent heritage properties if applicable.
- A fulsome written description of the site, identifying significant features, buildings, landscapes and vistas and associated photographs clearly showing the identified features. Sites with adjacent heritage properties should identify the heritage features of the adjacent property and their relationship to the site.
- Present owner contact information.

### 2. Research and Analysis

- A comprehensive history of the site and its development as documented in pictorial and textual records and on-site evidence
- A chronological description of the development of any structures on the site include original construction, additions, demolitions and major alterations, with substantiated dates of construction
- An evaluation of the heritage significance of the site with specific emphasis on its architectural/physical features, historical associations with the community, and situation of the site in the local context
- Description and maps of any known archaeological resources. Properties with known archaeological resources will require a separate archaeological assessment prepared in accordance with Ministry of Heritage, Sport, Tourism and Culture Industries requirements
- Reproductions of any relevant visual and archival material including maps, historic photographs, surveys, drawings, land title records, assessments etc.

### 3. Statement of Cultural Heritage Value

- A statement of cultural heritage value or interest and description of heritage attributes of the heritage resource(s), in accordance with Ontario Regulation 9/06
- A summary of the Regulation 9/06 criteria outlining which criteria the heritage resource(s) meets and how
- The statement and criteria summary will be based on current analysis of the site and pre-existing heritage descriptions
- The statement and summary will be written in such a way that does not respond or anticipate any current or proposed interventions to the site

## 4. Assessment of Current Conditions

- Comprehensive written description of the current physical condition of the heritage resource, both interior and exterior
- Current photographs of the property, including, but not limited to:
  - i. Contextual views of the property to showing its relationship with surrounding properties
  - ii. Exterior views of each elevation of all buildings and structures
  - iii. Views of the property including all significant landscape features
  - iv. Interior views of each room of the building
  - v. Close-up views of all significant architectural features (i.e. brackets, trim, cornices, windows, etc.)

## 5. Description of Proposed Development

- A written description of the proposed development
- Conceptual drawings and site plans clearly illustrating the proposed future use of the site
- Description and drawings should include which heritage features are proposed for retention and which are considered for removal or alteration
- For proposals adjacent to a heritage resource, the drawings and site plans should indicate the location of the adjacent heritage resource and the relationship of the proposed development to it

## 6. Impact of Development on Heritage Attributes

- A discussion of the potential impact the development will have on the site, or adjacent site, and its heritage attributes, both positive and negative
- Positive impacts may include:
  - i. Restoration of heritage features including replacement of missing, documented attributes
  - Ii. Restoration or enhancement of existing streetscape
  - Iii. Adaptive re-use of a heritage resource to ensure long-term viability
  - Iv. Access to new funds to allow new or continued protection of a heritage resource
- Negative impact may include, but are not limited to:
  - i. Destruction of any, or part of any, significant heritage attributes
  - ii. Alteration that is not sympathetic to, or is incompatible with, the historic fabric and appearance of a heritage resource
  - iii. Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting
  - iv. Isolation of a heritage attribute from its surrounding environment, context or significant relationship
  - v. Direct or indirect obstruction of significant views or vista within, from or to built and natural features
  - vi. A change in land use that affects a property's heritage value
- Land disturbances such as a change in grade which alters soils, and drainage patterns that adversely affect a heritage resource

## 7. Mitigation and Conservation Strategies

- An assessment of alternative options, mitigation measures and conservation methods that would avoid or limit the negative impact on the heritage resource. Mitigation methods include, but are not limited to:
    - i. Alternative development approaches
    - ii. Isolating development and site alteration from significant built and natural heritage features
    - iii. Design guidelines that harmonize mass, setback, setting and materials
    - iv. Limiting height and density
    - v. Allowing only compatible infill and additions
    - vi. Reversible alterations
- If a property cannot be conserved, a full analysis explaining why these conclusions have been drawn
- Short term and long term maintenance and conservation strategies and any additional site-specific studies or plans that might be required
- Alternative and strategies should have consideration for relevant heritage policies as applicable

## 8. Recommendations and Executive Summary

- Concise summary of the findings of the report, including significance of the site, the potential need for additional plans and assessments, and mitigation strategies
- Clear recommendations regarding the most appropriate course of action for the subject property and its heritage resources
- The recommendations and summary must address the following questions:
    - i. Does the property meet the criteria for designation under Ontario Regulation 9/06?
    - ii. Why does or does not the property meet the criteria?
    - Iii. Regardless of meeting the criteria, can the structure feasibly be integrated into the proposed development?

## 9. Appendices

- A complete bibliography including all sources consulted
- A summary of the author's qualifications

## Qualified Heritage Professional

A heritage impact assessment will be prepared by a qualified heritage professional such as a heritage planner, heritage architect, and heritage landscape architect with appropriate qualifications, demonstrated knowledge of heritage conservation principles, and who has undertaken historical research and evaluation of cultural heritage resources.

Heritage consultants must be members in good standing of the Canadian Association of Heritage Professionals (CAHP). Consultants who are not CAHP members but who hold equivalent qualifications may be considered. The background and qualifications of the heritage consultant(s) must be included in the report. The consultant preparing the report must also be independent from the planning, consulting or engineering firm making the development application or working on behalf of the applicant.

In addition, any archaeological component of the assessment must be carried out by a licensed professional archaeologist as required by provincial law and must follow provincial standards and guidelines for archaeological assessments.

## Peer Review

The City of Kawartha Lakes reserves the right to request an independent peer review of the heritage impact assessment at the applicant's cost if a peer review is deemed necessary by the Director of Development Services. Peer reviews will evaluate the assessments provided in the submitted report. These reviews may include, but are not limited to, addressing inconsistencies, factual errors, discrepancies, inappropriate conservation advice not consistent with recognized standards, omissions, and misrepresentations.

## Submission

The heritage impact assessment is to be submitted in two hard copies and a PDF. Staff will review the submission for completeness and advise the applicant if additional information is required. Submissions will be reviewed within 20 working days unless a longer time is agreed upon by the municipality and the applicant or if the application requires peer review.

Kawartha Lakes

Inquiries regarding heritage impact assessments may be directed to:

Economic Development Officer—Heritage Planning
180 Kent Street West, Lindsay
(705) 324-9411 ext. 1366
heritage@kawarthalakes.ca

## Cultural Heritage Evaluation Report Terms of Reference Draft

A Cultural Heritage Evaluation Report (CHER) is a study to determine if a site has cultural heritage value in relation to provincial legislation and provincial and local heritage policies. The evaluation results in a report which identifies whether or not a property or site has cultural heritage value and recommends additional studies which may be required, depending on the purpose of the evaluation. CHERs are important tools to help identify and evaluate properties within the municipality which may have cultural heritage value.

The evaluation will be based on thorough historical research and on-site observation of a property. It will use established criteria for determining cultural heritage value, namely Ontario Regulation 9/06. In some cases, it may also be appropriate to evaluate heritage resources based on Ontario Regulation 10/06. The resultant report will draw conclusions and make recommendations regarding the cultural heritage value of a site.

### Policy Context

A CHER is intended to determine if a property is of cultural heritage value or interest. The rationale for requiring a CHER arises from:

- Ontario Heritage Act
- Section 2(d) of the Planning Act
- Section 2.6 of the Provincial Policy Statement (2020)
- City of Kawartha Lakes Official Plan, Sections 10.5 – Heritage Policies, enacted through Official Plan Amendment 26 (2017)
- Section 1(1)(c) of the Environmental Assessment Act

Cultural heritage evaluation reports should be based on accepted research and evaluation methodologies. They must include a field work component which will be discussed in the final report. Evaluation of cultural heritage resources should be based on Ontario Regulation 9/06. In certain cases, it may also be appropriate to evaluate the property based on Ontario Regulation 10/06.

### When is a Cultural Heritage Evaluation Report required?

A Cultural Heritage Evaluation Report is required to help determine whether or not a property has cultural heritage value and, if so, what the value of the property is. A CHER may be requested for a property which is included on the Heritage Register as a listed or designated property or for a property which has not been formally identified by the municipality as having cultural heritage value, but where there is the potential for cultural heritage value to exist.

A CHER can be triggered by certain types of applications which include, but are not limited to:

- Official Plan and a Zoning By-law Amendments
- Plan of Subdivision
- Site Plan
- Consent
- Minor Variance

A CHER is required to accompany any request to repeal a designating by-law or remove a listed property from the City's Heritage Register. CHERs are also undertaken as part of the Environmental Assessment Process.

Depending on the type and scope of an application, a Heritage Impact Assessment may be the more appropriate study to accompany the application. In general, Heritage Impact Assessments will be required when a development application in submitted for a property where the heritage value has been formally assessed and identified, such as a property designated under Part IV or V of the Ontario Heritage Act. Staff will determine the most appropriate study for the application and advise the applicant as to the requirements.

**Minimum Content Requirements**

A CHER submitted to the City will contain, but is not limited to, the following sections. The report must clearly identify and discuss the historical development of the site, its current conditions, and its fulfilment of the Ontario Regulation 9/06 criteria. Staff may scope or expand the CHER in consultation with the application to develop a modified terms of reference specific to the proposed project, if appropriate. The scope of the CHER will be established at a pre-consultation meeting.

1. Introduction
    - Introduction to the purpose and scope of the report
    - A location and site plan of the subject property or properties
    - A written description of the site identifying features, buildings, landscapes, and vistas
    - An overview of the proposed project, if applicable
2. Methodology
    - A summary of the relevant legislative and policy context
    - A summary of the research and data collection methodologies used to undertake the evaluation, including archival, secondary and onsite research and evaluation
    - A summary of any engagement undertaken with members of the public, municipal staff or representatives, historical societies or committees, or any other individuals or groups
3. Site History
    - A general history of the immediate context of the site, which may consist of a village, neighbourhood, commercial district, rural area and/or streetscape in which the property is located
    - The land use history of the subject property describing key transfers, uses, milestones and owners of the property identified through primary and secondary research
4. Existing Conditions
    - A written description of the immediate context of the subject property, including any significant views or vistas, and the relationship of the subject property to adjacent or nearby properties
    - Comprehensive written description of the current physical condition of the heritage resource, both exterior and interior, if applicable
    - Current photographs of the site including, but not limited to:

        i. Contextual views of the property showing its relationship with surrounding properties
        ii. Exterior views of each elevation of all buildings and structures
        iii. Views of the property including all significant landscape features
        iv. Interior views of each room of the building, if appropriate
        v. Close-up views of all significant architectural features (i.e. brackets, trim, cornices, windows, etc.
5. Heritage Evaluation
    - A cultural heritage evaluation of the property based Ontario Regulation 9/06 which will include:
        i. Identification of which criteria the property fulfils
        ii. Rationale for how the property fulfils each criteria
    - The property may also be evaluated based on Ontario Regulation 10/06 if appropriate
    - The evaluation should also identify areas of archaeological potential or known archaeological resources present on the site
    - A statement of cultural heritage value or interest
    - A description of the heritage attributes of the property
    - Identification of potential impacts the proposed project may have on the property and its heritage attributes
6. Conclusion and Recommendations
    - Concise summary of the findings of the report and the significance of the site
    - Identification of cultural heritage resources on the site including but not limited to, individual built heritage resources, cultural heritage landscapes, and archaeological resources
    - A Statement of Significance for the site as a whole and/or its individual cultural heritage resources
    - The recommendations must address the following questions:
        i. Does the property meet the criteria for having cultural heritage value under Ontario Regulation 9/06?
        ii. Why does or does not the property meet the criteria?
        iii. Are additional studies or reports necessary in relation to the proposed future use of the site?
7. Appendices
    - A complete bibliography including all sources consulted
    - A summary of the author's qualifications

**Qualified Heritage Professional**

A cultural heritage evaluation will be prepared by a qualified heritage professional, such as a heritage planner, heritage architect, or heritage landscape architect with appropriate qualifications, demonstrated knowledge of heritage evaluation methods, and who has undertaken historical research and evaluation of cultural heritage resources.

Heritage consultants must be members in good standing of the Canadian Association of Heritage Professionals (CAHP). Consultants who are not CAHP members but who hold equivalent qualifications may be considered. The background and qualifications of the heritage consultant(s) must be included in the report. The consultant preparing the report must also be

independent from the planning, consulting or engineering firm or the individual who is making the related application which has triggered the requirement for the evaluation.

In addition, any archaeological component of the evaluation must be carried out by a licenced professional archeologist as required by provincial law and must follow provincial standards and guidelines for archaeological assessments.

**Peer Review**

The City of Kawartha Lakes reserves the right to request an independent peer review of the CHER at the applicant's cost is a peer review is deemed necessary by the Director of Development Services. Peer reviews will evaluate the methodology and conclusions in the submitted report. These reviews may include, but are not limited to, addressing inconsistencies, factual errors, discrepancies, methods of evaluation not consistent with recognized standards, omissions and misrepresentations.

**Submission**

The cultural heritage evaluation report is to be submitted in two hard copies and a PDF. Staff will review the submission for completeness and advise is additional information in required. Submissions will be reviewed within 20 working days unless a longer time is agreed upon by the municipality and the applicant or if the application requires peer review.

# Municipal Heritage Committee Report

| | |
|---|---|
| **Report Number:** | **KLMHC2021-10** |
| **Meeting Date:** | March 11, 2021 |
| **Title:** | **Designation of 40 Head Street, Bobcaygeon** |
| **Description:** | Proposed designation of 40 Head Street, Bobcaygeon under Part IV of the Ontario Heritage Act |
| **Author and Title:** | Emily Turner, Economic Development Officer, Heritage Planning |

## Recommendation(s):

**That** Report KLMHC2021-10, **Designation of 40 Head Street, Bobcaygeon**, be received; and

**That** the designation of the property known municipally as 40 Head Street, Bobcaygeon be endorsed; and

**That** the recommendation to designate the subject property be forwarded to Council for approval.

**Department Head:** _____

**Financial/Legal/HR/Other:**_____

**Chief Administrative Officer:**_____

## Background:

The City of Kawartha Lakes designates properties under Part IV of the Ontario Heritage Act. Properties are recommended for designation by their owners, members of the public, local organizations, the Municipal Heritage Committee, Council or staff. Properties proposed for designation are reviewed by the Municipal Heritage Committee, as required by subsection 29(2) of the Ontario Heritage Act, and their recommendation is brought forward to Council under the cover of a staff report.

40 Head Street in Bobcaygeon was listed on the City's Heritage Register in November 2020. The owner was provided notice that the property was proposed for listing in September 2020 and, at that time, reached out to staff and requested that the property be designated under Part IV of the Act. Staff undertook a site visit to the property and background research and have determined that the property is eligible for designation under Part IV of the Act.

The proposed designation includes both the interior and exterior of the property. With the exception of the modern kitchen, the interior of the property is a virtually intact example of a 1920s Craftsman interior and demonstrates a very high level of craftsmanship and technical carpentry skill. The owner is aware and in support of the designation of the interior of the property.

## Rationale:

40 Head Street, Bobcaygeon has cultural heritage value as an excellent and unique example of a 1920s Craftsman bungalow and in its association with the Grant family, who ran an important contracting business in Bobcaygeon beginning in the late nineteenth century. It is eligible for designation under the criteria established by Ontario Regulation 9/06.

A heritage evaluation report outlining the full reasons for designation and the property's heritage attributes is attached to this report as Appendix A.

## Other Alternatives Considered:

There are no recommended alternatives.

## Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report.

## Consultations:

N/A

## Attachments:

Appendix A – Heritage Evaluation Report: 40 Head Street Bobcaygeon

40 Head Street
Heritage Evaluation R

**Department Head email:** cmarshall@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

# 40 Head Street, Bobcaygeon

## Heritage Designation Evaluation

Bobcaygeon
PLAN 70 E PT LOT 6 WEST HEAD - ST RP 57R3338 PART 1
PIN: 63131-0133
March 2021

Kawartha Lakes

## Statement of Cultural Heritage Value or Interest

The subject property has been researched and evaluated in order to determine its cultural heritage significance under Ontario Regulation 9/06 of the Ontario Heritage Act R.S.O. 1990. A property is eligible for designation if it has physical, historical, associative or contextual value and meets any one of the nine criteria set out under Regulation 9/06 of the Act. A heritage evaluation of the subject property has determined that 40 Head Street in Bobcaygeon has cultural heritage value or interest and merits designation under the Ontario Heritage Act.

### 1. The property has design value or physical value because it:

#### i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method:

40 Head Street, which was constructed between 1922 and 1924, is a unique and excellent example of a Craftsman bungalow, as well as a rare example of one constructed in stone. The house displays many key features that were popular as part of this style, including the front wall dormer, the integrated verandah, the rustic use of materials, and the high degree of craftsmanship in its interior woodwork.

#### ii. displays a high degree of craftsmanship or artistic merit:

The subject property displays a high degree of craftsmanship in its interior woodwork. The interior of the property, which is effectively intact from the 1920s, shows a high degree of craftsmanship in many of its elements which are executed in the Craftsman style. These include, but are not limited to, the fireplace mantel, the stairway bench in the style of an inglenook, the integrated storage, and the panelling and window seat in the dining room.

#### iii. demonstrates a high degree of technical or scientific achievement:

The property displays a typical degree of technical achievement for a property of this type.

### 2. The property has historical or associative value because it:

#### i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community:

The property has direct associations with William Darwin Grant, who constructed the house along with his son John McLean Grant, who lived in the house. The father and son were important local contractors who constructed many buildings in the village and were involved in the

reconstruction of the Trent Severn Canal and Bobcaygeon Lock in the early twentieth century.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:
The property yields information about the Grant family and their construction business in Bobcaygeon in the early twentieth century.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:
The house demonstrates the work of William and John Grant who were important builders in Bobcaygeon in the late nineteenth and early twentieth century. They constructed many buildings locally, including both homes and institutional buildings. This home is an exemplary demonstration of their skill and workmanship.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:
The property maintains and supports the character of the surrounding neighbourhood which is comprised primarily of single family homes constructed in a variety of vernacular styles. Theses houses, including 40 Head Street, are generally constructed on larger treed lots and reflect the gradual growth and development of Bobcaygeon from the mid-nineteenth to late twentieth century.

ii. is physically, functionally, visually, or historically linked to its surroundings:
The property is historically linked to its surrounding as an example of residential architecture in Bobcaygeon from the 1920s. It forms part of a residential neighbourhood with a range of single detached properties on large, treed lots constructed in variety of time periods and styles which reflects the residential development and character of Bobcaygeon as a whole. The property is also historically linked to the growth and development of the Trent Severn Waterway and the historic landscape related to the waterway throughout Bobcaygeon.

iii. is a landmark.
The property is not a specific local landmark.

## Design and Physical Value

40 Head Street, which was constructed between 1922 and 1924 by local builder William Grant and his son John, has design and physical value as an excellent and unique example of a Craftsman bungalow in Bobcaygeon. One of only a few houses in this style constructed in the community during the early 1920s, the house displays many of the key characteristics of the Craftsman style, including its one-and-a-half storey construction, front wall dormer, integrated verandah, and rustic use of materials. The house, in general, displays a high degree of craftsmanship but this craftsmanship is particularly notable in its interior woodwork which is an excellent and virtually intact example of a Craftsman interior.

The Craftsman style arose in the early twentieth century as an offshoot of the Arts and Crafts movement, which was interpreted in both architecture and the decorative arts, including furniture and interior design. Beginning in England in the late nineteenth century, the Arts and Crafts movement, which was promoted by thinkers and designers such as William Morris and John Ruskin, was a highly conceptualized movement that reacted to the industrialization of Europe and North America throughout the nineteenth century and sought to promote the return of handcrafted items into architecture and design. Conceptually, the movement was concerned with the promotion of the skills and quality of traditional craftsmanship which were seen as having been lost in the industrial revolution, and, more broadly, with the dehumanization of labour in mechanized factory work, the predominant form of production in the middle decades of the nineteenth century. Throughout the movement, there was a conscious moral undertone which aligned with a number of Christian schools of thought at this time, emphasizing honesty, integrity, authenticity, and skilled labour as distinctly moral virtues; these virtues were seen to be expressed through the handcrafted nature of Arts and Crafts design. It was particularly aimed at practical and decorative goods for the home, and manifested in diverse areas such as furniture design, textiles, pottery, and wallpaper. Aesthetically, these ideas translated into a form of design that emphasized natural materials, unique and individual pieces, and a high degree of finish and craftsmanship.

Architecturally, the Arts and Crafts movement was an explicit rejection of the revivalist movements which had characterized western architecture for much of the nineteenth century. Instead of looking to the grand buildings of the Classical or medieval era, designers such as Morris took their inspiration from vernacular English architecture, which showcased the natural forms of materials such as brick, stone and wood and were usually both asymmetrical and picturesque in their composition. For Morris, this meant the use of features prevalent in vernacular English architecture primarily during the medieval and

Tudor periods including half-timbering, non-uniform red brick, multiple chimneys, and small windows. This can be seen most famously in Morris' own house, designed by his friend Philip Webb, Red House at Bexley Heath which was constructed beginning in 1860 and is a clear step away from the prevalent architectural styles of the time. Notably, the Arts and Crafts was a consciously non-decorative movement, which turned away from the ornate decoration of most Victorian architecture, particularly the style which was developing contemporaneously with it: the Queen Anne style, characterized by significant and ornate decorative elements. As the Arts and Crafts movement spread to North America, the stylistic features seen at Red House and others were carried over to Canada and the United States, and included roughcast cladding, leaded windows, exposed rafters and organic forms that evoked the authenticity and earthiness of the Arts and Crafts movement as a whole.

It was from this conceptual framework that the Craftsman bungalow developed. Like its immediate ancestor in North America, the Prairie style, exemplified by the work of Frank Lloyd Wright, the Craftsman style looked to the anti-modernist and anti-industrial philosophy of the Arts and Crafts movement in its focus on high quality craftsmanship, authenticity, and vernacular design. Its most prominent early proponent was furniture designer Gustav Stickley, a New York furniture designer who began publishing a magazine about the Arts and Crafts style in 1901 known as *The Craftsman.* Stickley's business, and his magazine, were concerned initially with furniture which he designed based on the Arts and Crafts principles of Morris, focussing on pieces that were limited in ornamentation and showed their materiality. This style of furniture is now known as Mission furniture. Stickley, however, was also concerned with the home as a whole and particularly the idea of the creation of a well-designed home for the growing American middle class. As a result, his magazine also published designs for homes and their interiors, including the new bungalow style which quickly became known by the name of the magazine in which it featured.

The architectural inspiration for these structures was the bungalow which had emerged in British Colonial India as a popular housing form in the colonial administration. One-storey with large verandahs, these buildings were ideally suited for life in hot climates, and the shift from India to California, where the Craftsman bungalow was first constructed, made sense climactically where the transition from indoors to outdoors could be made seamless in homes which were close to the ground and had large verandahs as their key features. This type of home was also very practical in areas where a new suburban middle class was emerging and desirous of homes that were modest, affordable, and detached from their neighbours. Combined with the Arts and Crafts styling, a new housing type emerged in the first two decades of the twentieth century and quickly became very popular, although many of these houses were not,

strictly speaking, actually bungalows because most of them had an upper half storey.

Stickley and others who helped to develop and promote this housing type were clear that the style was about returning to the fundamentals of architecture and design, in the same way as the Arts and Crafts movement as a whole. The designs focused on the idea of authenticity, good craftsmanship and truthfulness in the design of the home with an integration between architecture and the decorative arts. This lead to a style with limited ornamentation, an overt and conscious use of natural materials, a frankly expressed structure, harmony between the house and its site, and the use of locally available materials. The bungalow itself was seen as embodying these ideas with Stickley himself writing that that bungalow was:

> ...a house reduced to its simplest form where life can be carried on with the greatest amount of freedom and comfort and the least amount of effort. It never fails to harmonize with its surroundings, because its low broad proportions and absolute lack of ornamentation give it a character so natural and unaffected that it seems to sink into and blend with any landscape. It may be built of any local material and with the aid of such help as local workman can afford, so it is never expensive unless elaborated out of all kinship with its real character of a primitive dwelling. It is beautiful because it is planned and built to meet the simple needs in the simplest and most direct way; and it is individual for the same reason, as no two families have tastes and needs alike.[1]

Architecturally, the Craftsman bungalow was defined by a number of important features which were found in most examples of the style. These include: one-and-a-half storey construction; a broad, low-pitched roof; an integrated verandah with battered columns and an offset entrance; sash windows; a front wall dormer; and a clear use of natural materials. Many also featured exposed rafters and beams on the exterior of the house to demonstrate the construction system of the house. The interiors of these homes were also distinct in their features. Most included a significant amount of high quality carpentry work, including wood panelling, exposed beams, prominent window and door surrounds, and built in cabinetry, with limited ornamentation and emphasis on the material quality of the wood. Most also included a prominent hearth, usually of stone, which took a central role in the main living room.

[1] Gustav Stickley, *Craftsman Homes* (New York: The Craftsman Publish House, 1909), 89.

Like its predecessors, the Craftsman style carried with it distinctive moral assumptions about what the style represented. The idea that the craftsmanship inherent in the style represented moral virtues such as honesty, integrity, and truthfulness were central to its conceptual development. At the same time, it emphasized the nuclear family as an important ideal, similar to the Prairie style, and sought to express this idea through the design and layout of residential properties. Most obviously, this idea was expressed through the importance and centrality of the hearth or fireplace in the home. This was seen as a feature around which the family could gather, a centrepiece in family life, an idea which had a long history in western thought regarding domesticity. By the 1920s, this symbolism was more overt as the function of the fireplace as the primary heat source for the home was made effectively obsolete with the advent of central heating. These houses were very explicitly meant for family life in the emerging North American suburbs.

The Craftsman bungalow first gained traction as a popular housing style in California in the early years of the twentieth century, primarily through the publication of designs for this house type in pattern books and magazines including *House Beautiful, Ladies Home Journal, Western Architecture, Good Housekeeping,* and *Architectural Record.* The style had spread to Canada by the 1910s and reached the height of its popularity in the early 1920s, the era in which the house at 40 Head Street was constructed. By the 1920s, patterns for these homes were easily accessible throughout North America, either as patterns for local builders to build or even as kit homes; prefabricated Craftsman cottages were sold by Sears and shipped across Canada and the United States. More unique and custom examples, such as 40 Head Street, drew from this popular architectural style and its established language but were designed by local architects and builders.

One of the reasons for its popularity was the fact that it was a style that both featured a high level of craftsmanship and was accessible outside the upper and upper-middle class market. Both its size and design made the Craftsman bungalow popular with the middle and working classes, as it was affordable, stylish, and reflected a way of life that did not demand the formality of upper class homes or the requirements for additional rooms for servants. This is notably reflected in the fact that most of these homes did not have a formal parlour and generally had a kitchen directly adjacent to the dining room. Instead, the main floor of these houses generally had an entrance foyer, family room, kitchen and dining room, with the occasional inclusion of a ground floor bedroom or study, depending on the size of the house. They also generally did not have hallways on the ground floor, rather the rooms flowed together in a move towards a more open concept design, which is drawn from the Prairie style. Private family bedrooms were generally located on the upper half storey and were of a modest size.

40 Head Street includes most of the architectural and design characteristics of the Craftsman bungalow and, in that way, is an excellent and representative example of the style. Its interior, in particular, is an extremely well-preserved example of a small Craftsman bungalow. In its layout, the ground floor contains an entrance foyer, living room, dining room and kitchen, as well as a more modern addition on the rear of the house. The ground floor rooms are laid out on an open plan design, with no hallways between rooms. The bedrooms are on the upper storey. Despite its modest size, however, the interior woodwork displays an extremely high degree of craftsmanship which is typical of this architectural style. Notable features include the inglenook-style bench in the entrance foyer, the fireplace mantle, the integrated cabinetry in the living room, dining room and bedrooms, the canted columns, and wood panelling and window seat in the dining room. These wooden elements all clearly show their materiality and are executed to a high degree of finish. The house also retains period lighting in the Art Nouveau and Art Deco styles which would have been typical of houses constructed at this time. Externally, the home also displays the key characteristics of the Craftsman style. This includes its naturalistic use of materials, namely the rough cut nature of the stone as opposed to the use of ashlar, its front wall dormer, and wide integrated verandah across the front of the house. It also displays a notable lack of ornamentation throughout the house, instead emphasizing the stone and wood from which the house is constructed.

However, it displays a number of unique characteristics which set it apart from other examples of this type constructed in the same period. Its first defining feature is its construction material. While most Craftsman bungalows used stone in some way, it was usually reserved as a decorative feature for exterior elements such as chimneys and porches on the exterior and for fireplaces on the interior; this is likely because of the style's prevalence among the middle classes where brick was generally a more affordable alterative in the early decades of the twentieth century. Most Craftsman bungalows in Canada were externally clad in brick, stucco or, particularly in British Columbia, wood. The prevalence of stone in Bobcaygeon at this time from the reconstruction of the Trent Severn Canal likely made it a more affordable material, unlike elsewhere. However, it also aligned with the general trend towards the use of local materials in the Craftsman style as articulated by Stickley. The other less common feature on 40 Head Street is the gambrel roof. While gambrel roofs were used fairly frequently at this time in Dutch Colonial Revival homes, they were not common on Craftsman bungalows, which usually had a gable or hipped roof with a front wall dormer. Gambrel roofs were used from time to time in Craftsman houses, but generally are only found in custom built examples of the style, as opposed to those from pattern books or kits. The interpretation of the Craftsman style at 40 Head Street is both representative

and unique, making it an important example of this style in Bobcaygeon from the early decades of the twentieth century.

Although the Craftsman bungalow was a popular and common residential style in many communities across Canada, it was more prominent in urban communities than in smaller towns and there are few examples of the style in Bobcaygeon. Two of the other examples in Bobcaygeon, 138 Main Street and 30 King Street East, were most likely to have been constructed by the Grant family as they display similar stone work and the same distinct gambrel roof; these two buildings are virtually identical to each other. The two lots on which they were located were also both owned by Peter Grant, the father of William Grant, in the 1910s and 1920s. Other examples are constructed primarily in brick, including an excellent example of the style at 32 Need Street.

The construction of the house in stone itself is not common in the village, where most other residential buildings are constructed from wood or brick, making it unique in its construction material more generally. Several other example exist that were constructed around the same period, including 138 Main Street, 30 King Street East, and the Boyd-Oakley house at 46 Boyd Street. These may also have been constructed by the Grants in the early decades of the twentieth century. 40 Head Street forms part of this small subset of residential properties in Bobcaygeon and also holds significance in that way.

## Historical and Associative Value

40 Head Street has historical and associative value in its association with the Grant family who both constructed and lived in the property. The Grants were significant and prominent builders in Bobcaygeon in the late nineteenth and early twentieth centuries and 40 Head Street yields information about their work and the development of the community in the early twentieth century. It is an excellent example of their work and, as the house constructed for John Grant himself, likely is demonstrative of their highest quality of work.

Although the Grant family was the first to build on this property, they were not its first owners. The property was first acquired around 1890 by William Kennedy, a local builder and contractor but was held as vacant property for the next 30 years. It passed from Kennedy to Martha and Sarah Kennedy, likely his daughters, who eventually sold the property in 1921 to a Joseph Stinson, who appears to have also owned the adjacent property. Stinson sold the property just a few months later in early 1922 to William Darwin Grant who lived in a house on Joseph Street. The assessment rolls indicate that the construction of a new house on the lot took place over the next two years, from 1922 to 1924. The house itself was owned by William Grant, but appears to have been occupied by his son John McLean Grant and his wife Eva Pratt

whose marriage in May 1922 corresponds with the purchase of the lot and construction of the house.

In the late nineteenth and early twentieth century, the Grant family was well-known in Bobcaygeon as local builders and contractors. Peter Grant, the father of William Grant, was born in Glengarry County and moved to Bobcaygeon around the time of his marriage to Caroline Robinson in 1870 where he worked as a labourer. By the turn of the century, Grant had built a business as a carpenter and contractor which was in turn taken over by his son William, born in Bobcaygeon in 1872. It appears that a significant portion of their business was in residential construction, as William Grant was listed on the 1911 census as a "house builder." Eventually, both of William Grant's sons, John McLean, born in 1899, and James Bryce, born in 1902, would also join the business. In censuses and other records, most members of the Grant family as listed as carpenters, although both William and Peter Grant were also listed as contractors and, on the 1921 census, William Grant is identified as a contractor, business owner and local employer. It is not entirely clear what portion of their business included stone and brick masonry work but many of the buildings attributed to them included masonry. It is likely that the business covered a range of building trades and may have employed masons to complement the carpentry work which appears to be the original trade in which the family worked.

The majority of residences constructed by the Grants in Bobcaygeon are not definitively known, but is likely to include a range of different homes built by three generations of Grants between about 1870 and 1970. It can be assumed that the other stone homes in the village which were constructed at the same time and in a similar style to 40 Head Street, namely 138 Main Street and 30 King Street East, were also constructed by them, given both their style and ownership. Although owned by Peter Grant, 138 Main Street and 30 King Street East were likely constructed by William and John Grant who, by 1920, had effectively taken over the family business from the eldest Grant who was, at that time, nearing the end of his life. The other house whose construction can be definitively attributed to the firm is the Henderson House, now located at Settler's Village. The house was constructed by William Grant between 1910 and 1913 for prosperous local blacksmith Robert Henderson and originally located on Front Street. This house is an excellent example of an Edwardian foursquare house constructed using wood with board and batten siding, demonstrating the stylistic and material range in which the Grant family worked.

There are also several institutional buildings in the community which are known to have been the work of the Grant family. This includes Knox Presbyterian Church, located at 6 Joseph Street, which was designed by architect William Blackwell of Peterborough and constructed by Peter Grant in

1900. The extension of the church was later completed in 1938 by John Grant. John Grant also completed an extension of the former Boyd offices at 21 Canal Street East in 1967 when the library moved into the space. John Grant's other major institutional work was the Bobcaygeon Legion, with construction beginning in 1950. Grant, who served in the First World War, planned, supervised and undertook the construction of the building which formally opened in 1952. It is likely that there are other institutional and commercial buildings that were also constructed by the Grant family given the length of time the family operated as builders and contractors in the community, but these are not known.

William Grant had also been involved in the reconstruction of the Trent Severn Canal and Lock 32, beginning around 1919 and the property at 40 Head Street yields information about the canal system in Bobcaygeon at this time. During the early decades of the twentieth century, the waterway was nearing its final phase of construction, with the finalization of western outlet to Georgian Bay. During this period, reconstruction of existing locks and sections of canal was also occurring in order to update some of the older areas of the waterway, particularly those that dated to the early and mid-nineteenth century. In 1919, a contract was awarded to Randolph MacDonald for the rebuilding of the Bobcaygeon Lock. MacDonald had successfully undertaken work on the system previously, as the contractor for the Hastings-Healey Falls section in 1909 and the Sparrow Lake-Lake Couchiching section completed between 1914 and 1920. MacDonald hired local builders and contractors to undertake and supervise the work at the various sites along the system, including Grant who was hired as the supervisor for the Bobcaygeon lock reconstruction. It is likely that John Grant also worked on the reconstruction project after his discharge from the army in July 1919, given that he had worked for his father's business both before and after the war.

The Bobcaygeon lock, which was the first lock on the system, was originally constructed in 1833 and replaced a number of times throughout the nineteenth century. The 1919 reconstruction replaced the older lock and supporting features of the canal through the village with a more modern system and required significant work and excavation to do so. It is believed that the stone used to construction 40 Head Street came from the reconstruction project, although this cannot be confirmed. The subject property forms part of the wider narrative regarding the development of the canal through Bobcaygeon and its impact on the growth and development of the village itself.

40 Head Street is an excellent reflection of the work of the Grant family, and specifically William and John Grant, as builders and contractors in Bobcaygeon. The subject property is similar to other residential properties they constructed in the late 1910s and early 1920s, specifically 138 Main Street and 30 King Street East, and reflects and demonstrates their skill both in stone

masonry and carpentry work and their stylistic preferences during this period. In the interior of the house, the high degree of craftsmanship in the woodwork demonstrates the carpentry skills of this family and why John Grant in particular has been identified as a master carpenter for his high level of skill.

## Contextual Value

40 Head Street has contextual value as a contributing property to the residential landscape of the village of Bobcaygeon. The subject property maintains and supports the residential character of the surrounding neighbourhood which is comprised primarily of single family homes on large treed lots. It is historically and visually linked to its surroundings as part of the evolutionary growth of this area of the village as it developed into a residential neighbourhood from the mid-nineteenth to the late twentieth century.

The street grid of this part of Bobcaygeon was laid out beginning in the 1830s with the establishment of a government townsite, known then as Rokeby, on the northern bank of the river. The commercial core of the village was intended to be around Market Square with residential properties surrounding. The first homes were built on Head Street in the mid-nineteenth century and, by the end of First World War, the street effectively formed the north west edge of the village. These homes were, as in most other areas of the village, single detached single family homes in a variety of vernacular architectural styles. As Bobcaygeon grew in the twentieth century, new homes, including 40 Head Street, were constructed in this area, in variety of styles which reflected the changing tastes from the 1920s to the second half of the twentieth century.

At present, the neighbourhood in which the subject property is located continues to be defined by a mix of residential properties of different ages, in vernacular styles and of a modest size. They are located on relatively large, treed lots that provide consistency to the character of the neighbourhood, which is similar to others in the village in its evolution over time and range of architectural styles. 40 Head Street contributes to this mixed residential character through its unique architectural style, its spacious lot with significant vegetation, and its construction as a single family home.

The property also has contextual links to the Trent Severn Waterway and contributes to the historic landscape in the village which has been defined by the waterway. This wider landscape which includes the waterway itself as well as a range of other historic and discontinuous properties provides information on the impact of the waterway on the growth of the village beginning in the

1830s. 40 Head Street is historically linked to this wider landscape through its construction materials and its builder.

## Summary of Reasons for Designation

The short statement of reasons for designation and the description of the heritage attributes of the property, along with all other components of the Heritage Designation Brief, constitutes the Reasons for Designation required under the Ontario Heritage Act.

### Short Statement of Reasons for Designation

40 Head Street has cultural heritage value as an excellent and unique example of a Craftsman bungalow. Constructed between 1922 and 1924, the house is representative of the Craftsman style and displays its key characteristic including: one-and-a-half storey construction; use of natural materials including stone and wood; an integrated front verandah; a front wall dormer; and an open plan interior ground floor layout. It is unique in its use of stone as the primary construction material and in its use of a gambrel roof, which is uncommon in this residential style. It displays a high degree of craftsmanship and artistic merit in its well-preserved interior which includes wood panelling, integrated cabinetry, a unique inglenook-style bench seat, and a stone fireplace. These elements, which are typical of the Craftsman bungalow, are executed to a high degree of finish in this home and are preserved intact from the 1920s. Historically, the house has important associations with local contractors William and John Grant, who both owned and constructed the house. The Grants were important local builders in the late nineteenth and early twentieth century, participating in diverse construction projects from the reconstruction of the Trent Severn Canal to the expansion of Knox Presbyterian Church to the construction of houses throughout the village. The house demonstrates their work on residential properties in the early decades of the twentieth century. The property has contextual significance as it supports and maintains the historic residential character of both Head Street and the village of Bobcaygeon.

### Summary of Heritage Attributes to be Designated

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

#### Design and Physical Value

Exterior Elements:

- One-and-a-half storey construction
- Stone construction
- Gambrel roof

- Integrated verandah including:
    - Square columns
    - Knee wall
- Fenestration, including:
    - Sash and casement windows
    - Radiating stone voussoirs
    - Stone sills
- Front wall dormer
- Stone chimney
- Art Deco lighting

Interior Elements:

- Ground floor interior layout
- Wood panelling
- Window and door surrounds
- Integrated cabinetry including:
    - Doors
    - Surrounds
    - Brackets
- Tapered wooden columns
- Window seat
- Inglenook-style staircase bench
- Stone fireplace including:
    - Wooden mantle with modillions and brackets
- Stairs and balustrade
- Closet doors
- Plaster ceiling medallions
- Art Deco lighting

## Historical and Associative Value

- Association with W.D. Grant and J.M. Grant
- Relationship to the Trent Severn Canal through its construction material and occupants

## Contextual Value

- Relationship to the surrounding historic residential neighbourhood
- Relationship to the Trent Severn Canal in its location and construction material

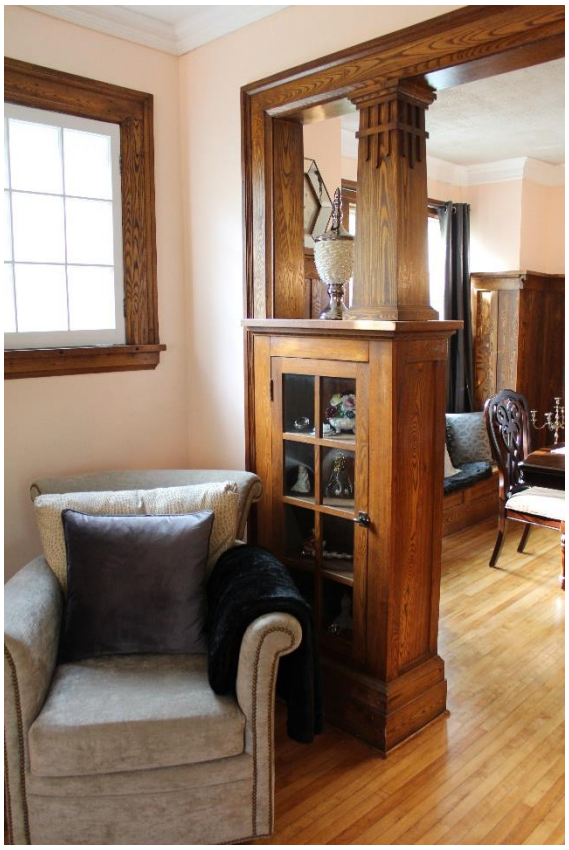
# Appendix A: Images

40 Head Street, Exterior

40 Head Street, Exterior

Fireplace and mantle

Art Deco style light fixtures



Living room built in cabinetry and woodwork

Inglenook-style bench and stairs

Dining room built in cabinetry and panelling

Bedroom built in cabinetry

Exterior light fixtures

40 Head Street, historic photograph

Bobcaygeon aerial photograph, c.1919. Head Street visible on the far left

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