

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

KLMHC2021-04
Thursday, April 8, 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
Julia Hartman
Rob Macklem
Ian McKechnie
William Peel
Jon Pitcher

This is an electronic participation meeting and public access to Council Chambers will not be available. Please contact eturner@kawarthalakes.ca should you wish to view the proceedings and the Zoom

meeting details will be provided.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

| | | |
|--------|---|---------|
| 1. | Call to Order | |
| 2. | Administrative Business | |
| 2.1. | Adoption of Agenda | |
| 2.2. | Declaration of Pecuniary Interest | |
| 2.3. | Adoption of Minutes | |
| 2.3.1. | Minutes of the March 11, 2021 Municipal Heritage Committee Meeting | |
| 3. | Presentations and Deputations | |
| 3.1. | GIS Presentation James Auld, Supervisor, Mapping and GIS Emma Hollinger, GIS Specialist | |
| 3.1.1. | Report KLMHC2021-13 Report KLMHC2021-13 GIS Presentation | 4 - 5 |
| 3.2. | Old Gaol Alterations Update Jorg Petersen, Manager, Building and Property | |
| 3.2.1. | Report KLMHC2021-14 Report KLMHC2021-14 Old Gaol Alterations Update | 6 - 11 |
| 4. | Reports | |
| 4.1. | Report KLMHC2021-15 Report KLMHC2021-15 Alterations and Demolitions Policy Review | 12 - 31 |
| 5. | Subcommittee Updates | |
| 5.1. | Heritage Conservation District Subcommittee | |
| 5.1.1. | Minutes of the March 31, 2021 Heritage Conservation District Subcommittee Meeting | 32 - 33 |
| 5.2. | Outreach Subcommittee | |

5.2.1. Minutes of the March 30, 2021 Doors Open Subcommittee

34 - 34

6. Correspondence

7. New or Other Business

8. Next Meeting

9. Adjournment



Municipal Heritage Committee Report

Report Number: KLMHC2021-13
Meeting Date: April 8, 2021
Title: GIS Mapping Presentation
Description: Presentation from GIS staff
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2021-13, **GIS Mapping Presentation**, be received; and

That the presentation from GIS staff be received for information.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

GIS and Mapping staff will provide an presentation on the City's mapping system and the new mapping public viewer.

Rationale:

The City's mapping systems are an important tool in the heritage planning program. Information about the mapping viewer will assist members of the Committee when they are looking for information on properties within the municipality.

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: KLMHC2021-14
Meeting Date: April 8, 2021
Title: Old Gaol Alteration Update
Description: Insert any Other Applicable Description
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2021-14, **Old Gaol Alteration Update**, be received;

That the presentation from Building and Property staff be received for information.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At its meeting of September 5, 2019, the Municipal Heritage Committee received an presentation from Building and Property staff regarding the proposed demolition of the wall surrounding the exercise yard at the Old Gaol in Lindsay (50 Victoria Avenue North). At the time, staff discussed the fact that the wall was structurally unsound and was a safety concern. The wall had been temporarily shored up prior to 2019 and Building and Property was now looking to demolish the wall. The current wall at the Old Gaol is not the original wall which was demolished and replaced in the 1970s or 1980s and replaced with the current wall.

The Committee discussed the proposal and passed the following motions:

KLMHC2019-25

Moved By M. Sloboda

Seconded By J. Garbutt

That the Municipal Heritage Committee recommends a full structural assessment of the Old Gaol be undertaken.

Carried

KLMHC2019-26

Moved By M. Sloboda

Seconded By D. Carroll

That the Municipal Heritage Committee recommends the development of a site master plan for the City Hall campus block.

Carried

The demolition of the wall has not yet taken place. Building and Property staff are going to provide an update on the current status of the project.

Rationale:

The Lindsay Old Gaol is individually designated by Town of Lindsay By-law 2000-068. The designating by-law for this property is attached as Appendix A. When changes are contemplated to City-owned heritage designated properties, Building and Property staff provide the proposal to the Municipal Heritage Committee for discussion and

recommendation. This report follows on previous discussion between staff and the Committee on the proposed demolition of the Old Gaol exercise yard wall and the long term use of the Old Gaol in general.

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:

Manager, Building and Property

Attachments:

Appendix A – Town of Lindsay By-law 2000-068



Town-of-Lindsay-200
0-068.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, (Acting) Director of Development Services

**THE CORPORATION OF THE
TOWN OF LINDSAY**

BY-LAW 2000 - 68

A BY-LAW TO DESIGNATE THE EXTERIOR PORTION OF THE ORIGINAL JAIL BUILDING OF 1863 KNOWN AS THE "LINDSAY JAIL" AND KNOWN MUNICIPALLY AS 50 VICTORIA AVENUE NORTH, LINDSAY, AND LEGALLY DESCRIBED AS PART LOT 13, NORTH OF FRANCIS STREET, TOWN OF LINDSAY, COUNTY OF VICTORIA, AS BEING OF ARCHITECTURAL VALUE OR INTEREST.

WHEREAS the *Ontario Heritage Act*, R.S.O. 1990, Chap. 0.18, Section 29(6), provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of architectural value or interest; and,

WHEREAS Notice of Intention to Designate the exterior portion of the original Jail building of 1863 known as the "Lindsay Jail" and known municipally as 50 Victoria Avenue North, Lindsay, and legally described as Part Lot 13, North of Francis Street, Town of Lindsay, County of Victoria has been given in accordance with Section 29(3) of the said Act; and,

WHEREAS no objection to the proposed designation has been served on the Clerk of the Municipality; and,

WHEREAS this Council's reasons for the proposed designation are set forth in Schedule "B" attached hereto;

NOW THEREFORE the Council of the Corporation of the Town of Lindsay hereby enacts as follows:

1. **GENERAL:**

- 1.1 There is designated as being of architectural interest or value the exterior portion of the original Jail building of 1863 historically known as the "Lindsay Jail" or "County Gaol", known municipally as 50 Victoria Avenue North, Lindsay, Ontario, more particularly described in Schedule "B" attached hereto. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Local Architectural Conservation Advisory Committee.
- 1.2 The Municipality is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" attached hereto in the proper Land Registry Office.
- 1.3 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation, and to cause notice of the passing of this by-law to be published in the Lindsay Daily Post once, for each of three consecutive weeks.

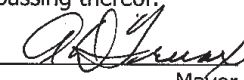
2. **FORCE AND EFFECT:**

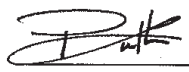
- 2.1 This By-law shall come into force and take effect upon the final passing thereof.

Read a first time on: **September 11, 2000**

Read a second time on: **September 11, 2000**

Read a third time and finally
passed on: **September 11, 2000**


Mayor


Clerk

SCHEDULE 'A' TO BY-LAW 2000 - 68

BEING A BY-LAW TO DESIGNATE THE EXTERIOR PORTION OF THE ORIGINAL JAIL BUILDING OF 1863 KNOWN AS THE "LINDSAY JAIL" AND KNOWN MUNICIPALLY AS 50 VICTORIA AVENUE NORTH, LINDSAY, AND LEGALLY DESCRIBED AS PART LOT 13, NORTH OF FRANCIS STREET, TOWN OF LINDSAY, COUNTY OF VICTORIA, AS BEING OF ARCHITECTURAL VALUE OR INTEREST.

I, Percy Luther, Clerk of the Town of Lindsay, do solemnly declare that I am party to Designation By-law No. 2000-68 of the Town of Lindsay, which affects the following lands more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Town of Lindsay, in the County of Victoria, more particularly described as the exterior portion of the original Jail Building of 1863, Part Lot 13, North of Francis Street, Plan of the Town of Lindsay, Town of Lindsay, County of Victoria.

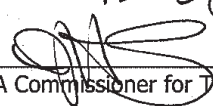
I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME AT

The Town of Lindsay, in the

County of Victoria, this 15th

DECEMBER
Day of September, 2000


A Commissioner for Taking Affidavits, etc.,
Wanda Henderson, a Commissioner, etc.,
Victoria County, while Deputy Clerk of
the Corporation of the Town of Lindsay.


Percy Luther, Clerk

SCHEDULE 'B' TO BY-LAW 2000 - 68

BEING A BY-LAW TO DESIGNATE THE EXTERIOR PORTION OF THE ORIGINAL JAIL BUILDING OF 1863 KNOWN AS THE "LINDSAY JAIL" AND KNOWN MUNICIPALLY AS 50 VICTORIA AVENUE NORTH, LINDSAY, AND LEGALLY DESCRIBED AS PART LOT 13, NORTH OF FRANCIS STREET, TOWN OF LINDSAY, COUNTY OF VICTORIA, AS BEING OF ARCHITECTURAL VALUE OR INTEREST.

Historically known as the "County Gaol" the Lindsay Jail is an important historic and architectural landmark with a long history in Lindsay. In 1861 Provisional Independence was granted to the County of Victoria and Lindsay was to become the County Town. J. Storm, a noted Toronto architect drew the original plans, Mr. Kestevan was the builder. The building was completed in 1863 and is constructed of limestone and white brick in Italianate design, quite common among 19th century jails, distinguished by strong symmetrical, round headed windows.

Designation of the exterior portion of the subject building is recommended because of the aforementioned historical and architectural significance pursuant to the provisions of the *Ontario Heritage Act*.

THE CORPORATION OF THE TOWN OF LINDSAY

104043

| DATE | VOUCHER | INVOICE/COMMENT | GROSS | DISC | NET AMOUNT |
|----------|------------|-----------------|-------|------|------------|
| Dec 1/00 | 00-12-0007 | JAIL BY-LAW | 60.00 | 0.00 | 60.00 |

Municipal Heritage Committee Report

| | |
|--------------------------|--|
| Report Number: | KLMHC2021-15 |
| Meeting Date: | April 8, 2021 |
| Title: | Alterations and Demolitions Policy Review |
| Description: | Review of the proposed policy regarding the alteration and demolition of heritage properties |
| Author and Title: | Emily Turner, Economic Development Officer – Heritage Planning |

Recommendation(s):

That Report KLMHC2021-15, **Alterations and Demolitions Policy Review**, be received;

That the Committee provide regarding the proposed policy to staff.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At its meeting of March 11, 2021, the Municipal Heritage Committee received the first draft of a proposed policy on the alteration and demolition of heritage properties, the repeal of heritage designation by-laws, and the removal of listed properties from the Heritage Register. Staff provided the Committee with an overview of the proposed policy. The Committee passed the following motion:

KLMHC2021-21

Moved By I. McKechnie

Seconded By A. Adare

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

Carried

This report brings the policy draft back to the Committee for their comments.

Rationale:

The proposed policy addresses legislative direction from the Ontario Heritage Act which requires municipalities to provide submission requirements for the different types of applications that can be made by an owner under the Act. At present, the City does not have any comprehensive policy addressing the submission requirements and processes for submission of applications related to heritage properties. The goal of the policy is to provide consistent and transparent requirements and processes for heritage applications when they are received.

An overview of the different sections of the policy was presented to the Committee at their meeting of March 11, 2021 and a summary and background on its development can be found in Report KLMHC2021-12. The draft policy is attached to this report as Appendix A.

The Municipal Heritage Committee reviews and provides recommendations regarding heritage policy prior to it being finalized and presented to Council. Recommendations are integrated into the final policy by staff which will be presented to the Committee at a future meeting.

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 – Alterations and Demolitions Draft Policy



Alterations and
Demolition Draft Polic

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Acting 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

Old Mill HCD Subcommittee Minutes

March 31, 2021

Zoom

Subcommittee Members: Jim Garbutt, Athol Hart, Ian McKechnie, Rob Macklem

Staff: Emily Turner

Regrets: Bill Bateman

The Subcommittee provided an update on the inventorying work currently ongoing in the HCD.

Emily and Ian are almost done the inventorying of their area. They are aiming to finish either tomorrow or next week and have Russell Street East and Lindsay Street South to finish.

Rob and Bill have completed their section. Rob has provided their photos to Emily and will bring their inventory sheets to the Heritage Committee meeting on April 8.

Jim and Athol are about halfway done the inventory of their area. Jim is going to complete the photos this week or next and they are going to finalize the inventory sheets. They need more inventory sheets which Emily will get to Jim next week. They should be done in the next couple of weeks.

The teams have been speaking to people in the area while they have been out inventorying properties and providing more information on the study. In general, most of their interactions have been positive and many people are supportive of the project. There have been a few negative reactions from individuals. Many people have provided information about the area and are willing to discuss the history of the area. Emily will reach out to these individuals.

Athol suggested that the Committee be provided with a form of identification when they are out in the community that says they are on the Heritage Committee and are undertaking City work. Emily will look into getting something for the Committee members.

Emily showed the subcommittee the current GIS map of the area which she will be adding the data to as it is received.

Pictures for viewsapes have not yet been taken. The subcommittee will take pictures as they complete their inventory areas.

Emily outlined the next steps for the study:

- Once the data collection is complete, Emily will enter the data into the City's GIS system and work with GIS staff to create maps for analysis

- The subcommittee will receive copies of these maps and will work together to analyze them and identify patterns of development which will inform the study
- Emily is aiming to have another public meeting likely in early May when it is safe to do so, depending on the COVID-19 situation. She will work with City staff who are in charge of pandemic safety to set it up

The subcommittee had received some questions as to why the other side of the river was not included as part of the study area. The subcommittee discussed the potential for this area as a future HCD study. Athol suggested that the information gleaned from the inventory currently being undertaken will be able to inform the Committee's interest in designating the Scugog River and as a link between this HCD study and one on the other side of the river.

The subcommittee will reconvene when the inventories are done

Action Items

- Finish inventories (All)
- Reach out to individuals who have expressed interest in providing information to the study (Emily)
- Data entry and maps (Emily)
- Organize public meeting (Emily)

Doors Open Subcommittee Minutes

March 30, 2021

Zoom

Subcommittee Members: Ian McKechnie, Bill Peel

Staff: Emily Turner

Each member of the subcommittee discussed the sites they had brainstormed from the last meeting which might either fit the design theme or be COVID-friendly. Bill discussed the idea of a driving tour where there was a set route and sites that people could visit. Emily noted that a driving tour could be used after Doors Open as well.

The subcommittee decided to plan three driving tours. Most of the sites can be viewed from outside or are outdoor sites to allow for safety depending on the restrictions. There are some sites which the subcommittee has identified as potential indoor venues, depending on current health regulations.

The subcommittee decided on three rough routes to work from: one north of Sturgeon Lake, one south of Sturgeon Lake and one west of Sturgeon Lake. There are 10 sites which are potential for indoor visiting. The subcommittee divided up the sites between them to call and gauge interest in participating.

Action Items

- Call potential indoor sites (All)
- Brainstorm additional points of interest along the routes (All)

Next meeting: TBD (late April)