

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

KLMHC2024-008

Thursday, July 4, 2024

5:00 P.M.

Economic Development Boardroom
Economic Development
180 Kent Street West, Lindsay, Ontario

Members:

Councillor Ron Ashmore

Ann Adare

William Bateman

Athol Hart

Julia Hartman

Skip McCormack

Ian McKechnie

William Peel

Jon Pitcher

Tyler Richards

Sandy Sims

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	
1.1	Land Acknowledgement	
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 June 6, 2024 Municipal Heritage Committee Meeting	4 - 11
3.	Presentations and Deputations	
4.	Reports	
4.1	KLMHC2024-040 Heritage Planning Update	12 - 14
4.2	KLMHC2024-041 Proposed Amendments to the Heritage Applications Policy	15 - 43
4.3	KLMHC2024-042 Proposed Amendments to the Heritage Delegated Authority By-law	44 - 56
4.4	KLMHC2024-043 Alteration Application - 1474 Highway 7A, Manvers Township	57 - 65
4.5	KLMHC2024-045 Proposed Heritage Designation of 3740 Highway 7, Emily Township	66 - 98
5.	Subcommittee Updates	
6.	Correspondence	
7.	New or Other Business	
8.	Next Meeting	

9. Adjourment

**The Corporation of the City of Kawartha Lakes
Minutes
Kawartha Lakes Municipal Heritage Committee
Meeting**

**KLMHC2024-007
Thursday, June 6, 2024
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 5:01 p.m. with the following members present: Councillor Ashmore, A. Adare, W. Bateman, J. Hartman, I. McKechnie, J. Pitcher and S. Sims.

Regrets: S. McCormack

Absent: T. Richards

Staff: E. Turner, Economic Development Officer - Heritage Planning; L. Love, Economic Development Officer - Curatorial Services, and M. Faulhammer, Planner II

1.1 Land Acknowledgement

A. Hart read the land acknowledgement.

1.2 Introduction - New Manager of Planning

This item was postponed to a future meeting.

2. Administrative Business

2.1 Adoption of Agenda

Items 4.6 and 4.8 were moved to the beginning of the agenda.

KLMHC2024-049

Moved By W. Bateman

Seconded By A. Adare

That the agenda be adopted as amended.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes

2.3.1 Minutes of the May 9, 2024 Municipal Heritage Committee Meeting

KLMHC2024-050

Moved By I. McKechnie

Seconded By S. Sims

That the minutes of the Municipal Heritage Committee meeting held on May 9, 2024 be adopted as circulated.

Carried

Planning Act Applications

4.6 KLMHC2024-038

Planning Act Application - 5 Crego Street, Township of Somerville

The Committee reviewed the Cultural Heritage Evaluation Report for 5 Crego Street and found that the proposed rezoning generally supported the long term conservation of the property. The Committee did not feel additional comments to Planning staff were required.

KLMHC2024-051

Moved By J. Hartman

Seconded By A. Adare

That Report KLMHC2024-038, **Planning Act Application – 5 Crego Street, Somerville Township**, be received for information.

Carried

4.8 KLMHC2024-034

Planning Act Application - 46-66 William Street North, Lindsay

The Committee reviewed the Planning application for 46-66 William Street and the comments response matrix provided by the applicant. A. Hart noted that he believed the Committee's comments did not need to change and I. McKechnie agreed. W. Bateman asked for clarification as to what was covered under the Official Plan and Zoning By-law amendments and what was covered under Site Plan application. E. Turner clarified that issues of architectural design, such as colour, materials and architectural details were to be addressed at Site Plan. J. Pitcher asked for clarification regarding the density. J. Hartman reiterated that better setbacks were required. The Committee agreed that their comments did not need to be revised and could be resubmitted to Planning staff.

KLMHC2024-052

Moved By S. Sims

Seconded By I. McKechnie

That Report KLMHC2024-034, **46-66 William Street North, Lindsay**, be received; and

That comments be provided to Planning staff through the Chair.

Carried

3. Presentations and Deputations

3.1 Heritage Inventory Update

E. Turner, Economic Development - Heritage Planning

E. Turner provided an update on the status of the Heritage Inventory to date and introduced the Committee to the new public mapping viewer. A. Hart noted that the public mapping was very exciting.

3.1.1 KLMHC2024-030

Heritage Inventory Update

KLMHC2024-053

Moved By A. Adare

Seconded By I. McKechnie

That Report KLMHC2024-030, **Heritage Inventory Update**, be received; and

That the presentation from staff be received for information.

Carried

4. Reports

4.1 KLMHC2024-037

Heritage Planning Update

E. Turner provided an overview of the heritage planning activities for May 2024 and showed the Committee the new heritage pages on the City website.

KLMHC2024-054

Moved By I. McKechnie

Seconded By J. Hartman

That Report KLMHC2024-037, **Heritage Planning Update**, be received.

Carried

4.2 KLMHC2024-031

Proposed Heritage Designation of 1884 Pigeon Lake Road, Geographic Township of Emily

The Committee reviewed the proposed designation of 1884 Pigeon Lake Road. Councillor Ashmore asked what structures were included and E. Turner replied that the designation by-law would just include the historic structures and landscape features of the property and would not include contemporary features such as the new boardwalks or structures. A. Adare said that it was great to see the property designated as the Nature Centre there would be celebrating its 25th anniversary in 2024.

KLMHC2024-055

Moved By A. Adare

Seconded By W. Bateman

That Report KLMHC2024-031, **Proposed Heritage Designation of 1884 Pigeon Lake Road, Geographic Township of Emily**, be received;

That the designation of the property known municipally as 1884 Pigeon Lake Road be endorsed; and

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

Carried

4.3 KLMHC2024-032

Municipal Heritage Committee Correspondence

The Committee reviewed its correspondence from April 2024.

KLMHC2024-056

Moved By J. Pitcher

Seconded By S. Sims

That Report KLMHC2024-032, **Municipal Heritage Committee Correspondence**, be received for information.

Carried

4.4 KLMHC2024-035

Proposed Heritage Designation of 19-21 King Street East, Village of Omemee

The Committee reviewed the proposed designation of 19-21 King Street East.

KLMCH2024-057

Moved By I. McKechnie

Seconded By S. Sims

That Report KLMHC2024-036, **Proposed Heritage Designation of 19-21 King Street East, Village of Omemee**, be received;

That the designation of the property known municipally as 19-21 King Street East be endorsed; and

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

Carried

4.5 KLMHC2024-036

Amendments to the Ontario Heritage Act through Bill 139

E. Turner provided an overview of the amendments made to the Ontario Heritage Act through Bill 139. She noted that there will be some amendments required to

the City's existing heritage policies and by-law that she will bring forward to the Committee for review in summer 2024.

KLMHC2024-058

Moved By W. Bateman

Seconded By S. Sims

That Report KLMHC2024-036, Amendments to the Ontario Heritage Act through Bill 139, be received for information.

Carried

4.7 KLMHC2024-039

Proposed Amendments to the Ontario Heritage Act through Bill 200

E. Turner provided an overview of the proposed changes to the Ontario Heritage Act through Bill 200 which would extend the deadline to designate listed properties to 2027 and clarify the processes around the voluntary removal of listed properties from the Heritage Register. The Committee generally supported these amendments and did not think that comments from the Committee to the ERO were necessary.

KLMHC2024-059

Moved By Councillor Ashmore

Seconded By J. Hartman

That Report KLMHC2024-039, Proposed Amendments to the Ontario Heritage Act through Bill 200, be received for information.

Carried

5. **Subcommittee Updates**

There were no subcommittee updates.

6. **Correspondence**

E. Turner let the Committee know that Community Heritage Ontario was now providing a digital newsletter which would be circulated to them via email.

7. New or Other Business

There was no new or other business.

8. Next Meeting

The next meeting will be Thursday, July 4 at 5:00 p.m. in Council Chambers at City Hall (26 Francis Street, Lindsay).

9. Adjournment

KLMHC2024-060

Moved By I. McKechnie

Seconded By A. Adare

That the Municipal Heritage Committee Meeting adjourn at 5:59 p.m.

Carried



Municipal Heritage Committee Report

Report Number: KLMHC2024-040
Meeting Date: July 4, 2024
Title: Heritage Planning Update
Description: General update on the heritage planning program
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-040, **Heritage Planning Update**, be received for information.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

June 25 Council: At its meeting of June 25, Council endorsed the recommendation of the Municipal Heritage Committee to designate 1884 Pigeon Lake Road and 19-21 King Street East. Notices of intention to designate will be issued by staff. Council also passed a by-law to repeal and replace the designating by-law for 1 King Street West (Coronation Hall).

Bill 200: Bill 200 came into effect on June 6, 2024. Municipalities now have two additional years, to January 1, 2027, to review their heritage registers and designate listed properties. Additional regulation regarding the voluntary removal of listed properties from municipal registers has also been put in place. Staff will bring forward a report to Council in July to outline those changes and next steps for the City.

Local History Workshop: The Local History Workshop that was scheduled for June 13 at Trinity United Church in Bobcaygeon was postponed due to a tornado warning. The workshop has been rescheduled for July 24 from 7pm to 9pm at Trinity United Church.

Rationale:

This report is intended to provide a general update to the Committee on the activities of the heritage planning program.

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: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services



Municipal Heritage Committee Report

Report Number:	KLMHC2024-041
Meeting Date:	July 4, 2024
Title:	Proposed Amendments to the Heritage Applications Policy
Description:	Amendments to Policy CP2021-040 (Heritage Applications Policy) in response to Bill 139
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendation(s):

That Report KLMHC2024-042, **Proposed Amendments to the Heritage Applications Policy**, be received;

That the proposed amendments to the Heritage Applications Policy (CP2021-040), as outlined in Appendix A of this report, be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In October 2023, the provincial government introduced Bill 139, the Less Red Tape More Common Sense Bill. The intent of the bill was to improve service delivery across a range of sectors and it included a variety of amendments to twenty pieces of diverse legislation, including amendments to Section 33 of the Ontario Heritage Act. Bill 139 received royal assent in December 2023 but not all of the amendments came into effect at that time. In particular, the OHA amendments were not enacted in order to provide time to finalize the regulatory amendments that were also required to enact the changes to Section 33. The regulatory amendments have now been finalized as an amendment to Ontario Regulation 385/21 (General) and the OHA amendments came into effect on July 1, 2024. The Committee reviewed these amendments at its meeting of June 6, 2024. In general, the amendments provide an alternative applications stream for properties that are used for religious or spiritual practices when the following conditions are met:

- The building, or part thereof, to be altered is primarily used for religious practices;
- The heritage attributes to be altered are connected to religious practices;
- The alteration of the heritage attributes is required for religious practices;
- Any additional conditions prescribed by regulation (this would be a new regulation making authority); and,
- The applicant provides council with an affidavit or sworn declaration that the application meets the conditions in the Act or prescribed in regulation.

Municipalities would rely on the sworn affidavit to demonstrate that the above conditions are met. Religious practices would include both the practices of religious organizations, such as churches, and the religious and spiritual practices of Indigenous communities or organizations. As with any other application made under Section 33 of the Act, the deeming of a complete application and consent or denial of said application would need to be undertaken within the prescribed timelines under the Act. The majority of the amendments have been enacted through O. Reg 385/21.

The primary impact of these changes is that municipalities may only approve or deny applications of this type and they must be approved or denied within 60 days, as opposed to the regular 90 days allowed under the Act for the majority of applications. Applications may not be approved with conditions.

In order to enact these changes in City process, the Heritage Applications Policy requires amendments to reflect the regulatory changes with regard to submission requirements and procedures. The Heritage Applications Policy is the City's overarching policy guiding how applications for heritage related applications are received and processed and what information is required for a complete application. In order to align the policy with the legislative changes, amendments are required.

This report provides background and rationale for amending the Heritage Applications Policy, as well as a draft of the proposed amended policy. This draft is attached to this report as Appendix A and highlights the changes being proposed. Amendments to heritage-related by-laws and policies are reviewed by the Committee prior to their presentation to Council under the cover of a staff report which include the Committee's recommendation regarding adoption of or amendments to by-laws and policies.

Rationale:

The amendments proposed are intended to align the Heritage Applications Policy with the amendments to the Ontario Heritage Act and Ontario Regulation 385/21. The proposed amendments are summarized below.

Definitions

A new definition has been added to clarify the definition of a "building used for religious purposes." This definition is the definition created by the Ministry as part of the amendments to the Act to clarify the types of properties to which to new regulations apply.

Alterations to Buildings Used for Religious Purposes

A new section has been added to the policy to provide an overview of the application requirements for religious buildings. This section includes the application requirements, as outlined in Ontario Regulation 385/21, information around which stream an applicant should choose when applying for a permit, and information regarding application for other permits and approvals, such as Building and Septic Permits and Planning Act applications.

Timeframes

Information regarding the timeline for the approval of applications related to buildings used for religious purposes has been added.

Administrative Amendments

A number of amendments have also been made to the policy to correct administrative errors, such as typos, and to update section and subsection references in the Ontario Heritage Act where numbering has changed due to recent amendments through Bill 139 and Bill 200. Additional clarifying wording has also been added related to consultation with Indigenous communities and deemed consent.

Other Alternatives Considered:

There are no recommended alternatives. The Heritage Applications Policy must align with current provincial legislation and the amendment of the policy to include information regarding applications for religious buildings provides transparency regarding the City's processes for receiving and reviewing heritage permit applications. Although the proposed amendments add additional complexity to the heritage permit application process for religious buildings and would generally not be recommended by staff, the amendments are being proposed to ensure the policy aligns with provincial direction and the option for property owners and tenants to pursue this approval stream for qualifying properties must be available in City policy and processes.

Financial/Operation Impacts:

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

Consultations:

Ministry of Citizenship and Multiculturalism

Attachments:

Appendix A – Proposed Amendments to the Heritage Applications Policy (red-line)



CP2021-040 Heritage
Applications Policy 20

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services



Council Policy

Council Policy No.:	CP2021-040
Council Policy Name:	Heritage Applications
Date Approved by Council:	September 21, 2021 CW2021-204/CR2021-417
Date revision approved by Council:	April 18, 2023, CR2023-223
Related SOP, Management Directive, Council Policy, Forms	Heritage Permit Processing SOP By-law 2019-154 Delegate Authority for the Alteration of Heritage Property Heritage Permit Application Form

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, to allow new construction on an individually designated property or within a heritage conservation district, or to repeal a heritage designation by-law. This policy is intended to establish the process for application for the alteration or demolition of heritage property, new construction on an individually designated property or within a heritage conservation district or the repeal of a heritage designation by-law, including the submission requirements for applicants, and staff and Council procedures for processing such applications.

Ontario Regulation 385/21 under the Ontario Heritage Act prescribes minimum submission requirements for an application to alter or demolish a heritage property or to undertake new construction related to heritage properties, but stipulates that a municipality may also request additional materials which have been established through by-law, Council resolution or Official 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 or new construction within a heritage conservation district. This policy responds to that legislative direction.

The Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019), 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 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 related to a heritage property.

CR2023-223, effective April 18, 2023

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 Ontario Heritage 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 under Section 40.1 of the Act with interim controls that prohibits or sets limitations with regard to the demolition or removal of buildings or structures within the study area. 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 and as identified in the relevant heritage conservation district plan.

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 a heritage conservation district designated under Part V of the Act cannot opt out of a heritage conservation district plan.

CR2023-223, effective April 18, 2023

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 meaning;

“applicant” means a person who applies for a permit, the repeal of a by-law or the removal of a property from the Heritage Register, 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, of part thereof, as defined in subsection 1(1) of the Building Code Act;

“building used for religious practices” means (a) with respect to an alteration that is required for an Indigenous community or organization, a building that the Indigenous community or organization has identified as a place used for Indigenous religious or spiritual practices, or (b) with respect to an alteration that is required for a religious organization that is not an Indigenous organization, a building that the religious organization has identified as a church, mosque, synagogue, temple, chapel or other place of worship, but not a building where the primary function is to provide education, healthcare, long-term care, community services, social services or commercial, institutional or industrial operations, even if the building contains a space within it dedicated to religious practices;

“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;

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

“Consolidated Fees By-law” means the by-law passed by the municipality to establish or require payment of fees for information, services, activities and use of City property, as amended from time to time;

“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, or the removal of a heritage attribute from a property designated under Part IV or Part V of the Act as identified in a property’s designating by-law or relevant heritage conservation district plan; and “demolition” and “demolishing” have corresponding meanings;

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“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;

“Funeral, Burial and Cremation Services Act” means the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended or any successor thereof;

“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 the heritage character and defining elements of a heritage conservation district;

“heritage easement agreement” means an agreement entered into by the City and the owner(s) of a heritage property as enabled by Section 37 of the Ontario Heritage Act;

“heritage permit” means the authorization given in writing by the municipality to make alterations, including demolition or the erection of new structures, to a heritage property;

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“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 required by Section 27 of the Ontario Heritage Act and including properties designated under Part IV of the Act, heritage conservation districts and listed properties;

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“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 Act” means the Municipal Act, S.O. 2001, c.25, as amended or any successor thereof;

“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 of 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, the repeal of a heritage designation by-law or new construction on a heritage property or within a heritage conservation district;

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

“Sign By-law” means the by-law or by-laws passed by the City of Kawartha Lakes to regulate advertising devices in the City, as amended from time to time.

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 Ontario Heritage Act and listed properties. Properties designated under Part V of the Act are not individually listed, but are identified through the inclusion of maps, outlining the relevant heritage conservation district boundary. As required by the Act, it will be ~~publically~~publicly accessible in the Clerk's Office and on the City's website. The Register will be maintained by the Economic Development Officer – Heritage Planning, or designate, and updated as necessary. Owners of properties located within the municipality and other members of the public will be able to access the Heritage Register to ascertain whether or not a property is subject to this policy. There is no fee to access the Heritage Register.

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Properties for which a Notice of Intention to Designate has been issued or are located in a heritage conservation district study area for which an interim control by-law has been passed are not included on the Register. Appropriate notice will be provided both to the owners and to the public, as required by the Ontario Heritage Act.

Roles

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

- Ensure that the Heritage Register is kept up to date and accessible to the public to provide a complete inventory of all properties to which this policy applies
- Conduct pre-submission meetings with the applicant(s)
- 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
- Deem applications complete
- Review applications, studies and plans and make recommendations to the Municipal Heritage Committee and Council
- Ensure 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 outlined below
- 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

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Under the Ontario Heritage Act, the Municipal Heritage Committee must be consulted regarding the demolition of a heritage property or, the repeal of a designating by-law under Part IV of the Act. The Committee must also be consulted when an application for alteration or new construction 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, new construction, and the repeal or amendment of heritage designation by-laws

The Ontario Heritage Act establishes Council as the decision-making body on matters regarding the demolition or alteration of a heritage property or the repeal of a heritage designation by-law. As per the Act, only Council may consent to the full or partial demolition of a property or the repeal a heritage designation by-law. While under the City's delegated authority by-law, certain classes of alterations are delegated to staff for approval, certain types of alterations are not delegated and must be approved by Council. This includes new construction on properties designated under Part IV of the Act or within heritage conservation districts, excluding accessory and agricultural buildings for which the approval is delegated to staff. 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 or remove a heritage property, in full or in part
- Consent to or deny applications to alter a heritage property, with or without conditions
- Consent to or deny applications to undertake new construction on a property designated under Part IV of the Act or within a heritage conservation district, with or without conditions
- Amend designation by-laws, as required
- Repeal designation by-laws, as appropriate

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Removal of Heritage Attributes

Subsections 34(1) and 42(1) of the Ontario Heritage Act defines the demolition of a designated property as either the full demolition or removal of a property designated under Part IV or Part V, respectively, of the Act or the removal of any of a designated property's heritage attributes as identified in the property's designating by-law, for properties designated under Part IV of the Act, or in the relevant heritage conservation district plan, for properties designated under Part V of the Act.

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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 a Planning Act application related to a heritage property, 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 professional, as defined by the study Terms of Reference, and follow the respective Terms of Reference developed by the City, as amended from time to time.

CR2023-223, effective April 18, 2023

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 impact 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 when an application is made to repeal a designation by-law when there is not a corresponding application for demolition or alteration.

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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 resources 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. An HIA may also include an Urban Design Addendum to address the impact of the proposed development on the wider urban fabric and ensure that it is context-specific and enhances the City's existing historic urban landscapes. 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 to demolish a heritage property.

CR2023-223, effective April 18, 2023

Submission Requirements

The Ontario Heritage Act and its associated regulations allows for a municipality to request the submission of certain documents as part of a complete application to alter a heritage property or demolish a heritage property 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, new construction on a property designated under Part IV of the Act or within a heritage conservation district, and/or the repeal of a designating by-law under Part IV of the Act.

CR2023-223, effective April 18, 2023

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 require either a building permit or permission under the Planning Act, the applicant may submit the relevant building and planning applications concurrently with their heritage permit application. Building permits and planning approvals will not be issued unless a heritage permit has been approved.

Applicants are required to submit a complete application for 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 until 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-submission meeting prior to application. Staff may request entry onto the property in order to evaluate the proposed alterations on the heritage attributes of the site.

If a heritage permit is granted for the alteration of the property, the applicant is responsible for applying for a building permit from the City's Building and Septic 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 may not require a building permit. The applicant should consult with the Building and Septic 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 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 and Septic Division as per the fee schedule in the Building By-law. Applicants are also responsible for any fees incurred related to relevant Planning Act applications made in support of the alteration.

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.

Alterations to Buildings Used for Religious Practices

Certain alterations to buildings used for religious practices may follow the alternative process for the approval outlined under subsection 33(18) of the Act. This application stream applies specifically to buildings used primarily for religious purposes and in relation to alterations that impact heritage attributes of a property that are used for religious purposes where the alteration is required for continued religious practice. The owners and/or tenants of these buildings must be either an Indigenous community or Indigenous organization or a religious organization that is a registered charitable organization.

Applicants are required to submit a complete application for 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 until 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
- Identification of the heritage attributes of the building that are connected to religious practices and a description of the potential impacts of the proposed alteration on those heritage attributes
- Information as to if the required alteration is required for the benefit of the tenant or property owner
- The registered charity number of the religious organization, if the applicant is a non-Indigenous organization
- An affidavit or sworn declaration that the application meets the conditions prescribed under subsection 33(18) of the Act

Owners and tenants of buildings used for religious practices may choose which alteration stream to follow if their alteration qualifies for consideration under the alternative stream under subsection 33(18). Applications made under this stream may only be approved or denied and are not subject to approval with conditions. Should an application be deemed to not qualify for this processing stream, the applicant will be informed by staff and the application will be processed through the regular stream for alteration applications.

Alterations which require building permits or permission under the Planning Act must still apply for and receive permits and permissions as needed prior to undertaking their project. The applicant should consult with the Building and Septic Division and the Planning Division to verify additional permissions required under the Building Code Act and the Planning Act prior to submission.

There is no additional fee to process an application to alter a building used primarily for religious purposes. The appropriate fee is payable for the application for a building permit from the Building and Septic Division as per the fee schedule in the Building By-law. Applicants are also responsible for any fees incurred related to relevant Planning Act applications made in support of the alteration.

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 full or partial 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 the issuance of demolition permit from the Building and Septic Division. Applicants may submit their heritage and demolition applications concurrently. For applications made to demolish a heritage property as part of a Planning Act application, the application to demolish may be made concurrently with the Planning Act application but planning approval will not be issued until the heritage permit is approved. Applicants are required to submit a complete application for the demolition of a 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 building(s) 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-submission 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 in whole 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

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 and Septic Division prior to commencing demolition. For instances where public safety is at risk or there is an emergency, the waiver will be coordinated internally by the Chief Building Official.

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 and Septic 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, 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-submission meeting.

Demolition by neglect will be addressed through provisions in the Property Standards By-law.

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 Ontario Land Tribunal (OLT). The application fee will be waived in the following circumstances:

- Demolitions ordered by the Chief Building Official due to emergencies or reasons of public safety
- The demolition of interior attributes in listed properties, properties designated under Part V of the Act as part of a heritage conservation district or properties designated under Part IV of the Act for which there are no identified interior heritage attributes
- The demolition of accessory buildings or structures where the accessory building or structure is not identified as part of the heritage designation by-law or listing

This section of the policy applies to all heritage properties located within the municipality.

New Construction

Authorization for new construction located within a heritage conservation district or on a property designated under Part IV of the Act is granted through the issuance of a heritage permit and applicants will apply using the relevant heritage permit application form. For new construction which requires either a building permit or permission under the Planning Act, the applicant may submit the relevant building and planning applications concurrently with their heritage permit application. Building permits and planning approvals will not be issued unless a heritage permit has been approved. Approval from Council is required for the new construction, except for the construction of accessory and agriculture-related structures. New construction may include the construction of additional structures on a property designated individually under Part IV

of the Act or as part of a heritage conservation district, on a vacant lot within a heritage conservation district, or a replacement for a building for which demolition has been approved.

Applicants are required to submit a complete application for new construction prior to their application being processed. An application for new construction 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 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 new construction 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 new construction on 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. A Heritage Impact Assessment will be required for any application which proposes more than three residential units on a lot or which includes a commercial or industrial use, and the applicant may also be required to complete an Urban Design Addendum to discuss the impact of the proposed development on the urban landscape more broadly. Any additional requirements will be established at a pre-submission meeting prior to application. Staff may request entry onto the property in order to evaluate the proposed alterations on the heritage attributes of the site.

New construction includes the construction of any new structures on a heritage property or located within a heritage conservation district. This may include, but is not limited to:

- New residential, commercial, industrial or mixed-use construction
- Construction of Accessory Dwelling Units separate from a primary residential structure
- Accessory buildings, such as sheds and garages
- New agricultural buildings

If a heritage permit is granted for new construction, the applicant is responsible for applying for a building permit from the City's Building and Septic 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. The applicant should consult with the Building and Septic 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 made under the Planning Act, but the applicant should consult with the Planning Division to verify the requirements under the Planning Act.

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. A Heritage Impact Assessment will be required for any applications which include the demolition of a heritage building, with the exception of certain types of accessory structures.

There is no additional fee to process an application for new construction on a heritage property or within a heritage conservation district. The appropriate fee is payable for the application for a building permit from the Building and Septic Division as per the fee schedule in the Building By-law. Applicants are also responsible for any fees incurred related to relevant Planning Act applications made in support of the alteration.

Owners of listed properties are not required to apply for a heritage permit for the construction of new structures on their property. This section of the policy does not apply to listed properties.

CR2023-223, effective April 18, 2023

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

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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 or alteration, they must also submit the documentation noted above as part of their application to demolish or alter the property. Applications which involve both the demolition or alteration 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-submission 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. Reasons for waiver include, but are not limited to, the unexpected loss of the property. Waiver of documents will be established at the pre-submission meeting with the applicant.

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 Ontario Land Tribunal (OLT).

Application Process

Application for the alteration or demolition of a heritage property, new construction related to a heritage property or district or the repeal of a designating by-law will follow the requirements and processes 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). In general, the process will be as follows:

1. The applicant meets with staff at a pre-submission 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. For applications with an associated Planning Act application which are participating in the City's preconsultation process, heritage staff will inform the applicant of the requirement to participate in a heritage specific pre-submission meeting. There is no additional fee to participate in a pre-submission meeting.
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 applications 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. The applicant may appeal the decision to the Ontario Land Tribunal.
9. Staff execute the appropriate documents, bring forward any amending or repealing by-laws to Council, provide notification to the owner, revise the Heritage Register, publish appropriate public notices, 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 include 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 a final 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. The issuance of a demolition permit does not automatically necessitate the removal of a property from the Register and the property will remain listed on the Register if the cultural heritage value is retained.

For applications related to alterations to buildings used for religious purposes submitted under subsections 33(18) of the Act, applications may only be approved or denied and conditions may not be imposed on an approved heritage permit.

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. Applicants may submit their Heritage applications concurrently with their Building and Planning applications.

CR2023-223, effective April 18, 2023

Planning Act Applications

Planning Act applications, including those identified as prescribed events under Ontario Regulation 385/21, made in relation to heritage properties will require the submission of a Heritage Impact Assessment prepared in accordance with the City's Terms of Reference which may include the requirement for additional analysis with regard to urban design as outlined in the Terms of Reference. The applicant may submit the same HIA for a heritage permit application and a Planning Act application related to the same development proposal. The submission of an HIA may be waived by staff if deemed appropriate.

For heritage permit applications which are made as part of certain Planning Act applications, the applicant may be required to enter into a heritage easement agreement with the City under Section 37 of the Ontario Heritage Act, depending on the scope of the application. The intention of the heritage easement agreement is to ensure the continued preservation of the heritage property or, if the building is to be demolished, the construction of a suitable replacement as agreed upon with the applicant. Easements will be secured as a condition of the relevant required approval(s). In general, a heritage easement agreement will be required for the following types of applications:

- Plans of subdivision which include the retention, alternation or reconstruction of a heritage property
- Site plan applications which include the retention, alteration or reconstruction, in whole or in part, of a heritage property
- Official Plan and Zoning By-Law amendments which include the retention, alteration or reconstruction, in whole or in part, of a heritage property
- Any Planning Act application which includes the whole or partial demolition of a heritage property
- Relocation of a heritage property

The requirement to enter into an easement agreement may be waived by staff where deemed appropriate, such as where the Planning Act matters may have minor impacts on a heritage property more suited to approval through the heritage permitting process. For the construction of a suitable replacement building as the result of a demolition of a heritage property, the heritage easement agreement may be terminated with mutual agreement from the applicant once the replacement structure is complete and a successful inspection carried out.

For those applications which are subject to a site plan agreement, the cash deposit or letter of credit required to be deposited with the City as part of the site plan agreement will include securities related to the continued preservation or the approved replacement of the heritage building. Securities will be calculated either as 50% of the cost of completing the work as outlined in the agreement or the replacement value of elements

to be preserved when the heritage building will be retained, either in whole or in part. Elements to be preserved will be identified in the related heritage easement agreement. The securities will be returned to the applicant after a successful inspection from the Economic Development Officer – Heritage Planning. Site visits will be coordinated with Planning staff.

Heritage easement agreements will also be required for all properties participating in a heritage property tax relief program related to the improvement or redevelopment of the property, as required by Section 365.2 of the Municipal Act. An agreement may also be required for other funding programs administered by the City.

CR2023-223, effective April 18, 2023

Relocation of Heritage Properties

If an application to demolish a heritage property involves the relocation of a building to another site, an individual designation 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 of the property or statement of significance. For listed properties, the address will be amended on the Heritage Register to reflect the municipal address of the new site. The by-law will not be repealed or amended or the address amended on the Register until the building is moved to its new site. The processes established under the Ontario Heritage Act for repeal or amendment will be followed.

The applicant will be required to enter into a heritage easement agreement under Section 37 of the Act for the original property and a site plan agreement for the receiving site. The cash deposit or letter of credit required to be deposited with the City as part of the site plan agreement will include securities equal to the cost of relocating the building. The easement on the original property will be released and securities refunded to the applicant once the property is successfully relocated and an inspection carried out by the Economic Development Officer – Heritage Planning. For heritage buildings being relocated on the same property, a heritage easement agreement will be required.

The applicant will also be responsible for applying for and receiving a building permit and any other relevant City permissions, such as a Road Closure or Oversized Load permit.

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 and other Indigenous communities as appropriate. Consultation with local First Nations and other

Indigenous communities will occur in accordance with the City's Consultation Policy (CP2022-007).

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 after a partial demolition, including the provision of notice, is established by Ontario Regulation 385/21.

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 and its associated regulations, 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 ~~33(7)~~~~30(4)~~ and 42(4), the alteration of buildings used for religious purposes under Section 33(18) of the Act, 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
- 60-day review period for qualifying alterations to buildings used for religious purposes designated under Part IV or Part 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 make best efforts to adhere to these timeframes which begin when an application is deemed complete and a notice of receipt is served on the applicant. The timelines may be extended through mutual agreement between the City and the applicant. Applications for alterations to or for the demolition of properties designated under Part IV or V will be deemed approved if not approved within the prescribed timeframe and without mutual agreement between the City and the applicant.

Legislative and Administrative Authority

Ontario Heritage Act, 1990
Planning Act, 1990
Building Code Act, 1992
Funeral, Burial and Cremation Services Act, 2002
Municipal Act, 2001
Provincial Policy Statement, 2020
A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019
City of Kawartha Lakes Official Plan (2012), including Official Plan Amendment 26 (2017)
City of Kawartha Lakes By-law 2019-154
City of Kawartha Lakes By-law 2021-194

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.0	September 21, 2021	Initial Release	
0.1	April 18, 2023	Updates implemented through Report ED2023-011	
<u>0.2</u>	<u>July 23, 2024</u>	<u>Updates implemented through Report ED2024-028</u>	



Municipal Heritage Committee Report

Report Number: KLMHC2024-042
Meeting Date: July 4, 2024
Title: **Proposed Amendments to the Heritage Delegated Authority By-law**
Description: Proposed amendments to By-law 2019-154 (Heritage Delegated Authority By-law) to address applications related to the installation of utilities and servicing
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-042, **Amendments to the Heritage Delegated Authority By-law**, be received;

That the proposed amendments to By-law 2019-154 (Heritage Delegated Authority By-law) related to utilities installation, as outlined in Appendix A of this report, be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Section 33 and Section 42 of the Ontario Heritage Act allows Council to delegate authority for the review and approval of alterations to heritage properties through the issuance of heritage permits to staff. Under the Act, Council is the approval authority for all applications to alter a heritage property, unless a by-law delegating authority has been passed by Council. Authority may be delegated to an officer of the municipality and the by-law must outline the types and classes of alterations that are delegated.

In Kawartha Lakes, authority is delegated through By-law 2019-154 to the Director of Development Services or an assigned delegate. In practice, the assigned delegate is the Economic Development Officer – Heritage Planning. This by-law is amended from time to time to reflect changes made to the Ontario Heritage Act and provincial heritage policy or to provide better service delivery. The by-law was last amended in December 2023 to change the process related to approvals for signage and align the process and service delivery times for properties designated under Part IV of the Act and those located in heritage conservation districts. At present, the vast majority of alterations are delegated to staff, with the exception of the demolition of property. Staff may refer the approval of any application to Council. In practice, this only occurs when an application is associated with a Planning Act application that is also being approved by Council, if the approval of the application requires amendments to City policy or by-laws such as the Sign By-law, if the approval of the application requires an amendment to the property's designation bylaw or if there is an associated heritage easement agreement that requires Council approval, or if staff believe that the heritage application should be denied. Applications coming before Council are very rare. The intent of delegating most applications to staff for approval is to promote quick review and approval of applications and efficient service delivery that is not reliant on Council's meeting schedule.

Under the current by-law, all applications made in relation to properties that are located in a heritage conservation district designated under Part V of the Act are reviewed and approved by staff. The review and approval time for these applications is typically 1 to 4 business days, unless the application is particularly complex. The service delivery and approval timeline for these types of applications has been well received by applications. Applications made in relation to properties designated under Part IV of the Act are reviewed by the Municipal Heritage Committee which makes recommendations and provides comments to staff who ultimately approve or deny the application. The review and approval time for these types of applications can be up to 30 days as the Municipal

Heritage Committee only meets once a month; the approval time for applications for properties of this type is dependant on when an application is received in relation to the date of the next committee meeting. In instances where an applicant may be waiting a month for approval, staff and the Chair of the Committee have typically tried to arrange a special meeting to address permit review and approval, but these special meetings are not always feasible given that the Committee is comprised of volunteers and quorum is required to review an application.

Staff periodically review the Delegated Authority By-law to find service improvements and enhance the permitting process for heritage property owners. One of the items that staff have recently reviewed is the permitting process for the installation of utilities. These may include green technology, such as charging stations, heat pumps, and solar panels, and traditional utilities and infrastructure, such as generators, air conditioning condenser units and septic systems.

Permits for utility installation for properties designated under Part IV of the Act must currently be reviewed by the Municipal Heritage Committee prior to approval. However, these types of alterations typically have little to no impact on the heritage features of the property and the review process largely involves reviewing where the utility is being installed to ensure it has a minimal visual impact on a heritage property and signing off on it for due diligence. For the installation of new septic systems, for example, the purpose of the heritage permitting process serves to sign off on location and to confirm with Building and Septic Division staff that due diligence has been undertaken from a heritage perspective; it would be only under exceptional circumstances that a heritage permit would be denied for this type of work. Similarly, for utilities such as heat pumps or air conditioning condenser units, the purpose of the heritage permitting process is to discuss the location of infrastructure with the property owner to ensure that it has limited visual impact on the heritage features of the property, particularly for large public buildings where the units may have a real visual impact; as with septic installation, it is extremely unlikely that these applications would ever be denied.

Staff are proposing that the delegated authority by-law be amended to allow staff to approve utilities installation for Part IV properties without bringing these applications forward to the Municipal Heritage Committee, as would be the case for applications made related to properties in a heritage conservation district. While the Committee's input remains important for applications that have a specific and real impact on heritage attributes of a property, staff believe that a shorter approval process for these types of

applications is warranted, given their limited impact on the heritage features of the property, the simplicity of these types of applications, and the fact that some of them may be time sensitive, particularly when they are contingent on the receipt of grant funding.

This report provides background and rationale for amending the Heritage Delegated Authority, as well as a draft of the proposed amended by-law. This draft is attached to this report as Appendix A and highlights the changes being proposed. Amendments to heritage-related by-laws and policies are reviewed by the Committee prior to their presentation to Council under the cover of a staff report which include the Committee's recommendation regarding adoption of or amendments to by-laws and policies.

Rationale:

The review of the portion of the by-law that deals with the installation of utilities has primarily come about in relation to increased discussion over the installation of green technology in existing buildings and the expansion of the City's cellular network. Over the past several years, staff have received an increasing number of heritage permit applications and inquiries regarding the installation of green technology on heritage properties. This includes the installation of solar panels, charging stations, and heat pumps as property owners increasingly look to green technology for their various energy needs, particularly with the roll out of the federal Greener Homes Initiative Grants. Staff have also been receiving increasing numbers of inquiries regarding the installation of cell sites and antennae on buildings in urban areas to increase cell coverage and handle increasing network demands.

At present, if an owner of a property that is individually designated wants to install any of the above noted utilities, their application must be reviewed by the Kawartha Lakes Municipal Heritage Committee. The Committee provides comments and a recommendation to staff who ultimately make the decision as to whether or not the application should be approved or denied. Staff are of the belief that the increased time required for the Committee to review these applications is not warranted, given the unlikely nature of these applications being denied and the minimal impact of utilities installation on heritage properties, as discussions surrounding applications of this type primarily centre on where utilities should be located, as opposed to whether or not they should be allowed.

Although this review was precipitated primarily by the growing interest in green technology, staff have deemed it appropriate to propose that all utility installation be approved at a staff level. While it is important to support property owners looking to install green technologies in their heritage buildings, staff are also of the opinion that the same rules should apply to traditional utility installation to ensure an even playing field as property owners choose what is the best solution for their properties. The following utilities would be impacted by the proposed changes:

- Septic systems
- Electrical generating equipment including home standby generators, solar panels and small wind turbines
- EV charging stations
- Heating and cooling systems including oil and propane tanks, air to air and in ground heat pumps and air conditioner condenser units
- Cellular infrastructure
- Private or municipal servicing

The impact of the amendments would be to decrease service delivery times and allow staff to approve permits for this type of work within the 1 to 4 business day time frame that is currently in place for properties located in heritage conservation districts. A reduced timeframe for these applications provides better service delivery for applicants and also has the potential to assist in property owners applying for and receiving grant dollars which are increasingly available for certain types of utilities, as many grant programs have timeframes for installation and the submission of paperwork to the granting agency.

Other Alternatives Considered:

Council could choose not to amend the existing by-law. However, the proposed amendments are intended to streamline the heritage permit application process for property owners and applicants and the amendments are recommended to support good customer service.

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 – Proposed Amendments to By-law 2019-154 (red-line)



2019-154
Consolidated Deleगत

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-law 2019-154

Consolidated on December 12th, 2023

Passed by Council on November 19, 2019

Amendments:

- | | | |
|--------------------|--------------------|------------------------------|
| 1) By-law 2021-133 | September 21, 2021 | Sections 1.01 and 2.04 |
| 2) By-law 2022-003 | January 25, 2022 | Sections 2.06 and 2.07 |
| 3) By-law 2023-055 | April 18, 2023 | Section 1.01 |
| 4) By-Law 2023-193 | December 12, 2023 | Section 2.01, 2.02, and 2.03 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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;

“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 the relevant heritage conservation district plan; and “demolition” and “demolishing” have corresponding meanings;

Effective September 21, 2021 By-law 2021-133
Effective April 18, 2023 By-law 2023-055

“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 is 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) grant heritage permits for installation of or alterations to commercial signage on properties designated under Part IV of the Act or situated in a heritage conservation district under Part V of the Act;

(e) grant heritage permits for the installation of utilities and servicing to properties designated under Part IV of the Act or situated in a heritage conservation district designated under Part V of the Act;

~~(e)~~(f) 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)~~(j) 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;~~ By-Law 2023-193, Effective December 12, 2023
- ~~(n)~~(k) Installation of or alterations to accessibility features;

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- ~~(l)~~ (l) Erection of temporary structures;
- ~~(m)~~ (m) Any alterations identified in a heritage conservation district plan as being delegated to staff;
- ~~(n)~~ (n) Alterations proposed as part of a municipal financial incentive program;
- ~~(o)~~ (o) Alterations necessary to comply with the Ontario Fire Code;
- ~~(p)~~ (p) Minor revisions to previously approved heritage permits;
- ~~(q)~~ (q) 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.~~

By-Law 2023-154, Effective December 12, 2023

2.04 **Utilities and Servicing:** The delegated authority in Section 2.01 (e) 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) Installation of and alterations to septic systems;
- b) Installation of small electrical generating equipment including but not limited to home standby generators, solar panels and small wind turbines;
- c) Installation of EV charging stations;
- d) Installation of heating and cooling systems including but not limited to: oil and propane tanks; heat pumps (air-to-air and in-ground); and air conditioner condenser units;

e) Installation of cellular infrastructure:

f) Installation of private or municipal servicing and associated structures including but not limited to: water, sewer, and hydro.

2.054 Removal of Heritage Attributes: A heritage attribute will be considered removed and will constitute a demolition under the Act when it is removed and not replaced. A heritage attribute will be considered altered if it is removed for repair or removed and replaced in kind.

By-law 2021-133, Effective September 21, 2021

2.065 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.

2.076 Extension and Waiver of Timelines: The Director of Development Services, or designate, is authorized, at any point in time to agree in writing with the applicant to the extension of any time limit under the Act, or agree that any time limit does not apply within which Council must make a decision under the Act for any of the following:

- a) the exception to a prescribed event in subsection 29(1.2) of the Act;
- b) the prescribed circumstances to subsection 29(8)1 of the Act;
- c) an application under subsection 27(9) of the Act
- c) an application under Section 32 of the Act;
- d) an application under Section 33 of the Act;
- e) an application under Section 34 of the Act;
- f) an application under Section 42 of the Act;
- g) as may be otherwise permitted or prescribed under the Act.

By-law 2022-003, effective January 25, 2022

2.087 Heritage Easement Agreements: Following the enactment of a by-law by Council to provide for the entering into of a Heritage Easement Agreement, the Director of Development Services is authorized to enter into and execute Heritage Easement Agreement(s) or amend Heritage Easement Agreement(s) on such terms satisfactory to the City Solicitor.

By-law 2022-003, effective January 25, 2022

2.098 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.

2.0109 **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.

2.119 **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.

Andy Letham, Mayor

Cathie Ritchie, City Clerk



Municipal Heritage Committee Report

Report Number: KLMHC2024-043
Meeting Date: July 4, 2024
Title: **Alteration Application – 1474 Highway 7A, Geographic Township of Manvers**
Description: Proposed alteration to 1474 Highway 7A (Bethany Library) which is designated under Part IV of the Ontario Heritage Act
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-043, **Alteration Application – 1474 Highway 7A, Geographic Township of Manvers**, be received; and

That that the proposed alteration be approved.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Under the City of Kawartha Lakes’ delegated authority by-law for the alteration of designated heritage properties (By-law 2019-154), approvals for minor alterations to properties designated individually under Part IV of the Act are delegated to staff in consultation with the Kawartha Lakes Municipal Heritage Committee. Minor alterations are defined in the by-law and include changes to the property including, but not limited to, the replacement of exterior elements, additions, the construction of accessory structures, hard landscaping, and the installation of utilities.

1474 Highway 7A is designated individually under the Ontario Heritage Act by By-law 2023-074. The by-law is attached to this report as Appendix A. The property contains the former Manvers Township Hall which was constructed in 1912 as a replacement for an older municipal building destroyed in a fire that consumed much of downtown Bethany. The building was designed by noted Peterborough architecture W.R.L. Blackwell and is a representative example of a small Romanesque Revival municipal building from the early twentieth century. The property also contains the Bethany Cenotaph. The property currently houses the Bethany branch of the Kawartha Lakes Public Library and is owned by the City of Kawartha Lakes.

Building and property staff are proposing the replacement of the stairs and ramp on the front elevation of the building, facing Highway 7. Neither of these features are original to the building. At present, both the stairs and ramp are rapidly deteriorating and beginning to pose safety risks for the public visiting the library. The ramp is not code compliant and is challenging for people with physical disabilities to use. The stairs and ramp will be replaced with a new concrete surface and visible faced will be finished with a brick masonry veneer to match the existing building. The railings and guards will also be replaced with black aluminium with glazing. The new design will meet the current Ontario Building Code and the Facility Accessibility Design Standards for the City.

The proposed design will be presented to the Committee by Building and Property staff to the Committee at its July 4 meeting.

Rationale:

Staff are supportive of the approval of this application. As neither the existing stairs or ramp are original to the building, their removal will have limited impact on the heritage features of the property. The proposed replacement will have a similar footprint to the existing stairs and ramp and will be an upgrade to the existing structures as they will be

safe and code compliant. The cladding of the visible faced will brick to match the existing building will enhance and support the historic aesthetic of the building by matching the stairs and ramp to the historic building; the stairs and ramp are currently clad in stone which does not match the building.

Other Alternatives Considered:

There are no recommended alternative.

Financial/Operation Impacts:

There are no financial or operational impacts as a result of the recommendations of this report. The replacement of the stairs and ramp are included in the City's 2024 Capital Projects budget.

Consultations:

Building and Property staff

Attachments:

Appendix A – By-law 2023-074



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

The Corporation of the City of Kawartha Lakes

By-Law 2023-074

A By-law to Designate 1474 Highway 7A, Geographic Township of Manvers in the City of Kawartha Lakes

A By-law to designate 1474 Highway 7A in the Geographic Township of Manvers in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 1474 Highway 7A, Geographic Township of Manvers described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-074.

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, demolish, 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;

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

“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;

“Property” means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) 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: Designation of Property

2.01 1474 Highway 7A, Geographic Township of Manvers is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 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 Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 4.02 **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 23rd day of May, 2023.



Doug Elmslie, Mayor



Cathie Ritchie, City Clerk

Schedule A to By-law 2023-074

Being a By-law to designate 1474 Highway 7A, Geographic Township of Manvers in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

1474 Highway 7A, Geographic Township of Manvers

Section 2: Location of Property

Located on the south side of Highway 7A in the village of Bethany.

Section 3: Legal Description

N1/2 LT 1 S/S KING ST AND W/S JOHN ST PL 5 MANVERS EXCEPT R391157; KAWARTHA LAKES

Section 4: Location of Heritage Features

The primary heritage features of the property are the former Town Hall which is encompasses the majority of the property facing Highway 7A and the cenotaph which is located to the east of the town hall.

Section 5: Statement of Reasons for Designation

Design and Physical Value

1474 Highway 7A has design and physical value as a representative example of a small town municipal building constructed in the Romanesque style. The building was constructed in 1912 as a replacement for an older township hall and demonstrates the basic form and design elements of rural and small town municipal buildings and town halls as developed in the second half of the nineteenth century. It includes key elements of the Romanesque style as adapted for smaller institutional structures. These elements include its rounded windows and doors, an oculus window with keystones, and pilasters.

Historical and Associative Value

1474 Highway 7A has historical and associative value as the former Manvers Township Hall and municipal office. The building was constructed in 1912 as a replacement for an older municipal building from the 1870s and is directly related to the development of local government in Manvers Township in the nineteenth and twentieth century. The property yields information regarding the role and operations of local government in the township prior to its amalgamation as part of the City of Kawartha Lakes, and also provides insight on community activities as this building was used for other purposes than municipal functions. The town hall was also constructed by prominent Peterborough architect William Blackwell who was well-known regionally for his institutional and commercial designs.

Contextual Value

1474 Highway 7A has contextual value as part of the historic landscape of downtown Bethany. As one of a range of historic commercial, institutional and residential properties along the Highway 7A corridor through the community, the

structure helps define the centre of the village as one of its primary institutional structures. It supports and maintains the historic small town character of Bethany and helps define its downtown core. The property is also a landmark as a longstanding and continuously operating municipal building, in its former role as a town hall and contemporary role as the local library, as well as the location of the local cenotaph.

Section 6: Heritage Attributes

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 Attributes

The design and physical attributes support the value of the property as a representative example of a small-town municipal building dating from the early twentieth century.

- One story red brick construction
- Gable roof
- Brackets
- Central front entrances including:
 - Entrance with semi-circular transom
 - Flanking rounded windows
- Fenestration including:
 - Rounded windows
- Pilasters
- Chimneys
- Bronze WW1 memorial plaque
- Stone cairn cenotaph including:
 - Irregular stone construction
 - Plaque and text
 - Crossed rifles
- Grassed lawn

Historical and Associative Attributes

The historical and associative attributes support the value of the property as the local municipal building in both its current operation by the City of Kawartha Lakes and its former role as the Manvers Township Hall and municipal offices.

- Association with the development of municipal government in Manvers Township
- Date stone

Contextual Attributes

The contextual attributes support the value of the property as the former local municipal building and local landmark, as well as a contributing feature to the historic landscape of downtown Bethany.

- Location along Highway 7A in the village of Bethany

- Relationship to the surrounding historic commercial and residential property
- Orientation towards Highway 7A
- Views of the property along Highway 7A
- Views of the surrounding historic properties from the subject property

Municipal Heritage Committee Report

Report Number: KLMHC2024-045
Meeting Date: July 4, 2024
Title: **Proposed Heritage Designation of 3740 Highway 7, Geographic Township of Emily**
Description: Proposed heritage designation of 3740 Highway 7 (Woodlawn/Seven Gables) under Part IV of the Ontario Heritage Act
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-045, **Proposed Heritage Designation of 3740 Highway 7, Geographic Township of Emily**, be received;

That the designation of the property known municipally as 3740 Highway 7 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.

3740 Highway 7, also known as Woodlawn or Seven Gables, is a Gothic Revival house in Emily Township constructed in 1865 as a residence for William Cottingham who is widely regarded as the founder of Omemee. The property is currently listed on the City's Heritage Register. Although there was initially no intention by staff to designate this building under Part IV of the Ontario Heritage Act, amendments to the Ontario Heritage Act made through Bill 23, More Homes Built Faster Act (2022) now require municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. Practically, this means that, in order for municipalities to provide heritage protection to its cultural heritage resources as is required by provincial land use planning policy, they must be designated under Part IV of the Act. The amendments came into effect on January 1, 2023. Recent amendments to the Act have extended the deadline to designate properties by an additional two years to January 1, 2027.

In March 2023, staff brought forward a report to Council to outline how to prioritize properties for designation, given the size of the City's Register and the limited staff resources to review the Register and designate the listed properties on it. Staff recommended the prioritization of the City's commercial and institutional properties, major landmarks and properties that were under threat of redevelopment or demolition. This did not include the majority of residential properties in the City and it was understood that the heritage protection on these properties would be allowed to lapse. Staff sent correspondence to all residential listed property owners to inform them of these changes and that their property would cease to have protection as of January 1, 2025, although this date has now been extended by the province to January 1, 2027.

The owner of 3740 Highway 7 contacted staff in May 2024 to request that the property be designated under Part IV of the Act. Staff undertook a site visit to the property and met with the owner in May 2024 and subsequently have prepared a heritage evaluation report for the property. Through the heritage evaluation report, staff have determined

that the property is eligible for designation under Part IV of the Act. The property has an extremely high level of cultural heritage value in Omemee and in Emily Township both through its architecture and through its association with two major figures in the history of the area, William Cottingham and Arthur McQuade.

This report provides the background information regarding the cultural heritage value of the property.

Rationale:

3740 Highway 7A, also known as Woodlawn or Seven Gables, has cultural heritage value through its architecture as a representative example of a Gothic Revival farmhouse in Emily Township and through its first two owners, William Cottingham and Arthur McQuade. Constructed in 1865, the house was built in the popular Gothic Revival style and demonstrates key architectural features that define this style. These features include its steeply pitched gables, decorative bargeboard and projecting front entrance bay. It is a particularly large and ornate example of this style in Emily Township in the middle decades of the nineteenth century and demonstrates a high degree of craftsmanship. The property has significant historic value as the home, in succession, of William Cottingham and Arthur McQuade. Cottingham was the owner of the original mill in Omemee and is widely regarded as the founder of Omemee. He was also a prominent political figure in the area, serving as the Reeve of Emily for twenty years. McQuade, a prominent local farmer, was also heavily involved in the political life of Emily Township and served as the Conservative MP for Victoria South from 1874 to 1882. The property maintains and supports the historic rural character of Emily Township and is historically linked to the adjacent village of Omemee through its former occupants. It is widely regarded as a local landmark.

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 will be costs associated with the provision of public notice and for the registration of the designation by-law associated with this application which are covered by the existing Heritage Planning budget.

Consultations:

Property Owner.

Attachments:

Appendix A – Heritage Evaluation Report: 3740 Highway 7



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

3740 Highway 7, Geographic Township of Emily (Woodlawn/Seven Gables)

Heritage Designation Evaluation

Emily Township

PT LT 3 CON 3 EMILY AS IN R405693

2024



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 two of the nine criteria set out under Regulation 9/06 of the Act. Staff have determined that 3740 Highway 7 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:

The property is a representative example of a Victorian farmhouse in Emily Township. Built in the pervasive Gothic Revival style, the house, constructed in about 1865, demonstrates key features of Victorian rural domestic architecture in the middle decades of the nineteenth century. It includes key features that were popular around this time including decorative bargeboard, steeply pitched gables and a projecting front entrance bay with a central door including a transom and sidelights. It is a particularly large example of this domestic architectural type in the township.

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

The property displays a high degree of craftsmanship or artistic merit through its surviving wooden decorative elements, particularly its decorative bargeboard. When it was originally constructed, the house was a highly ornate example of mid-nineteenth century domestic architecture and, although many of its decorative elements have been removed, key decorative features remain that demonstrate a high degree of craftsmanship present in this property.

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

There are no specific technical or scientific achievements associated with this property.

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 two major figures in the political history of Emily Township and the Village of Omemee: William Cottingham and Arthur McQuade. Cottingham, one of Emily Township's early settlers and the first owner of the house, was one of the major landholders in the township and served as the Reeve of Emily, the first Reeve of Omemee after its incorporation, and Warden of the United

Counties of Peterborough and Victoria. McQuade, the second owner of the house, also served in local politics and as the Conservative Member of Parliament for Victoria South between 1874 and 1882.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:

The property yields information regard the political culture and history of Emily Township, the Village of Omemee, and southern Victoria County through its first two occupants, William Cottingham and Arthur McQuade.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:

The designer or builder of the house is not known.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:

The property supports and maintains the historic rural character of the surrounding area of Emily Township just outside of Omemee. The area in which the property is located includes a large number of nineteenth and early twentieth century residential properties that reflect the area's agricultural history and character and the property supports that broader character.

ii. is physically, functionally, visually, or historically linked to its surroundings:

The property is historically and visually linked to its surroundings as part of the historic nineteenth century development of both Omemee and of southern Emily Township. Constructed as part of a period of development of this area when early settlement was giving way to established villages and farms, its forms part of this broader historic development and its architecture broadly supports the wider character of the region and is visually related to other houses in the area built during the same period. It is also historically linked to the adjacent village of Omemee through its original occupants who were key figures in the nineteenth century development of the community.

iii. is a landmark.

The property is a well-known local landmark. The property, known locally as Seven Gables or Woodlawn, is a prominent local residence that is well-known in Omemee and the surrounding area due to its history, prominent architecture and location at the western gateway to the village along Highway 7.

Design and Physical Value

3740 Highway 7 has design and physical value as representative example of Victorian rural residential architecture in Emily Township, that is also unique due to its size and ornateness. Built in the pervasive Gothic Revival style, the house, constructed in about 1865, demonstrates key features of Victorian rural domestic architecture in the middle decades of the nineteenth century. It includes key features that were popular around this time including decorative bargeboard, steeply pitched gables and a projecting front entrance bay with a central door including a transom and sidelights. It is a particularly large example of this domestic architectural type in the township and includes decorative elements, including its surviving gingerbread, that demonstrate the high degree of craftsmanship in the building.

The beginnings of the Gothic Revival style came in the second half of the eighteenth century in English architecture. As part of the Romantic movement, which sought to push back at rationalism and reintroduce emotion and a glorification of the domestic past, there was an increased interest in the medieval past as architects and their clients sought to break from the rational Classical forms of the Enlightenment and began to look more to the Middle Ages for inspiration. This shift, which occurred not just in architecture but also art, music, and literature, emphasized aesthetic experience, but also pushed back at modern social changes including urbanization and industrialization as it looked to the past for authentic modes of cultural expression.

The application of Romantic principles to architecture was underpinned by aesthetic theory, specifically that of the picturesque. The picturesque took its cues from the natural world and rejected formal symmetry and precision in favour of asymmetry, variety and irregularity. The picturesque was understood as a counter balance to the two other primary aesthetic expressions of the period: the sublime, which was viewed as the terrifying, awesome, and vast, and the beautiful, characterized by beauty, smoothness and regularity. In contrast to these, the picturesque was the counterbalance between the two, irregular without being extreme and gentle without being highly rationalized. The picturesque was more frequently expressed through landscape painting depicting pastoral scenes and ruins, but the aesthetic theory was well-embedded in other types of visual expression. In architecture in the English-speaking world, the picturesque was strongly associated with what were seen as rustic and natural forms, specifically medieval and Tudor-era architecture which was seen as embodying a naturalistic built form and traditional artistic expression.

The Gothic Revival emerged in relation to these two broader trends in late eighteenth and early nineteenth century thought as a medieval revival style. The earliest example of medieval forms integrated into architecture of this period came in domestic architecture, with early examples such as Inverary Castle in

Argyle (1746) and Strawberry Hill House in Twickenham (1749) applying medieval decorative features onto heavy eighteenth century forms. The trend continued throughout the Georgian period, even as Classical forms retained their predominance.

The style rose to province in the 1840s with its wholesale adoption as the preferred mode of design for ecclesiastical architecture. The Romantic view of the medieval past had, by this period, spread to theological circles where the question of what architectural style was most appropriate for Christian worship was hotly debated. However, under the direction of architects such as A.W.N. Pugin, church architecture firmly turned to medieval style as it was seen being distinctly Christian and overwhelming more suited to the promotion of belief than Classical forms. Although a specific ecclesiastical style for church architecture developed separately from domestic design, its application to ecclesiastical forms helped cement its popularity from the 1840s throughout the middle decades of the nineteenth century; in church design, this style was used well into the twentieth century as the preferred style for the majority of new Christian worship spaces. Although originating in Europe, the style quickly spread to North America, and other parts of the world, with the expansion of colonial empires and the patterns of immigration throughout the nineteenth century.

In parallel, domestic Gothic Revival architecture also flourished in the middle decades of the nineteenth century with the increased awareness of the style and a strong preference for Romantic architecture throughout this period. Domestic Gothic Revival shared many of the same theoretical bases of its ecclesiastical counterpart, such as its Romantic underpinnings and allegiance to pre-Renaissance stylistic forms, but was visually different; whereas ecclesiastical Gothic generally hewed closely to historic precedent and tended to replicate medieval forms more closely, domestic Gothic was a freer interpretation of medieval architecture, mixing architectural forms and decorative elements to create pleasing and eclectic compositions that sat comfortably within the broader picturesque aesthetic.

One of the largest influences in the spread of the Gothic Revival style in domestic architecture was the pattern book. Although pattern books existed from at least the eighteenth century, the most influential of these with regard to domestic Gothic architecture was Scottish landscape architect J.C. Loudon's 1833 text, *Encyclopedia of Cottage, Farm and Villa Architecture* which provided patterns for domestic architecture in a range of popular architectural styles of the late Regency era. Loudon was, however, particularly influenced by the picturesque and included a large number of designs in early Gothic Revival styles and included a range of features that would become firmly associated with domestic Gothic design including: asymmetrical massing, steeply pitched roofs, decorative bargeboard, finials, bay windows, double and stacked

chimneys, decorative window hoods, and pointed and rounded arches in doors and windows.

Louden's text was particularly influential in North America which, in the middle decades of the nineteenth century, was undergoing a period of substantial growth with increased immigration and the expansion of non-indigenous settler communities away from the areas of late eighteenth century settlement. Other influential texts, such as *Cottage Residences* (1842) and *The Architecture of Country Houses* (1850) by American architect and theorist Andrew Jackson Downing, contributed to its spread throughout North America.

Although the Gothic Revival style was readily adopted in urban settings, the majority of pattern books that promoted Gothic architecture were aimed primarily at rural settings. There were several reasons for this. On one hand, there was a strong rural association with the picturesque aesthetic movement and the Romantic movement which often strongly rejected urbanization and tended to romanticize the rural English countryside; as a result, there was a tendency to focus on rural bucolic locations and the placement of architecture within them. As both of these movements also had a strong associated landscape architecture tradition, architectural design often incorporated buildings, their decorative features and massing, and their location in picturesque landscapes that were generally either rural agricultural areas or designed estates. Parallel to this aesthetic focus was a significant focus in English, and by extension North American, thought regarding the improvement of the dwellings of agricultural workers as part of the broader nineteenth century social improvement movements. As a result of these two parallel trends in western thought and the significant expansion of rural settlement in mid-nineteenth century North America, the domestic Gothic style became particularly popular in rural areas for farmhouses and dwellings in smaller villages and hamlets.

The first Gothic Revival houses appeared in Ontario in the 1830s. Most of these early Gothic Revival houses were large estates, but, by the middle of the nineteenth century, the style gained substantial popularity as the go-to style for small and mid-sized farmhouses as farmers looked to pattern books and architectural precedent from their country of origin to design their new homes; while most settlers originally constructed small log cabins as their first dwelling, these were usually quickly replaced with larger and more permanent homes, overwhelmingly in the domestic Gothic style. The style was even promoted by the publication *The Canadian Farmer* as the most appropriate architectural style for farmhouses and this periodical even provided elevations and designs for farmers to copy throughout the 1860s.

By the time the style reached its peak in the 1860s, the core elements of the style in Ontario had been established. Generally constructed on rectangular or L-shaped plan with a gable roof, the front façade of these houses generally features one or more steeply pitched gables and a wide verandah. The massing and layout of the front elevation of the property largely depended on its size. The smallest examples, known as Ontario Gothic cottages, were rectangular in massing with a single central gable while large examples often employed an L-shaped or other asymmetrical plan and often incorporated additional gables and elements such as bay windows. While the majority of windows were rectangular sash windows, most Gothic homes also contained a feature window, such as windows with pointed or rounded arches. The other primary decorative motif was generally in the form of decorative bargeboard along the gables of the house with pierced or applied moulding in a variety of motifs and often incorporating a finial or drop finial at the peak of the gables. Ornate woodwork of this type was also incorporated into verandahs for additional visual interest. However, the style was, at its core, a very flexible style, accommodating buildings of a range of different sizes and varying degrees of decoration where larger homes for more wealthy owners could be constructed in a much larger size with a greater degree of decorative details than for property owners with less money to spend on their homes.

The mid-nineteenth century also saw the introduction of brick as the material of choice for new farmhouses. Most early pattern books advocated for the use of either stone or wood for Gothic farmhouses but, by the 1850s, brick was readily available and relatively inexpensive in most agricultural areas in southern Ontario and it was quickly adopted as the preferred construction material. Cheaper and easier to work with than stone and seen as more permanent than wood, brick also had a specific decorative appeal through the addition of structural polychromy to the architectural vocabulary, alongside different patterns of coursing. Through combinations of red and buff brick, decorative features such as bold coursing, contrasting window hoods and quoins, and geometric motifs were quickly integrated into the vocabulary of domestic Gothic across the province.

The extensive use of the Gothic Revival style in domestic architecture continued across Ontario – and particularly rural Ontario – well into the late nineteenth century, although its popularity was at its height in the third quarter of the century. Despite its declining popularity after this time, examples continued to be erected until around 1890s when it was supplanted by the Queen Anne style as the Romantic style of choice; this also marked a period of decreasing settlement in rural areas and, in many places, a gradual rural exodus for larger urban centres meaning less construction on farms and in smaller communities where the style was at its most popular. Nevertheless, the style's impact on the provincial architectural landscape was immense and,

particularly in rural Ontario, the Gothic house was a ubiquitous part of the nineteenth century landscape.

When understood within this wider architectural context, 3740 Highway 7 is highly representative of a large farmhouse constructed as part of the broader Gothic Revival tradition, displaying its key characteristics and features. It was built around 1865 at the height of the domestic Gothic style in Ontario and exemplifies how this style was used in larger farmhouses at this time. The house is constructed on a T-shaped plan with a projecting central bay on the front elevation of the house; the front elevation does not face Highway 7, but rather faces east towards Omemee. It is two-storey, buff brick with a cross gable roof. Known locally as Seven Gables, the pervasiveness of gables in this house demonstrates the centrality of this roofline within Gothic Revival domestic architecture. In addition to the three gables in the T-shaped plan, there are four additional gables in the building in the projecting entrance bay, two smaller gables above windows flanking the entrance bay on the second storey and a final gable on the north elevation.

The house is particularly notable for its decorative elements, including its ornate bargeboard which is particularly well-executed on this property. This bargeboard is found along the gables of the house and includes a drop finial along the largest gable on the north elevation of the house. Other decorative features include the ornate hoods above both the windows and front entrance, decorative key stones, oculus windows on the projecting bay, and the main entrance with sidelights and rounded transom. These elements are all typical of the Gothic Revival style and help define the architectural character of this building and place it firmly within the Gothic Revival tradition.

The subject property has been modified since it was originally constructed in the mid-1860s, although the brick portion of the structure has remained intact and with its original profile and massing. What has been modified are the decorative elements, some of which have been removed, mostly in the second half of the nineteenth century. This includes the large wraparound verandah which originally was located on the north and east elevations of the house. This verandah was highly ornate, including chamfered columns and decorative brackets. A portion of this verandah, on the north elevation of the building, has been replaced with a new verandah of a more simplified design. The house originally had large ornate finials and cresting along the ridge of the gable. These have also been removed, at some point in the twentieth century. Nevertheless, its core character defining features remain extant and the property continues to retain its overall character as a Gothic Revival farmhouse from the middle decades of the nineteenth century.

Although the property typifies the Gothic Revival style, it is unique in Emily Township because of its size and level of ornateness, both as it was originally

constructed and in its current form. The majority of Gothic Revival farmhouses constructed in the 1860s were much smaller than the subject property; the most common example is the Ontario Gothic cottage, a much smaller version of the Gothic Revival style, but which is commonly found both throughout Ontario and in Emily Township. This size and ornateness reflects the original owner of the property, Omemee businessman and politician William Cottingham. Cottingham was a wealthy man as Omemee's original mill owner. The ability to pay for a house of this size and decorative detail was directly related to Cottingham's role in the community. Although prosperity was rapidly increasing in Omemee's agricultural community throughout the middle decades of the nineteenth century with lands cleared and under cultivation and the arrival of the railway opening up new opportunities, most farmers still did not have the resources to build a house like this and, as a result, it is one of the largest and most ornate Gothic Revival farmhouses in Emily Township and one of the largest farmhouses constructed in the middle decades of the nineteenth century still extant in the township.

Overall, the property is a representative example of a mid-nineteenth century Gothic Revival farmhouse in Emily Township, although its large size and level of ornateness sets it apart from other examples of this style constructed in the area in the middle decades of the nineteenth century. It displays and has retained key features of this style, which was extremely popular in rural domestic architecture in the mid-nineteenth century, despite the removal of the majority of the verandah in the twentieth century; these key features include the multiple gables, decorative bargeboard and projecting front entrance bay.

Historical and Associative Value

3740 Highway 7 has historical and associative value through its association with two prominent political figures in nineteenth century Emily Township and Omemee: William Cottingham and Arthur McQuade. Cottingham, one of Emily Township's early settlers and the first owner of the house, was one of the major landholders in the township and served as the Reeve of Emily, the first Reeve of Omemee after its incorporation, and Warden of the United Counties of Peterborough and Victoria. McQuade, the second owner of the house, also served in local politics and as the Conservative Member of Parliament for Victoria South between 1874 and 1882. Through these two figures, who dominated the political landscape of the area in the second half of the nineteenth century, the property yields information regarding the political culture of Emily Township, the Village of Omemee and southern Victoria County more broadly during this period.

Emily Township was first surveyed for non-Indigenous settlement between October and December 1818 by government surveyor Samuel Wilmot as part of a broader survey effort in the Newcastle District to layout lots for

settlement in Emily, Manvers, Cavan, Monaghan and Smith Townships. It is notable that this surveying, alongside that in adjacent townships, was initiated prior to the signing of the Rice Lake Treaty, signed by colonial officials and Michi Saagigg chiefs in Port Hope with the colonial goal of removing the Michi Saagiig claim to the land and instead support the transition of the environment into an agricultural landscape settled by non-Indigenous Europeans.

The township was formally opened for settlement in 1821. and, in the same year, large numbers of primarily Protestant Irish settlers arrived in the area and took up land in the southern part of Emily as well as in Cavan Township to the east. The area around what is now the village was acquired by the Cottingham family, Maurice and Mary Cottingham of County Cavan and their sons Samuel and William, who established a shanty near the river, alongside the Laidley and English families who travelled with them. By about 1825, the mill was established by William Cottingham, Maurice and Mary's younger son, eventually becoming the commercial and industrial nucleus of the village; this was also the first grist mill established in what would later become Victoria County. There is some question about this date, as it may have been established slightly later than is generally believed.

It was this William Cottingham who was the first owner of the subject property. Cottingham was born around 1807 and came with his family to Emily Township as a young teenager. His inclination towards business and leadership in the community came early; his establishment of the new mill occurred when he was just 18 in 1825. Several years later, he married his first wife, Jane Huston of Cavan Township, who was just 15 years old and the daughter of provincial surveyor John Huston who had come to Cavan Township from Ireland via New York at some point in the mid-1810s. Little is known about his marriage to Jane, but she died in 1830, leaving an infant son, Charles Anthony. Little is known about the eldest Cottingham child and it is possible that he died around this time as well.

Within three years, William married again, this time to Mary Hughes, also of Cavan Township and the eldest daughter of George Hughes, as reported on in the *Port Hope Warder and Constitutional Advocate*. William and Mary together had seven children. The eldest four children, Letitia, Henry, George and Charles, were killed in a devastating house fire, in 1843, from which both parents and their youngest child, Olivia then a baby, survived. An adopted child, whose identity is not known, and a servant were also killed in the fire. Two more sons, William and Richard, were born in the subsequent years, although the younger died in 1854. Mary herself died in 1852 at the age of 36.

Cottingham married a third time in 1853, this time to Lucy Jellett, the daughter of Morgan and Sophia Jellett of Cobourg, born in 1835 and nearly thirty years his junior. It is likely that Cottingham was introduced to Jellett through her

father, the County Clerk of Northumberland and likely an acquaintance of Cottingham's in political circles. Together, William and Lucy had nine children between 1854 and 1867, of whom at least seven appear to have survived to early adulthood. It was during his marriage to Lucy that William built the house on the subject property, on land just outside of Omemee where his business and political life was based.

As his family grew, so too did Cottingham's business and political exploits. The opening of the grist mill in 1825 proved the early makings of Cottingham's fortune. Mills were a vital service to early settler communities and the erection of the mill in Omemee meant that settlers in Emily no longer had to travel to Deyell's Mill, now Millbrook to have their grain ground into flour, a staple product in nineteenth century diets. Cottingham's milling operation soon grew to include a saw mill and, by 1858, the Cottingham mills in Omemee were significant local producers. The grist mill, one of only five operational flour mills in what would eventually become Victoria County, was the second largest producer of the five, after only the mill in Lindsay, grinding 250 bushels of wheat per day, around 15,000 pounds of whole wheat flour; the other, smaller millers were located in Ops at Feir's Mill, at Alma Mills in Mariposa just east of Little Britain, and in Oakwood. This mill was both large itself but also served a large and prosperous agricultural area in Emily Township which, by the middle of the nineteenth century, was a substantial agricultural producer and an exporter, particularly with the arrival of the Port Hope, Lindsay and Beaverton Railway in 1857 which allowed for easy transport of wheat and flour out of the community. In the 1842 census for the District of Colborne, which included the portions of Peterborough and Victoria Counties settled at that time, Emily Township was producing 13,781 bushels of wheat annually and was one of the district's highest agricultural producers, alongside other fertile townships including Mariposa, Ops, Smith and Otonabee. By 1852, that production had risen to 56,045 bushels annually as more land was cleared and farms became increasingly prosperous and producing and, by 1861, Emily Township was the second highest wheat producer in Victoria County after Mariposa, not including townships that would later be absorbed into other municipalities or Manvers Township which was then part of Durham County. The 1861 census records a fall (winter) wheat yield of 33,510 bushels in the township and 99,950 bushels of spring wheat, much of which would have been ground into flour at Cottingham's mill, alongside a substantial oat harvest and minimal yields of barley and rye. Cottingham's seminal role in the development of the mill earned him the title as the founder of Omemee and it also made him a wealthy and influential man in the village which was originally named Williamstown in his honour.

By the middle of the nineteenth century, Omemee had grown into a prosperous village and the economic centre for Emily Township. The 1858 Peterborough and Victoria Counties directory shows the progress of the

village, just over thirty years from the establishment of Cottingham's mill, when its population had reached around 500 people. Of Omemee, the authors of the directory wrote:

The principle village in the township of Emily is situated on Pigeon River, which, beside supplying it with Hydraulic power, promises to be an important inlet for the produce and lumber of the northern townships. It has one excellent flouring and grist mill, with three run of stones; a very good saw mill, and a carding and fulling mill, all worked by water power. It contains two churches – an Episcopalian and Wesleyan; a grammar school; fifteen stores – some of them are good ones; two bakeries and groceries; two taverns, and a temperance hotel; three saloons; and blacksmiths, coopers, waggon makers, show makers, tailors, carpenters, harness makers, and dress makers, in fair numbers. Omemee boasts a very excellent newspaper the “Warder” published by Mr. Joseph Cooper. It is on the line, and is one of the most important stations, of the Port Hope, Lindsay Beaverton and Railroad; and should the inhabitants be successful in procuring Government assistance to dredge and improve the navigation of Pigeon River – now capable, when the water is high, of floating a steamer to the village – there is little doubt that it will become a town of very great importance.¹

Cottingham's prosperity had grown alongside the growth of the village and the agricultural prosperity of Emily Township to which Omemee remained administratively attached until 1874. From the grist mill, he had expanded his operations and built a sawmill attached to the existing grist mill, processing lumber from the surrounding region as lands were cleared for settlement and cutting about 2,000 board feet of lumber in a day on a single saw by the end of the 1850s. Of the mills in Victoria County, it was one of the smaller mills, particularly compared with mills in Lindsay and Bobcaygeon cutting upwards of 20,000 board feet per day across multiple saws. However, this is reflective of the state of the lumber industry in southern Kawartha Lakes when compared with the north where the latter was a major economic driver employing huge numbers of people in the timber stands and mills to harvest and process lumber for export, while in the former lumbering was more of a local concern secondary to agriculture. It was, nevertheless, still a key local industrial facility and a money maker for Cottingham.

¹ Directory of the United Counties of Peterborough and Victoria for 1858 (Peterborough: T&R White, 1858), 38.

Emily Township was also a large wool producer in the middle of the nineteenth century and, to support this aspect of Emily's agricultural economy, Cottingham added a carding and fulling mill to his operation at some point before 1850. In 1852, alongside Mariposa, Smith and Otonabee, Emily was one of the largest wool producers in the United Counties of Peterborough and Victoria, reporting 10,341 pounds of wool produced in the census return. By 1861, 12,233 pounds of wool were produced in the township, second only to Mariposa Township in production. The 1861 census, however, also provides more granular information noting that, in the township, there were 4,078 sheep being raised for both meat and wool, more than any other type of livestock, not including poultry which was not reported on. This included pigs, however, the most commonly consumed farm animal throughout the nineteenth century but which were still outnumbered by sheep in mid-nineteenth century Emily. From these sheep and the wool they produced, the census records the production of 2,521 yards of fulled cloth and 6,651 yards of flannel which was, at the time, made from wool. Cottingham's mill did not fully produce this fabric. Most wool fabric at this time, particularly in rural Ontario, was actually made through domestic production and woven by women in their own homes; although the 1861 census does not identify where this cloth was being manufactured, the 1871 census does and shows that the majority of cloth production in Victoria County was still homemade, even that which was sold at market as opposed to being used by the family who made it. However, the work done by women was augmented by carding and fulling mills such as Cottingham's which undertook a significant amount of the preparatory work for weaving and were vital to decreasing production time for wool products. These products were used in every day life by every person living in the township. Despite the increasingly availability of other textiles made from cotton imported from abroad, wool garments, including pants, jackets and skirts, and textiles, including blankets and rugs, were used in every home, and were particularly vital in winter.

The profit from these business ventures, heavily reliant on the region's increasing agricultural production, provided Cottingham with the funds required to build the subject property, a substantial and fashionable home on a large acreage, purchasing the full 200 acres of Lot 3 in Concession 3 in 1844 as part of his broader portfolio of land holdings and then building the home just over twenty years later having amassed a large fortune from his businesses.

At the same time, Cottingham also immersed himself in local politics, rising to one of the most influential political men in the township, serving from the early days of municipal governance in the region, until the late nineteenth century, through the periods of the Newcastle District, the Colborne District, the creation of the United Counties of Peterborough and Victoria, the creation of lower tier municipal governance in Emily Township and the creation of the Village of Omeme as a separate municipal entity.

When Emily Township was opened for settlement in 1820, it was part of the Newcastle District, one of the administrative and judicial districts formed in Upper Canada in the late eighteenth and early nineteenth century. There were originally four of these districts – Hesse (Western), Nassau (Home), Mecklenburg (Midland) and Lunenburg (Eastern) – and they were created to form basic municipal functions, including maintenance of the peace, regulation of domestic animals, tavern licensing, appointment of officials, and regulation of transportation routes. New districts were formed as the population increased to create additional local governments in areas that were slowly being settled in the early nineteenth century. The Newcastle District, headquartered at Cobourg, was formed in 1802 from the Home District and comprised of what would eventually become Northumberland County, Durham County, Peterborough County and Victoria County. In 1841, the Newcastle District was split to create the Colborne District which included present-date Peterborough and Victoria Counties and the yet-surveyed lands to the north that would in time form parts of Haliburton and Muskoka, with its administrative headquarters in Peterborough.

With the creation of a new district government in Peterborough, elections were held in local townships to elect District Councillors and local officials to administer municipal business. A meeting was held in Omemee on January 2, 1843 to undertake these elections and William Cottingham and Josiah Hughes were acclaimed as Councillors and took up their place as representatives for the area at the District in Peterborough. Little is known about Cottingham's work as a Councillor although, in general, the District Councillors guided local municipal works, mostly around roads, schools and livestock regulation. This was his first foray into politics and was an occupation he would continue to pursue for the rest of his life.

The Newcastle District existed for only a short time until its dissolution in 1849 with the passage of the Municipal Act which paved the way for the creation of lower tier township and upper tier county governments. Emily Township became its own municipal entity under the auspices of the United Counties of Peterborough and Victoria until 1861 with the creation of the Provisional County of Victoria. When the township's first municipal government was formed, Cottingham was elected as its first Reeve, a position he held from 1850 to 1866 and again from 1868 to 1873. Cottingham's rise to municipal leadership in the community was a natural progression from his activities in the preceding several decades as a business leader as well as the Lieutenant-Colonel of the local militia and a leader in local agricultural boards and societies.

Under Cottingham's leadership, the foundations of municipal government were established in Emily Township. The early by-laws and actions of Council show their priorities and concerns in the middle of the nineteenth century, including the construction of roads and the provision of statute labour for infrastructure

construction throughout the township, the provision of schools, the regulation of livestock, and the regulation and licensing of taverns and inns, as well as the collection of taxes to fund these measures. These were in alignment of with the broad priorities of rural municipal governments during this time. The provision of infrastructure in particular, was a primary municipal concern, particularly with the continuing settlement in the township where new and better roads and bridges were needed for the growing population in its rural areas and growing hamlets in Omemee and Downeyville. Building and funding schools was also a key concern, as schooling became more widespread and the local school system began to develop around the same time period. Cottingham's early years as reeve also saw the erection of a new town hall and court house for the township, funded through the 1855 tax levy and erected the following year in Omemee. Cottingham also served as the Warden of the United Counties from 1852 to 1858. With the creation of Provisional County of Victoria in 1861, Cottingham was also elected from the township reeves to serve as the County Warden in 1861 and again in 1865.

Cottingham's tenure as the Reeve of Emily ended with the creation of the Village of Omemee as a separate municipal entity in 1874. Around this time, village and towns began to separate from the rural townships in which they were located. The earliest municipalities separate from the legislative districts had actually been towns and villages, with Brockville becoming Upper Canada's first municipally incorporated town in 1832. The 1849 Municipal Act had allowed for the incorporation of villages, towns and cities in areas with larger populations and the last quarter of the nineteenth century saw communities across central Ontario begin to incorporate as villages as the population of the province steadily increased and industrial development lead to new industries and businesses that attracted to new residents to these communities. Both Fenelon Falls and Bobcaygeon incorporated around the same period, in 1874 and 1876 respectively.

With the creation of the new Omemee village Council, Cottingham was once again elected Reeve but stepped down the next year to run for the seat for Victoria South in provincial parliament, a race he lost to Samuel Wood of Mariposa and later of Lindsay, a rare loss in a very successful political career. Just a few months later in May 1875, Cottingham died suddenly, at the age of about sixty-eight. His obituary, which ran in the Peterborough Review, highlighted his political accomplishments, a defining feature of his impact on Emily Township and on Omemee throughout the middle decades of the nineteenth century.

At the time of his death, Cottingham still owned the subject property but had primarily removed himself to Lindsay. In 1877, his family sold the northern 125 acres of property to Arthur McQuade, another one of Omemee's major political figures of the mid- to late-nineteenth century. McQuade and

Cottingham knew each other and had worked together for several decades: they were both central figures in the area's political scene in the middle of the nineteenth century and also worked together on other business and community projects, including the foundation of the Metcalf Warder newspaper, later the Omemee Warder, and as directors of the Victoria County Agricultural Society.

Like Cottingham, McQuade was of Protestant Irish descent. McQuade was born in Cavan, Ireland in 1817 to Henry McQuade and Mary Curran. His father died in Ireland, likely in the early 1830s, and in 1833 Mary Curran arrived in New York with at least four of her children, George, John, Arthur and Mary. In 1837, the family came to Emily Township where Arthur was hired as a farmer's hand for several years, slowly saving money to purchase 100 acres of land for himself, likely the north half of lot 11 in concession 4, which he is shown as occupying in the 1861 census. In 1841, McQuade married Susannah Trotter, the daughter of early Irish immigrants Thomas Trotter and Ellen Fee who owned property in close proximity to McQuade's. Trotter himself was involved politically, serving on the Emily Township Council between 1856 and 1858.

McQuade first became involved in politics in 1850 when he was appointed township tax collector by the first municipal government in Emily, a position he held for twenty years. In 1862, he was elected for the first time to township Council and rose to the position of Deputy Reeve, with Cottingham as the Reeve, in 1863, a position he held until 1874 when he was elected Reeve after Cottingham's departure for the Omemee Council. Alongside Cottingham, McQuade held shape the early municipal history of the township, but was also heavily involved in its agricultural community. Himself a farmer and, by the late 1870s the owner of nearly 1,000 acres of land, he became a director of the Victoria County Agricultural Society and was likely also heavily involved in the Emily Society, which Cottingham had formed in the early 1840s. He was widely recognized for his work in agricultural societies, including in Nicholas Davin's 1877 book, *The Irishman in Canada*, which profiled McQuade alongside other prominent men in Atlantic Canada, Ontario and Quebec of Irish descent. A long-time member of Christ Church Anglican, McQuade was also the County Master of the Loyal Orange Lodge, an interesting position for a municipal politician in a township with a large number of Catholic settlers in the northern portion of Emily. McQuade was also, like Cottingham, a very wealthy man, but his fortune lay primarily in land acquisitions and stocks, as opposed to Cottingham's active involvement in several businesses, and he was estimated to have a worth of around \$100,000 in the late 1870s, a huge sum at the time. McQuade also worked as a teacher in Emily for about fifteen years, a career that was not lucrative.

In 1874, McQuade took the leap from local to federal politics, taking the seat of Victoria South in the 1874 general election. The Victoria South riding was

created in 1867 and included the townships of Ops, Mariposa, Emily and Verulam, along with the Town of Lindsay. In the 1867 election was won by Lindsay businessman and local politician George Kempt, a Liberal, but was won in 1872 by Conservative George Dormer, a lawyer who had served as Mayor of Lindsay between 1870 and 1872. The riding returned Conservatives until the 1896 when the Liberals took power federally, but the riding quickly switched back to the Conservatives in the 1900 election. It continued to return Conservatives even after 1904 when it was merged with Victoria North and the portion of the Peterborough East riding in Haliburton to form the single riding of Victoria. This riding existing until 1968 and returned non-Conservative candidates for only 12 of the 64 years of its existence. McQuade ran and served in Parliament as a Conservative under Sir John A. MacDonald, first in opposition between 1874 and 1878 and then in government between 1878 and 1882.

The domination of the Conservatives in Victoria South's federal politics was specifically related to its religious, cultural and ethnic demographics. Throughout the nineteenth century after Confederation and into the early twentieth century, votes for the Liberal and Conservative parties were broadly, but not entirely, divided along religious and linguistic lines with English and Protestant men, until the introduction of female suffrage in 1918, tending to vote conservative while French and Catholic men tended to vote Liberal. These voting blocks broadly aligned with the priorities and beliefs of the two parties over issues of language, religion and the British Empire. In particular, the Conservative party had a strong and vocal attachment to British imperial initiatives and the maintenance of the British Empire, and Canada at this time, although a separate nation, remained closely aligned with the broader British global community.

For Canada's Protestants at this time, most of whom were of British background, the alignment of the Conservatives with the politics and identity markers of the British Empire made the party their natural political home. This British imperial vision aimed to broadly align Canadian policy with that of Britain and privilege, sometimes implicit and sometimes explicit, for Protestant churches, particularly the Church of England but, in time extending to other Protestant denominations. By contrast, the Liberal Party found its strongest bastion of strength in Quebec where its tendency towards continentalism found favour amongst French Catholics who were not enamoured of the Conservative's imperialist approach and had been alienated by the Conservative's approach to French language rights and the Northwest Rebellion in the early 1880s and its sometimes anti-Catholic views. Other Catholics outside Quebec, notably the large numbers of Irish Catholics in Ontario, also often gravitated towards Liberal candidates, in large part due to their anti-imperial positions.

The Victoria South riding, and its successor Victoria, was by no means a homogenous riding and included blocks of both Catholic and Protestant voters. Large numbers of Irish Catholics had settled in northern Emily Township and in Lindsay and formed a substantial Catholic minority, alongside a smaller French Catholic population that was primarily centred in lumbering communities, such as Bobcaygeon and Lindsay. It was, however, a majority Protestant riding, with a largely homogenous Protestant population of British descent across Mariposa and southern Emily, alongside large numbers in Lindsay itself, many of whom occupied prominent positions in business and government. This naturally led to a strong Conservative preference throughout the area in its choices for federal representation; provincially, the issues were different and the correlation between Protestantism and the Conservative party was less marked.

McQuade was a picture of Canadian Conservatism in the closing decades of the nineteenth century. Born in Ireland, he was a committed Protestant, a member of Christ Church Anglican in Omemee, and a leader in the local militia, but he was also an Orangeman and, for a time, was the county master of the Loyal Orange Lodge in Victoria County. The Orange Order, in particular, was strongly tied to the Conservative party through this period because of its Protestant and imperial underpinnings, as well as its active involvement in politics on a municipal, provincial and federal level. Deeply loyal to the British Empire, Orangemen and the Conservative Party were natural allies, with many leaders in the party, including Sir John A. MacDonald, active members of the order. McQuade's views on the British Empire and loyalty to the Crown were well known, alongside his involvement in Emily's Protestant community. McQuade, however, is also unique as it is known that a substantial number of men who voted for him were, in fact, Catholics from Emily Township, likely in large part due to his historic leadership roles in the community, as a farmer, a politician, a tax collector and a teacher.

McQuade died in January 1894 at the age of 76 from a stroke. By this time, he had largely retired from political life, and his oldest son Thomas had followed in his footsteps, becoming Reeve of Emily in 1885. McQuade nevertheless remained a prominent local figure in the municipal sphere and in the Orange Lodge. He also continued to live on and farm the subject property until his death. A lengthy article about his life appeared in the *Lindsay Warder* the following February, extolling his virtues and citing his influence locally. The newspaper wrote:

The late Arthur McQuade was widely known throughout this district, as an enterprising farmer, a prominent figure in municipal matters and a leading spirit in Provincial and Dominion politics and a steadfast Orangeman. He was stricken with paralysis and died at his home in Omemee on

the 21st of January, 1894. The remains were interred in the Emily cemetery by the members of the Orange order and were followed to their last resting place by a large concourse of relatives and friends, including Judge Dean and the county officials, the municipal councils of the county and township, thus full attesting their appreciate of the esteem in which he had been held by the whole county, for which he had done do much in a public way.²

With McQuade's death, the property passed to his daughter Eliza McQuade and her son Arthur Wallace McQuade, who held the property until 1901 when it passed out of the family.

Through its first two inhabitants, the subject property is an important window into the political landscape of nineteenth century Emily Township and Omemee. Cottingham and McQuade, two men who knew each other and worked together throughout their political careers, exemplify the political landscape of the area at the time, one that was broadly Conservative and aligned with Protestant and imperial values present in many rural majority Protestant communities in Ontario at this time. Both men were major figures in the history of Emily Township and of the Village of Omemee and significant to the development of the community in the nineteenth century as major figures in the political, business, and agricultural life of the local area.

Contextual Value

3740 Highway 7 has contextual value as part of the historic rural landscape of Emily Township just outside of Omemee. The property is located in an area contained a wide array of historic residential properties dating from a similar period that reflect the rural agricultural character of the township. It is historically and visually linked to its surroundings as part of the historic nineteenth century development of both Emily Township and Omemee. It is also specifically historically linked to the adjacent village of Omemee through its original occupants. It is widely considered a landmark locally, for its distinct architecture, prominent position along Highway 7 at the western gateway to Omemee, and its association with prominent local figures in the community.

The subject property is located on the south side of Highway 7, just to the west of the limits of the village of Omemee. The house, the most recognizable feature of the property, was constructed in 1865 when the property was a 200 acres parcel and used for agricultural purposes. It was first severed into a smaller 125 acre parcel, including the house, in 1876 and is currently about 10 acres including the historic house. The property, which was originally a farm but has since been converted to primarily residential use, originally also

² "The Late Arthur McQuade," *The Watchman*, February 14, 1895, 14.

contained a large nineteenth century barn, which came down in a storm in the late twentieth century and is no longer extant.

Although the property is addressed as Omemee, it is actually located within the rural geographic township of Emily which surrounds the village and from which the village was incorporated as its own separate entity in 1874. The area of the township in the immediate vicinity of the subject property and of the village developed as an agricultural area beginning in the early nineteenth century and continues in this capacity in the present day. An examination of the parcel fabric of the immediate area of the subject property along both Highway 7 and Mount Horeb Road shows the continuing presence of the 100- and 200-acre parcels that characterized this area from the first half of the nineteenth century although, as has been the case with the subject property, later severances have also created a patchwork of sizeable rural lots within the landscape. Although the subject property has been drastically reduced from its original size when the house was built in 1865, the still-large size of the lot and the continued vegetated surroundings of the house retain and supports this rural agricultural character, although the property is no longer used for agricultural purposes as it was in the second half of the nineteenth century. It also remains linked to this nineteenth century pattern of development with the creation of farmsteads throughout southern Emily Township, as it was settled and cleared for non-Indigenous use beginning in 1821.

Architecturally, the property is one of the most distinct properties in this area of rural Emily, largely due to its size and architectural style, but it nevertheless supports the wider pattern of late nineteenth century rural architecture found in the immediate area on other agricultural properties. A survey of properties in the surrounding area shows, amongst some newer builds, a range of late nineteenth and early twentieth century farmhouses built in popular architectural styles of the day, including two large Edwardian Classical farmhouses from the early twentieth century on the north side of Highway 7. These properties are visually linked as large historic farmhouses that help contribute to the broader agricultural and rural character of the area, but are also historically linked as part of the development of rural Emily Township in the second half of the nineteenth century and into the early decades of the twentieth. The township was settled beginning in the 1820s and most early farmsteads would have been rudimentary with log homes and outbuildings to shelter early non-Indigenous settlers as they worked to clear their land and establish their farms in a new country. However, by the middle of the nineteenth century, the landscape had drastically changed: the land was mostly cleared, a prosperous village – Omemee – had emerged as a local service centre with a railway to connect the area with the larger region, and farms were becoming more productive and affluent. As a result, the second half of the nineteenth century and the early decades of the twentieth century saw the reconstruction of many residential farm buildings in larger, more

stylish and more permanent modes, using brick and stone in buildings denoting the firm establishment of the area as a prosperous agricultural township. The subject property and many of those in the surrounding area, denote this period of development in Emily Township and are historically linked together as part of this period of growth and prosperity for the township's agricultural areas.

The property is also specifically historically linked to the adjacent village through its original owner. The property was built for local businessman and politician William Cottingham, who lived there from 1865 to his death in 1874. Cottingham is widely considered to be the founder of Omemee and this property is specifically associated with him and his role in the village. Cottingham opened the original grist mill in the village, believed to be around 1825, and quickly became one of the village's leading businessmen, expanding his operations to include a lumber mill and carding and fulling mill. He quickly entered politics and served as the Reeve of Emily for over twenty years, before becoming the first Reeve of the newly incorporated Village of Omemee in 1874. This house is historically linked to the village as a whole through this key historical connection. This historic connection is well-known locally and the house is recognized for its specific historic linkage with the history of the village in the nineteenth century.

In addition to its role within the broader local landscape, the property is also a well-known local landmark. Known locally as Seven Gables, or less frequently as Woodlawn, the house is located at the western gateway of Omemee in a prominent position along Highway 7. The property is located directly along the south side of the highway, although its primary entrance faces to the east, and is viewed by residents and visitors entering and exiting the community along the highway from Lindsay. Its large size and distinct architecture makes it visually recognizable and it is also historically recognized for its historic nineteenth century occupants, local political heavyweights, William Cottingham and Arthur McQuade. It is a well-known historic residence in both Omemee and in southern Kawartha Lakes more broadly.

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, constitute the Reasons for Designation required under the Ontario Heritage Act.

Short Statement of Reasons for Designation

Design and Physical Value

3740 Highway 7 has design and physical value as representative example of Victorian rural residential architecture in Emily Township, that is also unique due to its size and ornateness. Built in the pervasive Gothic Revival style, the house, constructed in about 1865, demonstrates key features of Victorian rural domestic architecture in the middle decades of the nineteenth century. It includes key features that were popular around this time including decorative bargeboard, steeply pitched gables and a projecting front entrance bay with a central door including a transom and sidelights. It is a particularly large example of this domestic architectural type in the township and includes decorative elements, including its surviving gingerbread, that demonstrate the high degree of craftsmanship in the building.

Historical and Associative Value

3740 Highway 7 has historical and associative value through its association with two prominent political figures in nineteenth century Emily Township and Omemee: William Cottingham and Arthur McQuade. Cottingham, one of Emily Township's early settlers and the first owner of the house, was one of the major landholders in the township and served as the Reeve of Emily, the first Reeve of Omemee after its incorporation, and Warden of the United Counties of Peterborough and Victoria. McQuade, the second owner of the house, also served in local politics and as the Conservative Member of Parliament for Victoria South between 1874 and 1882. Through these two figures, who dominated the political landscape of the area in the second half of the nineteenth century, the property yields information regarding the political culture of Emily Township, the Village of Omemee and southern Victoria County more broadly during this period.

Contextual Value

3740 Highway 7 has contextual value as part of the historic rural landscape of Emily Township just outside of Omemee. The property is located in an area contained a wide array of historic residential properties dating from a similar period that reflect the rural agricultural character of the township. It is historically and visually linked to its surroundings as part of the historic nineteenth century development of both Emily Township and Omemee. It is also specifically historically linked to the adjacent village of Omemee through its original occupants. It is widely considered a landmark locally, for its distinct

architecture, prominent position along Highway 7 at the western gateway to Omemee, and its association with prominent local figures in the community.

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 Attributes

The design and physical attributes of the property support its value as a representative, but large and ornate, example of rural Gothic Revival domestic architecture in Emily Township.

- Two storey buff brick construction
- T-shaped plan
- Cross gable roof
- Gables
- Decorative bargeboard
- Projecting front bay
- Primary entrance including:
 - Entrance
 - Sidelights
 - Transom
 - Moulded hood
- Fenestration including:
 - Sash windows
 - Voussoirs
 - Moulded window hoods
 - Oculus windows with raised surrounds
- Chimneys

Historical and Associative Attributes

The historical and associative attributes of the property support its important historic relationship with William Cottingham and Arthur McQuade.

- Association with William Cottingham
- Association with Arthur McQuade
- Association with the history of politics in Omemee and Emily Township

Contextual Attributes

The contextual attributes of the property support its value in supporting the historic agricultural character of Emily Township and as a local landmark.

- Location of the property in rural Emily Township on the west side of Omemee
- Location of the property on the south side of Highway 7
- Relationship to the rural agricultural landscape of Emily Township
- Views of the property from Highway 7 and Mount Horeb Road
- Views of Highway 7 and surrounding rural properties from the property

Images









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