

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ED2019-022

Meeting Date: November 5, 2019

Title: Listing Properties on the Heritage Register

Ward Number: All Wards

Author and Title: Emily Turner, Economic Development Officer, Heritage Planner

Recommendation(s):

That Report ED2019-022, **Listing Properties on the Heritage Register**, be received;

That the proposed listing of non-designated properties listed in Appendix A be approved; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At its meeting of December 12, 2017, Council adopted the following resolution:

CR2017-1051

Moved by Councillor Macklem

Seconded by Councillor Miller

Resolved that Report ED2017-022, **Adding Listed Properties to the Heritage Register**, be received;

That staff be directed to add a Section Two: Properties of Potential Heritage Value or Interest section to the Kawartha Lakes Heritage Property Register;

That the Municipal Heritage Committee identify and include properties of potential heritage interest and value in Section Two of the Heritage Register; and

That the property owners be notified of inclusion on the list and of the nature of the listing.

CARRIED

In response to this Council direction, staff and the Kawartha Lakes Municipal Heritage Committee commenced a process of identifying and evaluating properties for potential inclusion on the Register as listed properties. Under subsections 27(1.2) and 27(1.3) of the Ontario Heritage Act (Act), the council of a municipality may add properties to its Heritage Register after consultation with its Municipal Heritage Committee. At its meeting of October 3, 2019, the Kawartha Lakes Municipal Heritage Committee reviewed a number of properties for potential listing on the Heritage Register and passed the following resolution:

KLMHC2019-36

Moved By M. Sloboda

Seconded By A. Adare

That the Municipal Heritage Committee recommends that Council list certain properties on the Heritage Register as properties of cultural heritage value or interest.

CARRIED

This report addresses that direction.

Rationale:

Interim protection for properties of potential heritage value or interest was introduced under the Ontario Heritage Act following changes to the Building Code Act which took effect in 2006. The changes introduced accelerated building permit review timeframes including 10 days for a house and 20 days for a large building. These accelerated timeframes leave little time for municipalities and municipal heritage committees to assess properties facing demolition that are potentially of heritage value to the community.

Amendments were subsequently made to the Ontario Heritage Act to enable a municipality to provide interim protection for “listed properties.” The following subsections of the Act allow municipalities to include properties of cultural heritage value that have not been designated on the Heritage Register. Section 27, subsection 1.2 of the *Act* states that:

(1.2) In addition to the property listed in the register under subsection (1.1), the register may include property that has not been designated under this Part but that the Council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

(1.3) Where the Council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee.

Further, Section 27, Subsection 3 states that:

(3) If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the Council of the municipality at least 60 days’ notice in writing of the owner’s intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2006, c.11, Schedule B, s.11(2).

Subsection (3) applies only if the property is included in the register under subsection (1.2) before any application is made for a permit under the Building

Code Act, 1992 to demolish or remove a building or structure located on the property. 2006, c.11, Schedule B, s.11(2).

Legislation does not require municipalities to list properties on their register, but the Ontario Heritage Trust recommends it as a best practice for municipalities. Listing has a number of important outcomes which contribute to the long term, sustainable, and transparent management of heritage resources in the municipality.

Unlike designation under Parts IV and V of the Act, listing is an administrative, rather than a legal, process. Listed properties are not designated under the Act and do not have the same controls placed on them. Owners are not required to apply for a heritage permit when they undertake alterations to a listed property and there are no legal restrictions registered on the property title.

The primary implication of listing for property owners is that they are required to provide 60 days' notice to the municipality of their intention to demolish or remove a building or structure on the property. Owners are required to submit their plans for the property to allow an assessment based on both the current and potential use of the property to come to the best solution for its long term use. The 60-day period allows for the municipality to assess the structure in detail for potential designation and either designate the property to provide long term protection or approve the demolition permit. Alternatively, it also allows the municipality and the owner to develop a solution which both preserves the structure and allows for the proposed project to continue, depending on its scope.

Listing is an effective and important planning tool which inventories heritage assets in a community and creates a framework for assessment regarding a property's heritage value and a clear process for additional protection through designation, should it be warranted. It creates a balanced approach between not imposing restrictions on a property owner, beyond the notice period for demolition, while allowing the municipality to monitor and regulate its heritage assets. For a municipality, it allows Council time to receive recommendations from staff and the municipal heritage committee and make a decision based on sound background research, provincial heritage regulations, the intended use of the property, and municipal planning policies and procedures guiding growth and development.

Listing also provides clarity to property owners and developers regarding the heritage value of a property. By identifying properties with potential heritage value through listing on the Heritage Register, the City ensures that review based on the heritage attributes of the property is an understood part of a redevelopment proposal or an application to demolish a listed property. Listing properties prevents heritage concerns from being raised part way through a development proposal for a property by creating a transparent review process

that will occur when an application is received. The Heritage Register is a public document available at the Clerk's Office, in Economic Development, and on the City's website, allowing for owners and potential purchasers to check quickly to see the heritage status of their property.

The Act does not require that property owners are contacted or that their consent is required for inclusion on the list. However, many municipalities utilize a process that includes contacting the property owners to inform them of inclusion on the list. This is recognized as a best practice that increases transparency in the process and allows property owners to be informed and involved in the conversation about protecting heritage assets in their community.

Listing in the City of Kawartha Lakes Context

In December 2017, Council approved the listing of non-designated properties on the Heritage Register. The listing of properties had been included in the Kawartha Lakes Municipal Heritage Committee's 2017 work plan in response to many calls from concerned residents regarding the demolition of treasured heritage properties in their communities. These heritage properties contribute to a sense of culture, identity, and community throughout the municipality and residents were concerned about their loss. Beyond contributing to pride of place in local communities, heritage properties also contribute to cultural heritage tourism and economic development in the municipality by providing destinations for visitors and by contributing to the attractive landscape of the communities, streets, and rural areas that make Kawartha Lakes a unique place for people to live, work, and visit.

The Committee and staff are continuously identifying and researching properties for inclusion on the Register. These properties can include buildings, structures, and landscapes. Properties are evaluated based on their architectural, historical, and contextual merit using criteria established in Regulation 9/06 of the Ontario Heritage Act which is used to determine if a property merits designation under Section 29 of the Act. Under the Act, there are no specific criteria for determining whether a property should be included as a listed property in the municipal heritage register. However, staff and the heritage committee have chosen to use Regulation 9/06 as the benchmark for evaluating properties for potential listing to ensure that all properties listed on the Register have clearly identified heritage value based on provincial standards. Use of Regulation 9/06 for this purpose also ensures consistency in the City's evaluation of heritage resources.

Under the Act, Council must consult with its Municipal Heritage Committee prior to listing properties on the Heritage Register. The Committee has reviewed and endorsed the appended list of properties and is recommending that Council list them on the Heritage Register. This list, included as Appendix A of this report, includes the municipal address of each property, the community or township in

which it is located, its common name (if applicable), an image of the property, and justification regarding its significance as a heritage building or property.

The City follows the recommended best practice of notifying owners prior to their properties being listed on the Heritage Register. Owners of properties on the appended list were notified by mail after the Municipal Heritage Committee endorsed the list and are aware that their properties are being considered by Council for inclusion on the Register. They have been invited to reach out to staff if they have any questions or concerns about the process and have been provided with a Listed Properties Fact Sheet, included as Appendix B of this report, to provide additional information on the implications of listing and the rationale for the municipality to include listed properties on its Heritage Register.

Current Properties Proposed for Listing

The properties which are currently proposed for listing on the Heritage Register are as follows:

- 43 Sherwood Street, Bobcaygeon (Christ Church Anglican Church)
- 242 Kent Street West, Lindsay (Central Senior Public School)
- 19 3rd Street, Sturgeon Point (Cherry Tree Lodge)
- 1 King Street East, Omemee (Bank of Toronto)
- 1011 Portage Road, Kirkfield (Mackenzie Inn)
- 1480 Highway 7A, Bethany (Old Bethany Post Office)
- 932 Highway 7, Oakwood (S.S. #12 Oakwood/Oakwood Library)

These properties represent a small selection of important heritage properties in a number of local communities and a full summary of their significance can be found in Appendix A. They have been evaluated based on Regulation 9/06 of the Act and are all historically and culturally significant. They are associated with important themes, individuals, and events in the history of the municipality and have architectural significance through their style and craftsmanship. Should a demolition application be received for one of these properties, inclusion on the Register as a listing property would allow Council to fully assess their heritage value to the community and make a decision based on that assessment.

Other Alternatives Considered:

No other alternatives are recommended.

Financial/Operation Impacts:

There are no financial implications associated with this report.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The listing of properties on the Heritage Register supports the following goals from the Council adopted Strategic Plan:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life

The identification and protection of heritage assets in the community through listing directly supports the identified action 2.1.1 which recommends strengthening existing cultural and heritage assets. Listing is recognized as a best practice within Ontario for managing heritage resources in the community and contributing to its long range planning for these assets.

The protection of heritage resources in the municipality also assists in the growth of the local economy by identifying, protecting, and celebrating places where people want to live, work and visit. It encourages investment in local communities by ensuring and promoting attractive places for residents and businesses to be. It also has a direct impact on developing local tourism through the preservation of sites and landscapes that visitors are interested in experiencing.

Consultations:

Municipal Heritage Committee

Attachments:

Appendix A – Proposed List of Properties for Inclusion on the Heritage Register



Appendix A
Proposed Listed Pro

Appendix B – Listed Properties Fact Sheet



Appendix B Listed
Properties FAQ.pdf

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