



## Municipal Heritage Committee Report

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**Report Number:** KLMHC2021-27  
**Meeting Date:** July 8, 2021  
**Title:** Old Gaol Wall Demolition  
**Description:** Proposed demolition of the exterior courtyard walls at 50 Victoria Avenue North, Lindsay  
**Author and Title:** Emily Turner, Economic Development Officer – Heritage Planning

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### Recommendation:

**That** Report KLMHC2021-27, **Old Gaol Wall Demolition**, be received.

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The City of Kawartha Lakes is considering the demolition of the exercise yard walls at 50 Victoria Avenue North (Lindsay Old Gaol). The property is designated under Part IV of the Ontario Heritage Act. Section 34 of the Ontario Heritage Act states that no structure on a designated property will be demolished without receiving consent in writing from the municipality. Consent, or refusal, is given by Council in consultation with its municipal heritage committee.

At present, the demolition of the exterior exercise yard walls at the Lindsay Old Gaol is scheduled for fall 2021. Prior to this demolition occurring, the Committee must provide a recommendation to Council regarding the potential demolition of the walls around the building.

The Old Gaol is designated by By-law 2000-068. The by-law is attached as Appendix A. The by-law does not conform to the current requirements under the Ontario Heritage Act with regard to the identification of heritage attributes for the property but does identify the historic features of the property as the exterior of the main jail building itself. The by-law does not address the exercise yard walls. The current walls are not original to the building and are believed to have been constructed in the 1980s when the building was still an operational jail. The lack of conformity to current requirements are due to the age of the by-law as it was written prior to the 2005 and 2019 amendments to the Ontario Heritage Act which established greater consistency in property evaluation and by-law requirements.

## **Rationale:**

At its meeting of June 3, 2021, the Committee received a report from staff with the background information on the discussions regarding the proposed demolition of the wall and other similar jail properties across Ontario. The Committee should refer to the earlier report for this background information.

## **Site Visit**

Some members of the Committee undertook a site visit to the jail on June 28, 2021 and were able to view the interior of the courtyard at that time. The site visit was accompanied by the City's Economic Development Officer – Heritage Planning and

Facility Project Delivery Coordinator, as well as the Museum's Volunteer Manager who outlined potential ideas the museum has for the space.

The Committee members were also accompanied by a former superintendent of the jail who identified where the inmates who were hanged at the jail were buried. At present, the bodies have not been definitively located. There are believed to be or have been three bodies on the property. There is the possibility that the bodies have been moved, but this has not been confirmed.

Stage 1 and 2 archaeological assessments has been completed on the property and no evidence of the burials was found. A Stage 3 assessment will be completed prior to demolition occurring but will not occur until the metal storage containers are removed from the site to allow for a fulsome investigation. Any bodies found during the Stage 3 assessment or during demolition would be addressed through the provisions in the Funeral, Burial and Cremation Services Act as a burial site.

### **Cultural Heritage Value of the Jail**

Heritage decision making should be based on an assessment of cultural heritage value of the wall as part of the designated property and the impact of an alteration or demolition on that value. Generally, the cultural heritage value of an individually designated property would be outlined in its designating by-law. However, By-law 2000-068 is poor by current heritage standards and does not appropriately identify the cultural heritage value of the jail, as is now required by the Act. Staff have composed a summary of the heritage value of the jail property as a whole, building on the by-law and current methods of evaluating cultural heritage value, specifically O. Reg. 9/06.

When evaluated based on O. Reg. 9/06, the property as a whole exhibits cultural heritage value because:

- The property has architectural significance as an excellent and representative example of a mid-nineteenth century jail in Ontario constructed in the Romanesque Revival style
- The jail has historical associations with and yields information about several important local themes including:
  - The role of Lindsay as the administrative center for the County of Victoria
  - The history of criminal justice and incarceration in Lindsay and the County of Victoria

- The building was designed by Toronto architectural firm Cumberland and Storm, which also designed the County Courthouse (City Hall) and is one of several gaols designed by the firm in the 1850s and 1860s
- The property is historically and contextually linked to its surroundings as part of the City Hall precinct and is a contributing feature to its historic and institutional character
- The property is a local landmark

### **Decision-Making Considerations**

The Committee is required to provide a recommendation to Council through a resolution as to whether or not they believe the walls should be demolished. In making its recommendation the Committee may want to consider the following:

- Whether the walls have cultural heritage value as part of the jail, either individually or as part of the property as a whole
- The nature of the walls as replacements from the 1980s as opposed to the original
- The impact of the demolition of the walls on the cultural heritage value of the jail as a whole

At its meeting of April 8, 2021, the Committee discussed the potential heritage significance of the walls. Although the walls were constructed in the 1980s and are not the original courtyard walls, the Committee suggested a number of points where the walls may have heritage value and might warrant preservation:

- The walls have contextual significance as part of the cultural landscape of the former jail even though they are not original
- The walls show the evolution of the jail structure over time
- The number of historic jails with intact courtyard walls in Ontario is fairly limited
- There is historic significance in the courtyard because of the hangings that occurred there during its time as an active jail

### **Studies and Reports**

The wall has undergone a number of engineering assessments which have noted that the wall appears to be structurally unstable. The most recent of these, from March 2021, was circulated to the Committee in spring 2021.

At its meeting of September 5, 2019, the Committee received an update on the project from Building and Property staff. At the time, the Committee discussed the proposed future use of the area and passed the following motion:

**KLMHC2019-25**

**Moved By** M. Sloboda

**Seconded By** J. Garbutt

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

**Carried**

**KLMHC2019-26**

**Moved By** M. Sloboda

**Seconded By** D. Carroll

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

**Carried**

As of late June 2021, the Committee had not received either report.

**Amendment of Designating By-law**

Under the amendments to the Ontario Heritage Act which came into effect on July 1, 2021, when a demolition or removal is approved with regard to an individually designated property, Council must make a determination as to whether the property still has cultural heritage value. Subject to the determination, the designating by-law may be amended or repealed to reflect the change to the property and its heritage attributes.

If the walls are demolished, the property would clearly still exhibit cultural heritage value as the main building of the jail would remain intact. As the by-law does not conform to the current requirements under the Ontario Heritage Act, staff are recommending that that by-law should be amended should the walls be recommended for demolition. Amendment of the by-law would allow ensure that the cultural heritage value and heritage attributes of the property are clearly identified and articulated.

Should the Committee not choose to endorse the demolition of the walls, staff are advising that the Committee pass a motion to affirm the heritage value of the property with or without the courtyard walls. This will provide a recommendation to Council regarding the heritage value of the walls, should Council decide to authorize the demolition. The Committee could make the following motion:

**That** the cultural heritage value of 50 Victoria Avenue North, Lindsay be affirmed should the demolition of the courtyard walls be authorized by Council and amendment of the by-law recommended.

### **Other Alternatives Considered:**

The recommendation the Committee makes should be based on its review of the heritage value of the courtyard walls. There are several potential motions the Committee could make.

The Committee could choose not to endorse the demolition of the walls. Should the Committee decide that they would like to recommend to Council that the walls remain in place, they could make the following recommendation:

**That** Report KLMHC2021-25, **Old Gaol Walls Demolition**, be received;

**That** the demolition of the exercise yard walls not be endorsed; and

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

The Committee could also choose to endorse the demolition of the walls. Should the Committee decide that they would like to recommend to Council that the walls be demolished, they could make the following recommendation:

**That** Report KLMHC2021-25, **Old Gaol Walls Demolition**, be received;

**That** the demolition of the exercise yard walls be endorsed;

**That** the amendment of the designating by-law for 50 Victoria Avenue North, Lindsay be endorsed; and

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

Should the Committee decide to endorse the demolition of the walls, it could also provide a recommendation to Council to direct staff to proceed with a commemorative strategy that would commemorate the walls and provide interpretive information. The following recommendation could be made:

**That** Report KLMHC2021-25, **Old Gaol Walls Demolition**, be received;

**That** the demolition of the exercise yard walls be endorsed;

**That** a commemorative strategy to provide interpretive information and commemorate the walls be pursued;

**That** the amendment of the designating by-law for 50 Victoria Avenue North, Lindsay be endorsed; and

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

Alternatively, the Committee could choose to endorse a partial demolition of the walls to preserve a portion of the walls, for example the side facing Colborne Street West, while endorsing a partial demolition of the walls which do not face onto the municipal road. The following recommendation could be made:

**That** Report KLMHC2021-25, **Old Gaol Walls Demolition**, be received;

**That** the partial demolition of the walls be endorsed including the demolition of the \_\_\_\_\_ wall(s) and the retention of the \_\_\_\_\_ wall(s);

**That** the amendment of the designating by-law for 50 Victoria Avenue North, Lindsay be endorsed; and

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

Should the Committee feel as though it cannot make a recommendation without receiving certain information, such as the reports requested at its meeting of September 5, 2019, the Committee may make the following recommendation:

**That** Report KLMHC2021-25, **Old Gaol Walls Demolition**, be received;

**That** the demolition of the walls be delayed until such time as the requested report on the long term use of the space has been received;

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

### **Financial/Operation Impacts:**

There are no direct financial or operational impacts to the Committee or the Heritage Planning budget as a result of the recommendations of this report. There has been budget allocated for the demolition of the exercise yard walls through the Community Services Department and any additional budget for restoration and/or interpretation would require approval from Council.

### **Consultations:**

Manager, Building and Property  
Facility Project Delivery Coordinator

### **Attachments:**

Appendix A – By-law 2000-068



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

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