



Council Report

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| Report Number: | ED2021-023 |
| Meeting Date: | August 10, 2021 |
| Title: | Demolition of Courtyard Walls – 50 Victoria Avenue North, Lindsay |
| Description: | Proposed demolition of the exterior courtyard walls at 50 Victoria Avenue North, Lindsay |
| Author and Title: | Emily Turner, Economic Development Officer – Heritage Planning on behalf of the Kawartha Lakes Municipal Heritage Committee |

Recommendations:

That Report ED2021-023, **Demolition of Courtyard Walls – 50 Victoria Avenue North**, be received; and

That the demolition of the exterior courtyard walls at the Old Gaol be deferred until the completion of the Cultural Centre Feasibility study and the long term use of the space decided in alignment with the Cultural Master Plan.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

50 Victoria Avenue North in Lindsay (Lindsay Old Gaol) is designated under Part IV of the Ontario Heritage Act by By-law 2000-068. The by-law for the property is attached as Appendix A. The property is designated because of both its historical and architectural significance as the former gaol, or jail, for the County of Victoria. Constructed in 1863, the gaol is built in white limestone using the Romanesque Revival style, which was frequently employed for correctional facilities in the mid-nineteenth century. Designed by noted Toronto architectural firm Cumberland and Storm, it is considered a local landmark. The building was decommissioned as a jail in 2003 with the opening of the Central East Correctional Facility and is now owned by the City. The building now houses the Old Gaol Museum.

The property includes a large walled exercise yard. The original wall was demolished and replaced around 1989 and the current wall dates to this time. The new walls were built when the property was still an operational correctional facility. In 2017, Building and Property staff commissioned an assessment of the wall, which found that the structural integrity of the walls had been compromised. Since this time, several reports have been prepared by qualified engineers confirming the structural issues with the wall. Remedial action has already been undertaken to attempt to stabilize the wall and to prevent the coping on the wall from falling onto the ground below. However, independent Structural Engineers have provided reports advising that the walls still present a significant Health and Safety concern and as a result Community Services staff are proposing the demolition of the wall.

Section 34 of the Ontario Heritage Act requires Council to consent to the demolition of any building or structure on a property designated under Part IV of the Act, whether or not that structure is included in the designation by-law as a heritage attribute. The exercise yard wall is not listed in the designating by-law for the property as a heritage attribute. Prior to consenting to or denying any application, Council must consult with its Municipal Heritage Committee regarding the proposed demolition. In Kawartha Lakes, consultation takes the form of a recommendation from the Committee presented to Council under the cover of a staff report.

A budget of \$200,000 was approved for partial demolition of the Old Gaol Wall in the 2018 Capital Budget. However, the demolition has not yet been undertaken, in part because a recommendation has not been received from the Committee and the project as a whole was delayed by the COVID-19 pandemic. Should Council approve the proposed demolition, Building and Property staff are intending on the project taking place in Fall 2021.

A demolition permit has already been issued for the proposed project. The permit was issued in 2019 by the Building and Septic Division, which was advised incorrectly that heritage approvals were not required because the walls were not included in the designation by-law. The permit is currently being held in abeyance until Council makes a decision on the demolition. Should Council choose not to approve the demolition of the walls, the demolition permit will be revoked.

The Municipal Heritage Committee has been in conversation with Building and Property staff regarding the proposed demolition of the wall since 2017, but had not yet made a recommendation until its meeting of July 8, 2021. The Committee has received three presentations from Building and Property staff and undertook a site visit on June 28, 2021 to view the current state of the property. At its meeting of July 8, the Committee made the following recommendation:

KLMHC2021-69

Moved By R. Macklem

Seconded By A. Adare

That Report KLMCH2021-25, **Old Gaol Wall Demolition**, be received;

That the demolition of the exterior courtyard walls at the Old Gaol be deferred until the completion of the Cultural Centre Feasibility study and the long term use of the space decided in alignment with the Cultural Master Plan; and

That this recommendation be forwarded to Council for approval.

Carried

This report addresses that direction.

Rationale:

When making their recommendation, the Municipal Heritage Committee considered a range of factors, including the future use of the space, the engineering report presented to the Committee, and the cultural heritage value of the wall. In particular, the Committee feels strongly that the walls should not be demolished without a clear plan for the use of the space that aligns with the recommendations of the ongoing Cultural Centre Feasibility Study and the Cultural Master Plan. As the Old Gaol is currently an important cultural facility in Kawartha Lakes, the Committee believes that the future of the space should be guided by the wider conversations currently being conducted regarding the cultural sector in the City.

The Committee offered the following rationale for its recommendation:

- The future use of the space is not yet known. While there has been discussion in the community regarding potential expansions of the Old Gaol Museum into the space and its use as parking for the facility, this is not a definitive or approved plan for the space. The Committee feels the demolition of the walls is premature without a concrete plan for the property.
- The Committee did not find the engineering report sufficient to demonstrate that the walls were in such poor structural condition that they could not be repaired. The Committee recognizes that there is deterioration in certain parts of the walls that requires repair, but does not believe that this necessarily demonstrates structural failure.
- The Committee is concerned regarding the burials, which are believed to be located in the middle section of the exercise yard. Although Stage 1 and 2 archaeological assessments have been completed and did not yield results, the Stage 3 assessment has not yet been completed and the Committee feels this should be done prior to making a decision.
- The Committee feels that the walls have cultural heritage value as a demonstration of the evolving nature of the jail structure and as part of the social history of the property, including of the hangings, which took place on site.

Correspondence from the Committee Chair is attached as Appendix B, outlining the Committee's position.

Cultural Centre Feasibility Study

The Committee's recommendation suggests that the decision to demolish should be delayed until such time as the Cultural Centre Feasibility Study is completed. The City is currently undertaking this study as a step towards the eventual development of a cultural centre or centres in the municipality. Funds were allocated for this study in 2019 and a Cultural Centre Task Force created, although the commencement of the study itself was delayed due to the COVID-19 pandemic. The study itself will commence in Fall 2021 and is projected to be complete by early Summer 2022. The goal of the study is to complete a needs assessment, location(s), and feasibility of a "hub and spoke" cultural centre model in Kawartha Lakes. The "hub and spoke" model would be comprised of a central facility as a primary resource for collection storage and care, which could be accessed by outlying hubs used for multi-purpose cultural spaces. This model is being studied based on the recommendations of the Cultural Master Plan, which suggested it as the most viable model for the community.

The deliverables from the study are:

- Assess for viability the proposed model for a Cultural Centre/hub;

- Make recommendations to deal with identified facility management issues in cultural facilities owned by the municipality;
- Recommend capital budget and an operating budget models;
- Review potential funding sources;
- Recommend potential governance models; and
- Propose next steps based on the study outcomes.

The study will be high level and will not directly address the use of the courtyard space in the Old Gaol nor provide a specific design. However, the study may provide recommendations on the use of the property within the City's larger network of cultural facilities. The study has the potential to contribute to the long range planning for this property.

Cultural Heritage Value of the Property

The by-law for the Lindsay Old Gaol was written in 2000, prior to the 2005 and 2019 amendments to the Ontario Heritage Act, and, therefore, does not conform to the current content requirements for a heritage designation by-law established under the Act. Specifically, the by-law does not identify the heritage attributes of the property, meaning that it does not give a holistic view of what aspects of the property are important to defining its heritage value. The by-law only specifies that the exterior of the gaol building is to be protected. The lack of conformity to current requirements are due to the age of the by-law which was written prior to the 2005 and 2019 amendments to the Act, which established greater consistency in property evaluation and by-law requirements. The challenge in older by-laws such as this one is that they do not provide a holistic view of the cultural heritage value of the site, making decision making more challenging.

In report KLMHC2021-27, received by the Municipal Heritage Committee at its meeting of July 8, 2021, staff presented a summary of the cultural heritage value of the property as a whole to the Municipal Heritage Committee. Heritage decision making should be based, in part, on an assessment of the cultural heritage value of the wall as part of the designated property and the impact of the alteration or demolition on that value. As this is not articulated in the by-law, staff undertook a preliminary evaluation of the property as a whole based on the current provincial standard for evaluating heritage property, Ontario Regulation 9/06. The value of the property can be summarized as follows:

- 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 Ontario 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.

The Committee views the walls as integral to the cultural heritage value of the property. However, to fully understand the place of the walls as part of the property's heritage value, a more in depth study and analysis, such as a full Cultural Heritage Evaluation Report, would be required.

Community Services Staff Position

The Committee's recommendation is not supported by Community Services staff, specifically because of the concerns regarding the structural integrity and safety of the walls. The first structural assessment of the walls was undertaken by AMR Engineering Limited in 2016 which found that the walls were in poor condition due to age, environmental factors, and shortcomings in the original construction in 1989.

Demolition was recommended for the east wall, in particular, due to its deteriorating condition. This is the wall that runs along the City Hall parking lot. The assessment also recommended that the condition of the walls continue to be monitored and interim precautionary measures be undertaken to ensure safety. These have been carried out.

Further structural assessments were carried out annually and have now increased to once every three months. The engineering firm attended the site on March 15, 2021 and noted that the walls now posed safety concerns to vehicles and pedestrians and recommended a 4' clearance be maintained for the protection of people and vehicles. The report recommended demolition as soon as possible or additional remedial action to secure the weak portions of the walls, as well as the removal of the coping stones on the north side which were deteriorating with pieces of masonry falling to the ground. A further visit on July 5, 2021 recommended that structural bracing may need to be installed along the east wall should demolition continue to be delayed in order to prevent failure or collapse of any section of the wall. While there are portions of the wall where repair is feasible, such as the replacement of capstones, the engineer felt that it is not feasible to repair the east wall due to the structural issues present. Demolition of the east wall alone would mean that structural bracing may need to be

installed to ensure the stability of the remaining walls. Staff feel the City must act on the recommendations of the certified and qualified Structural Engineer, and the Municipal Heritage Committee has no known certification or expertise in relation to building assessments and structural engineering.

Staff also do not support the delay of the demolition until the completion of the Cultural Centre Feasibility Study. Although agreed that this is an important study for outlining the City's next steps with regard to its cultural facilities, the poor state of repair of the walls mean that delay is not feasible. With a completion date of 2022 and any follow-up and design work that may be required, the urgent nature of the demolition does not align with the timeline for the study. Similarly, the disposition of the walls is a separate undertaking from the Cultural Centre Feasibility Study; while the land may be recommended for use as part of a future cultural centre, this is separate from the urgent need to demolish the walls, which may not feature as part of the study. Staff agree with the Committee that long range planning for this space is necessary, but believe that it should be treated as a separate project from the demolition. Extensive documentation will take place as part of the demolition process and the yard area will be grassed once demolition is complete and will be available for future use, when visioning for the area has been undertaken.

Staff can confirm that Stage 1 and Stage 2 archaeological assessments have been carried out by AS&G Archaeological Consulting. The Stage 2 assessment will be completed in conjunction with the demolition. A Stage 3 assessment will be conducted of areas inside the yard. Staff are committed to fully investigating the burial sites, which it is suggested may yet be present within the courtyard. The assessments have followed appropriate requirements under the Ontario Heritage Act and should burials, or other artifacts, be discovered during these assessments, the proper procedures under the Funeral, Burial and Cremation Services Act and Ontario Heritage Act will be followed. At present, the assessments, which have been undertaken, have not yielded evidence of the burials.

While it is recognized that the walls proposed for removal have a heritage significance, staff are prepared, and have discussed with the Victoria County Historical Society (VHSC), a plan that will allow for the recognition of the walls in the future, perhaps by using the base of the walls as a remaining footprint to assist with delineation between the jail and City Hall properties.

Steps if Demolition is Approved

Should Council choose to endorse the demolition of the wall, the Ontario Heritage Act requires that Council also passes a motion regarding the heritage value of the property

as a result of the demolition, and amends, repeals, or leaves the by-law intact dependant on the impact of the demolition on the property's heritage values or attributes. As the nineteenth century portion of the property will remain intact, the demolition will not negate the cultural heritage value of the property. If demolition proceeds, staff are recommending that the by-law be amended to provide clarity regarding the heritage attributes of the property and its heritage value, as well as to bring it into compliance with the current requirements for designation by-laws under the Ontario Heritage Act. An updated and amended by-law will assist with future decision making regarding the property by providing a statement of significance and a list of heritage attributes based on a current and accurate heritage evaluation.

The Act requires that Council consult with its Municipal Heritage Committee prior to choosing to amend, repeal or leave the by-law intact. A resolution, which directs staff to prepare a report for the Committee for its recommendation to Council, is included below, as part of an alternate resolution to demolish the walls.

Other Alternatives Considered:

The Ontario Heritage Act requires Council to consult with its Municipal Heritage Committee but Council may choose to make a different decision regarding the proposed demolition. The Municipal Heritage Committee recommendation is not a final decision on the demolition of the walls, but rather a recommendation to delay decision making until such time as a clear plan for the space has been developed. Council may choose to make a final determination on the demolition of the wall at the present time. There are two alternate recommendations that Council could adopt.

Council may choose to endorse the demolition of the wall at the present time, in line with the proposal by Community Services staff and the approved budget. Should Council choose to endorse the demolition of the wall, it could make the following motion:

That Report ED2021-023, **Demolition of Courtyard Walls – 50 Victoria Avenue North, Lindsay**, be received;

That the demolition of the courtyard walls be approved; and

That staff be directed to present a recommendation regarding the amendment of the designating by-law for the property by the end of Q1 2022.

Alternately, Council could choose not to approve the demolition of the walls and direct staff to provide options regarding their long term preservation. The walls do require significant repairs and, should Council choose to retain them, budget will need to be

allocated for conservation. Should Council choose not to approve the demolition, it could make the following motion:

That Report ED2021-023, **Demolition of Courtyard Walls – 50 Victoria Avenue North, Lindsay**, be received;

That the demolition of the courtyard walls not be approved; and

That staff be directed to present a conservation strategy and budget for the restoration of the wall to Council in 2022.

The Committee's motion also suggests that a long term planning strategy for the gaol is required to guide the long term use of the space. Staff are supportive of undertaking a visioning exercise for this area. As it forms part of the wider City Hall block, Council may want to direct staff to provide a strategy for the use of this space, whether or not the walls are demolished at the current time, as part of the wider planning for the block as a whole to provide a holistic vision for these City-owned properties. Should Council support an initiative to undertake long range planning for this area, whether the wall is demolished or remains in situ, the following could be added to either of the above resolutions:

That a City Hall Campus Master Plan be undertaken to establish the long-term use of the space; and

That staff be directed to provide a budget for the study to Council in 2022.

Alignment to Strategic Priorities

The protection and evaluation of proposed alterations to a property designated under Part IV of the Ontario Heritage Act supports the following goals from the Council adopted Strategic Plan:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life

The protection of heritage assets in the community through designation promotes and exceptional quality of life by supporting and promoting arts, culture and heritage within the municipality. Designation provides long term protection and management for key heritage resources in the municipality and recognizes their importance to the community. The process for evaluating alterations to designated properties, including demolition, ensures that heritage resources are protected and effectively managed.

The protection of heritage resources in the municipality also assists in the growth of the local economy in general 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 promoting a sense of place. The Committee's recommendation is intended to preserve the heritage value of the property and its importance as a cultural facility and tourist destination in Lindsay.

Financial/Operation Impacts:

A budget of \$200,000 for the demolition of the wall was approved in the 2018 Capital Budget. Should Council choose to delay the decision on the demolition, there will be addition maintenance and related costs to ensure the wall remains stable in the interim. A delay in the implementation of the project will also result in an increase in costs due to anticipated inflationary costs. Similarly, if Council chooses not to approve the demolition of the wall, a budget will be required for repairs and conservation. The budget for these repairs is not known at this time.

Consultations:

Municipal Heritage Committee
Community Services Department

Attachments:

Appendix A – By-law 2000-068



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

Appendix B – Correspondence: Municipal Heritage Committee Chair



20210716 Old Gaol
Wall Demolition.pdf

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