



Committee of the Whole Report

Report Number:	ED2021-027
Meeting Date:	November 2, 2021
Title:	Amendment of Designating By-law – 1201 Salem Road, Geographic Township of Mariposa
Description:	Amendment of By-law 2018-177 which designated 1201 Salem Road under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2021-027, **Amendment of Designating By-law – 1201 Salem Road, Geographic Township of Mariposa**, be received;

That the Municipal Heritage Committee’s recommendation to amend By-law 2018-177 be endorsed;

That staff be authorized to proceed with the process to amend the designating by-law as prescribed by the Ontario Heritage Act and the issuance of a Notice of Intention to Amend;

That an amending by-law be brought forward to Council at the next Regular Council Meeting following the end of the notice period; and

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

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

1201 Salem Road was designated under Part IV of the Ontario Heritage Act by the former Township of Mariposa in 1995 by by-law 1995-26. The property contains a late nineteenth century Queen Anne style farmhouse which is its primary heritage feature.

In 2018, the City undertook a comprehensive review of its older designation by-laws as many of them were not in compliance with the requirements for designation under the Ontario Heritage Act. Many were missing a list of heritage attributes or a statement of significance which are important to the overall protection of the property and provide clarity to the owner and the City as to what aspects of the property are important from a heritage perspective. By-law 1995-26 was repealed and replaced at that time with a new by-law, By-law 2018-177, which provided a statement of significance and a list of heritage attributes for the subject property. A significant number of other designation by-laws were repealed and replaced as part of the same process.

In 2021, the owner of 1201 Salem Road came forward to staff and the Municipal Heritage Committee to voice concerns regarding the new by-law for the property. The owner had noticed that there were factual errors in the statement of significance and was concerned that the list of heritage attributes was not adequate to describe and protect the property. In addition, the owner was concerned that the by-law was not adequate to be used should a development be proposed on an adjacent property. Under the Provincial Policy Statement (2020), development adjacent to protected heritage properties must be evaluated with regard to its impact on the heritage property and must ensure that it does not impact its heritage attributes. However, without a well-formed by-law and clear heritage attributes, the evaluation of proposed development is extremely challenging as there is nothing concrete to evaluate the proposed development in relation to.

Staff and the Municipal Heritage Committee reviewed the designation by-law in light of the owner's request and concluded that the by-law was insufficient and required amendment. It was decided that the most appropriate method of addressing this issue was the deletion and replacement of Schedule A to By-law 2018-177, which includes the statement of significance and heritage attributes of the property. Staff undertook a site visit and drafted a revised Schedule A in consultation with the owner of the property. The owner of the property has reviewed the draft and is satisfied with the

statement of heritage value and the heritage attributes identified for the property. The draft amending by-law is attached as Appendix A of this report.

The amendment of a designating by-law is regulated by Section 30.1 of the Ontario Heritage Act. Amendments to designation by-laws may be made for a variety of reasons, including the correction to a statement of cultural heritage value and the clarification of the heritage attributes of a property, as is the case with this by-law. As part of the process, Council must consult with its municipal heritage committee. At its meeting of October 7, 2021, the Kawartha Lakes Municipal Heritage Committee reviewed the amended by-law and passed the following motion:

KLMHC2021-106

Moved By W. Peel

Seconded By W. Bateman

That Report KLMHC2021-40, **Amendment of Designating By-law – 1201 Salem Road**, be received;

That the amendment to Schedule A of By-law 2018-177 be endorsed; and

That this recommendation be forwarded to Council for approval.

Carried

This report addresses that direction.

Rationale:

The designating by-law for 1201 Salem Road is not sufficient to protect the heritage value or attributes of the property. There are a number of errors in the by-law, including the misidentification of the style of the house. Similarly, the list of heritage attributes is not specific or comprehensive enough to clearly identify which parts of the property contribute to its heritage value. The proposed amendment includes a more in-depth statement of significance and an expanded list of heritage attributes.

The proposed amendment also brings the by-law into alignment with Ontario Regulation 385/21 which came into effect on July 1, 2021 to support amendments to the Ontario Heritage Act made through the More Homes, More Choice Act (2019). The new regulation provides mandatory content requirements for heritage designation by-

laws to ensure consistency across Ontario municipalities. The new schedule conforms to these requirements.

The amendment of the by-law will enhance the protection of the property and offer clarity to the owner and any future owners as to the heritage value of the property. Similarly, an updated by-law will also provide additional clarity when a Planning Act application is received for the subject property or an adjacent property to ensure that the requirements under the PPS are fulfilled. For the City, a clear, specific, and up-to-date by-law ensures that any decision making with regard to the property is based on a comprehensive by-law with appropriate and accurate information.

The proposed amendment aligns with that heritage protection policies contained in the 2020 Provincial Policy Statement, 2019 Growth Plan for the Greater Golden Horseshoe, and the 2012 City of Kawartha Lakes Official Plan and will assist the City in applying these policies to the property, as required.

Other Alternatives Considered:

There are no recommended alternatives.

Alignment to Strategic Priorities

The designation of property 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 identification and protection of heritage assets in the community through designation promotes an 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 amendment of the by-law ensures that the property is appropriately protected.

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 landscapes that people want to visit.

Financial/Operation Impacts:

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

It is not anticipated that there will be any additional legal fees as it is unlikely that the owner will appeal the amendment since this process is being undertaken at the owner's request.

Consultations:

Municipal Heritage Committee

Attachments:

Appendix A – Draft Amending By-law – 1201 Salem Road



2021-XXX Amend
By-law 2018-177 Desi

(Acting) Department Head email: rholy@kawarthalakes.ca

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