



Committee of the Whole Report

Report Number: ED2022-007
Meeting Date: February 8, 2022
Title: **Removal of Property from the Heritage Register – 1824 County Road 46, Eldon Township**
Description: Requested removal of a listed property from the City’s Heritage Register by the Property Owner
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2022-007, **Removal of Property from the Heritage Register – 1824 County Road 46, Eldon Township**, be received;

That the subject property remains listed on the Heritage Register; 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:

The City of Kawartha Lakes regularly lists properties on its Heritage Register as properties of cultural heritage value or interest. Listed properties are not designated and are not subject to the same restrictions, such as the requirement to apply for a heritage permit to undertake certain types of alterations, as properties designated under Parts IV and V of the Act. In general, properties which are listed on the Register are not designated under the Act and remain listed properties indefinitely. The City may choose to designate a listed property at the request of the owner or if the property is under threat of demolition and Council deems designation warranted to prevent the property from being demolished. The City is proactive at identifying and protecting properties through listing. Properties are identified by staff, members of the Committee and Council, and members of the public.

At the meeting of the Committee of the Whole on October 5, 2021, Council was presented with a list of properties for listing on the Heritage Register. At the Council meeting of October 19, 2021, Council adopted the following resolution:

CW2021-241

That Report ED2021-005, **Listing Properties on the Heritage Register**, be received; and

That the proposed addition of non-designated properties listed in Appendix A to the City of Kawartha Lakes Heritage Register, save and except for 175 Burnt River Road, Burnt River (St. Luke's Anglican Church, 45 Sussex Street North, Lindsay, 24-30 Wellington Street North, Lindsay (Dunoon Terrace), 127 North Street, Bobcaygeon (Hillcroft) and 62 King Street East, Omemee (Christ Church Anglican Church), be approved.

Carried

Changes made to the Ontario Heritage Act through the More Homes, More Choice Act (2019) came into effect on July 1, 2021. These changes introduced new processes for listing properties on the City's Heritage Register. These include both a statutory notice and a process for property owners to formally object to the listing of their property.

Property owners are notified twice regarding the listing of their property on the Heritage Register, both before and after it is considered by Council. The first of these

notices is a courtesy notice, while the second, which provides the information on formally objecting to the listing, is the statutory notice required by the Act. It is the City's practice to send a courtesy notice in advance of listing a property to allow the owner to engage with staff and discuss the matter before the recommendation to list is formally received by Council. Once Council formally lists the property and the second notice is received, the owner may object and request that the property be removed. In order to object to the listing of their property, the owner of a property must serve their objection on the Clerk of the municipality, in writing, stating that they object to the listing and the reasons why. These are the requirements outlined by subsection 27(7) of the Ontario Heritage Act.

In November 2021, staff received a verbal objection to the listing of 1824 County Road 46 in the Geographic Township of Eldon from the owner of the property. Staff spoke to the owner on the phone and a formal objection was also submitted to the Clerk's Office as required by the Act. The written objection is attached to this report as Appendix A. The owner's concerns regarding the listing are centred on the ability to obtain insurance policy coverage for the property due to its new heritage status, as well as its cultural heritage value as identified by the rationale for listing. This report addresses the objection received by the City.

As with the addition of listed properties to the Register, Council makes the decision as to whether or not a property should be removed from the Register following an objection. Council must first consult with its Municipal Heritage Committee prior to making a decision. The Municipal Heritage Committee reviewed the objection at its meeting of January 13, 2022 and made the following motion:

KLMHC2022-006

Moved By A. Adare

Seconded By J. Hartman

That Report KLMHC2022-03, **Removal of Listed Property from the Heritage Register – 1824 County Road 46, Eldon Township**, be received;

That 1824 County Road 46, Eldon Township remain listed on the Heritage Register;

That correspondence be prepared by the Chair outlining the Committee's position; and

That this recommendation be forwarded to Council for approval.

Carried

Rationale:

1824 County Road 46 was recommended for listing on the Heritage Register by a member of the Municipal Heritage Committee. The rationale for listing in the report presented to Council in October 2021 was as follows:

1824 County Road 46 has cultural heritage value as an Edwardian Classical farmhouse and in its associations with local figure James McQuarrie. The house was constructed in 1918 and demonstrates many of the key characteristics of the Edwardian Classical style. These include its symmetrical massing, hipped roof, simplicity of ornamentation, and Classically-inspired two storey porches. The house originally had two of these porches, on both the front and side elevations. The house was constructed for James McQuarrie, a local schoolteacher-turned auto salesman who worked for the Russell Motor Car Company. He constructed this house on the family farm using money he earned on the stock market and replaced an older log home on the property. It is one of the largest historic homes in the local area and a contributing property to the historic landscape of Eldon Township.

An excerpt from the City's Heritage Register containing information on this property is attached as Appendix B.

The insurance concerns raised by the owner of the property are concerning, more generally beyond this property. The question of insurance has been raised in the past by owners of individually designated properties who have had issues with their insurance providers. Generally, these issues are due to a lack of understanding on the part of the insurance company and staff have provided a letter to the provider outlining the impact of designation on the risk factor of the property which has usually rectified the issue. Staff offered to provide a similar letter to the owner of this property, although the owner declined. The Insurance Bureau of Canada, as well as the Ministry of Heritage, Sport, Tourism and Culture Industries, have provided guidance to insurance providers which states that heritage recognition, either through listing or designation, should not change the ability to insure a property or its premiums as heritage protection does not change the risk factor for a property.

The listing of properties on the Heritage Register is not a requirement under the Ontario Heritage Act, but it is used as a best practice method as a first step towards heritage property conservation within a municipality. Listing of properties is often viewed as a method of protecting heritage properties without imposing additional restrictions on a property owner, save the requirement to provide 60-days notice prior to demolition. Provincial land use planning policies, specifically the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019), direct municipalities to identify and protect heritage resources as part of their wider land use planning policies and initiatives. Listing is regarded as a highly appropriate and effective method of fulfilling this policy direction as it protects properties from demolition while providing limited controls on what a property owner can and cannot do with their property. The listing of property is also supported by the City of Kawartha Lakes Official Plan which provides direction to identify, protect and conserve heritage properties. Council has also provided specific direction to staff and the Municipal Heritage Committee to identify and recommend properties for listing on the Heritage Register.

Under provincial legislation, the listing of property on the Heritage Register does not require the consent or consultation of the owner, beyond the statutory notice and opportunity to object. However, the City does ensure that property owners are aware of this process in advance of the listing of their property through the provision of courtesy notices and an information package prior to the consideration of the listing by Council. This allows owners to be informed of and engaged with the process to protect their properties and to reach out to staff with questions or concerns in advance of consideration by Council.

The objection to listing for 1824 County Road 46 was received after the property was listed by Council on the Register. As is required under Section 27 of the Act, the Kawartha Lakes Municipal Heritage Committee reviewed the objection prior to it being received by Council. The Committee has recommended:

- that the property remain listed on the Register as it feels that the insurance issues, while concerning for the owner, could be addressed as they have been for other properties which have raised insurance problems with staff; and,
- that the property retains its cultural heritage value despite its architectural modifications because an important component of its value is its historical associations with its original owner.

Correspondence outlining the Committee's position is attached as Appendix C.

Other Alternatives Considered:

Although not recommended by Staff, Council may choose to remove the property from the Register as per the request received from the owner. Should Council wish to make that decision, an alternate motion would be as follows:

That Report ED2022-007, **Removal of Property from the Heritage Register – 1824 County Road 46, Eldon Township**, be received;

That the subject property be removed the Heritage Register;

That staff be directed to update the Register; and

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

Alignment to Strategic Priorities

Listing properties on the Heritage Register supports the strategic priority of An Exceptional Quality of Life by supporting and promoting arts, culture and heritage. Listing properties recognizes and promotes heritage resources in the municipality and supports long-term heritage conservation and planning. It is a recognized best practice in heritage resource management and an important part of a proactive municipal heritage planning program. The retention of listed properties on the Register continues to support this strategic priority.

Listing properties also aligns with the municipality's guiding principle of Open and Transparent because it is a clear and transparent method of identifying and protecting heritage resources. It increases the municipality's management of its heritage resources and provides a provincially-mandated review process for properties that may have heritage value, but are not designated under the Ontario Heritage Act.

Financial/Operation Impacts:

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

Consultations:

Clerk's Office
Municipal Heritage Committee

Attachments:

Appendix A – Objection 1824 County Road 46



Objection 1824
County Rd 46.docx

Appendix B – Heritage Register Excerpt 1824 County Road 46



Heritage Register
Extract 1824 County R

Appendix C – Municipal Heritage Committee Correspondence



MHC
Correspondence 1824

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services