



Municipal Heritage Committee Report

Report Number: KLMHC2022-034

Meeting Date: August 4, 2022

Title: **Amendment of Designating By-law – 17 Sussex Street North, Lindsay**

Description: Amendment to By-law 2018-141 which designates 17 Sussex Street North under Part IV of the Ontario Heritage Act

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendation:

That Report KLMHC2022-034, **Amendment of Designating By-law – 17 Sussex Street North, Lindsay**, be received; and

That the amendment to Schedule A of By-law 2018-141 be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

17 Sussex Street North in Lindsay was designated under Part IV of the Ontario Heritage Act by the Town of Lindsay in 1984 by By-law 1984-26. The property is designated as a representative example of an English cottage style residence and also as the former home of Ontario Premier and Victoria MPP Leslie Frost. In 2018, as part of a wider update of heritage designation by-laws in the municipality to improve older designation by-laws which were not in alignment with the requirements of the Ontario Heritage Act, this by-law was repealed and replaced by By-law 2018-141. This By-law is attached to this report as Appendix A. The updated by-laws were researched and drafted by an Economic Development summer student. The process to update by-laws includes undertaking site visits and working with the owners on the new by-laws.

Unfortunately, By-law 2018-141 contains a number of factual errors, including the date of construction for the house. The by-law also lacks technical architectural language in the description of its heritage attributes which makes it confusing and inaccurate. Staff approached the owners of the property about amending the by-law so that it would accurately identify and reflect both the significance of the property and its heritage attributes and to correct the errors in the by-law. Staff worked with the owner to identify the key heritage features of the property and to develop a more thorough statement of significance for the property. An amended Schedule A to the by-law has been drafted and a draft amending by-law is attached to this report as Appendix B. The owners of the property have reviewed the amending by-law and is happy with the proposed update.

In order for Council to amend a designating by-law under Part IV of the Act, it must receive a recommendation from the Municipal Heritage Committee. This report presents the proposed amendment for the Committee's review.

Rationale:

Staff are supportive of the amendment of this by-law. By-law 2018-141 contains factual errors, which is not acceptable in a legal document, and also does not appropriately articulate the heritage value of the property. At the same time, the heritage protection afforded to the property is weak due to the poor description of heritage attributes which are not well articulated. The proposed amendment would ensure that the heritage value of the property is clearly and accurately articulated and that the heritage attributes are identified using appropriate terminology.

The proposed amendment would replace Schedule A to By-law 2018-141 in its entirety. This is the most straightforward way to clarify the heritage value and attributes of the property and will also allow the by-law to be brought into compliance with the new requirements for designating by-laws under Ontario Regulation 385/21 which came into effect on July 1, 2021. A draft amending by-law, including a revised Schedule A, is attached as Appendix B. The owners of the property have reviewed the draft and are satisfied with its contents.

Under Section 30.1 of the Ontario Heritage Act, a designating by-law may be amended by Council for a variety of reasons, including to correct the statement of heritage value and to clarify its heritage attributes, as is the case for this property. Prior to passing an amending by-law, Council must consult with its municipal heritage committee and provide notice to the owner who may object to the amendment. As the owners of this property have reviewed and are satisfied with the proposed amendment, staff do not anticipate there to be any objections to this process. Should Council approve the amendment of the by-law and once the objection period has passed, a finalized amending by-law will be presented to Council for adoption.

Other Alternatives Considered:

There are no recommended alternatives.

Financial/Operation Impacts:

There are costs associated with the registration of the by-law and advertising costs for notices. These costs are covered by the existing Heritage Planning budget.

Consultations:

Property owners

Attachments:

Appendix A – By-law 2018-141



2018-141-17-Sussex-
St-N-Lindsay-Amende

Appendix B – Proposed Amending By-law



2022-XXX Amend
By-law 2018-141 Desi

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services