



Municipal Heritage Committee Report

Report Number: KLMHC2022-050
Meeting Date: August 4, 2022
Title: **Objection to the Listing of Property – 17081 Simcoe Street, Mariposa Township**
Description: Objection by owner to the listing of 17081 Simcoe Street on the City's Heritage Register
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2022-050, **Objection to the Listing of Property – 17081 Simcoe Street, Mariposa Township**, be received; and

That 17081 Simcoe Street, Mariposa Township remain listed on the Heritage Register; and

That this recommendation be forwarded to Council for approval.

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. The City is proactive 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 June 7, 2022, Council was presented with a list of properties for listing on the Heritage Register. At the Council meeting of June 21, 2022, Council adopted the following resolution:

CR202-198

Moved By Councillor Dunn

Seconded By Councillor Elmslie

That Report ED2022-016, **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 the properties located at 1464 Highway 7A, Bethany, 17 John Street, Fenelon Falls, 106 Elm Tree Road, Mariposa and 77-83 William Street North, Lindsay, be approved, as amended.

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 objecting to the listing, is the statutory notice required by the Act. 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 July 2022, staff received a verbal objection to the listing of 17081 Simcoe Street in Manilla 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 due to the fact that they are not interested in having the property listed.

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. This report responds to that requirements prior to a decision to remove the property from the Register being made.

Rationale:

17081 Simcoe Street was identified by staff as an eligible property for listing on the Heritage Register. The rationale for listing the property was presented in the report to Council in June 2022 as follows:

17081 Simcoe Street has cultural heritage value as the only surviving example of an Italianate commercial building in Manilla. The building was constructed in 1870 by George Douglas as a general store and was operated by the Douglas family for over 60 years. The property includes key features used in the Italianate style which was popular for commercial buildings at this time including two-storey construction, a flat roof and ornate brickwork. The property has direct associations with the development of Manilla in the mid-nineteenth century and its growth as a local centre. The property contributes to the historic character of the hamlet and is also a local landmark as the Manilla General Store. It has operated as a general store since 1870.

When the notices were provided to the owners, a heritage evaluation matrix was also included in the correspondence. This matrix is attached as Appendix B and demonstrates the property's heritage value in relation to Ontario Regulation 9/06. The excerpt for the property from the Heritage Register is attached as Appendix C.

The objection to listing made by the owners was simply that they did not want the property listed. There are no mitigating factors or issues facing the property owners

which may warrant reconsideration of the listing of the property and it retains its heritage value. Staff are not supportive of removing this property from the Register, particularly because it is the only building of this type in the hamlet of Manilla and the property is located at the intersection of two major highways (Highway 7 and Simcoe Street) where there is a high potential for demolition and redevelopment.

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 of conserving heritage properties within a municipality. 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. It provides no restrictions beyond demolition control with regards to alterations or use of the 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.

Other Alternatives Considered:

The Committee may wish to recommend that the property be removed from the Heritage Register. Should the Committee wish to make that recommendation, it could make the following motion:

That Report KLMHC2022-50, **Objection to the Listing of Property – 17081 Simcoe Street, Mariposa Township**, be received;

That 17081 Simcoe Street, Mariposa Township be removed from the Heritage Register;
and

That this recommendation be forwarded to Council for approval.

This alternative is not supported by staff.

Financial/Operation Impacts:

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

Consultations:

Clerk's Office

Attachments:

Appendix A – Objection 17081 Simcoe Street



17081 Simcoe Street
Listing Objection.pdf

Appendix B – Heritage Evaluation Matrix 17081 Simcoe Street



Heritage Evaluation
Matrix 17081 Simcoe

Appendix C – Heritage Register Excerpt 17081 Simcoe Street



17081 Simcoe Street
Excerpt.pdf

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services