

Council Report

Report Number:	ED2022-037
Meeting Date:	September 27, 2022
Title:	Objection to the Listing of 17081 Simcoe Street, Geographic Township of Mariposa
Description:	Objection by the 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 ED2022-037, **Objection to the Listing of 17081 Simcoe Street,
Geographic Township of Mariposa**, be received; and

That the property remains listed on the Heritage Register.

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 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 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

The properties presented in that list have now been added to the Heritage Register.

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 owners of the property. Staff spoke to one of the owners 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 owners' concerns regarding the listing are due to the fact that they are not interested in having the property listed as they are thinking of selling the property in the near future.

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. In accordance with the Act, Council must first consult with its Municipal Heritage Committee. At its meeting of August 4, 2022, the Kawartha Lakes Municipal Heritage Committee reviewed the objection and passed the following motion:

KLMHC2022-093

Moved By W. Peel

Seconded By A. Adare

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.

Carried

This report responds to that recommendation.

Rationale:

17081 Simcoe Street was recommended for listing on the Heritage Register by staff and supported by the Municipal Heritage Committee. The property currently contains the Manilla General Store. The rationale for listing the property presented to Council in June 2022 was 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.

A heritage evaluation matrix using the criteria outlined under Ontario Regulation 9/06 was also completed for the property and is attached at Appendix B. This matrix was completed prior to the property being listed and provided to the owners in correspondence. An excerpt from the City's Heritage Register containing information on this property and a photograph of it is attached as Appendix C.

The objection to listing made by the owners was that they did not want the property listed as they were looking to sell the property in the near future. 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. Listing a property does not impact its value and should not present an issue to the owners when looking to sell it. 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 is 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 continued listing of this property would allow Council to have additional input into any redevelopment proposal for this site in relation to its heritage value and attributes. Staff are in agreement with the Committee's assessment and recommendation.

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 and for fulfilling local and provincial land use planning policy objectives with regard to heritage preservation. 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, evaluate, 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. 17081 Simcoe Street has been found to have cultural heritage values through formal evaluation under Ontario Regulation 9/06 and its removal from the Register would be in opposition to heritage policy objectives.

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. The statutory notice is provided to owners after the property is formally listed by Council, as is required under the Ontario Heritage Act.

Other Alternatives Considered:

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 ED2022-037, **Objection to the Listing of 17081 Simcoe Street, Geographic Township of Mariposa**, be received;

That the subject property be removed from the Heritage Register;

That staff be directed to update the Register to remove the property.

This is not a recommended alternative as it leaves the property without heritage protection and does not align with provincial or City heritage policy objectives.

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:

Property Owner
Municipal Heritage Committee
Clerk's Office

Attachments:

Appendix A – Objection 17081 Simcoe Street



Adobe Acrobat
Document

Appendix B – Heritage Evaluation Matrix 17081 Simcoe Street



Adobe Acrobat
Document

Appendix C – Heritage Register Excerpt 17081 Simcoe Street



Adobe Acrobat
Document

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