

## Council Report

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<b>Report Number:</b>	<b>ED2022-025</b>
<b>Meeting Date:</b>	September 27, 2022
<b>Title:</b>	<b>Amendment of Heritage Designation By-law – 17 Sussex Street North, Lindsay</b>
<b>Description:</b>	Proposed amendment of By-law 2018-141 designating 17 Sussex Street North under Part IV of the Ontario Heritage Act
<b>Author and Title:</b>	Emily Turner, Economic Development Officer – Heritage Planning

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### Recommendations:

**That** Report ED2022-025, **Amendment of Heritage Designation By-law – 17  
Sussex Street North, Lindsay**, be received;

**That** the Municipal Heritage Committee's recommendation to amend By-law 2018-141  
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; and

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

**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 in 1984 by Town of Lindsay By-law 1984-26. The property contains the home of former Ontario Premier Leslie M. Frost who represented the then-riding of Victoria as its Member of Provincial Parliament from 1937 to 1963 and as premier from 1949 to 1961. The house itself, which was constructed around 1935, is a good example of an English cottage style residence in Lindsay. Frost and his wife Gertrude purchased the property in 1941 and lived there until his death in 1973.

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 By-law 1984-26 was repealed and replaced at that time with a new by-law, By-law 2018-141, which provided a statement of significance and a list of heritage attributes for the subject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, it was brought to the attention of staff that a number of the updated by-laws from 2018 contained factual errors regarding the significance of certain properties and also did not contain a thorough and clear list of heritage attributes. Staff began a process of reviewing the 2018 by-laws and reaching out to owners of properties where there were significant issues with their property's by-law that required amendments to correct. Several of the 2018 by-laws have already been updated and amended as part of this process. Staff reached out to the owners of 17 Sussex Street North who agreed that the current by-law was not sufficient to adequately protect the property and were in agreement that a number of factual errors in the by-law required correction.

It was decided that the most appropriate method of addressing this issue was the deletion and replacement of Schedule A to By-law 2018-141, which includes the statement of significance and heritage attributes of the property. Staff drafted a revised Schedule A in consultation with the owner of the property. This includes a new statement of significance and an updated list of heritage attributes. The owners of the property have reviewed the draft and are satisfied with the statement of heritage value and the heritage attributes identified for the property. The draft amending by-law is attached as Appendix B of this report. By-law 2018-141 is attached separately as Appendix A for comparison. Staff are proposing that Schedule A of By-law 2018-141 be deleted and replaced with Schedule A of the proposed amending by-law.

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 August 4, 2022, the Kawartha Lakes Municipal Heritage Committee reviewed the amended by-law and passed the following motion:

**KLMHC2022-088**

**Moved By** I. McKechnie

**Seconded By** A. Adare

**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.

**Carried**

This report addresses that direction.

**Rationale:**

The current designating by-law for 17 Sussex Street North 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 date of construction 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 a clarified list of heritage attributes using appropriate architectural language.

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 owners and any future owners as to the heritage value of the property. Similarly, an updated and more comprehensive 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 Provincial Policy Statement with regard to the protection of cultural heritage resources 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 and 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 through various means, including the designation of property, 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 owners will appeal the amendment since this process has been undertaken in consultation with the owners of the property who are supportive of the process and satisfied with the amendments to the by-law. Designation by-law amendments cannot be appealed by a third party.

## **Consultations:**

Property Owners  
Municipal Heritage Committee

## **Attachments:**

Appendix A – By-law 2018-141



Adobe Acrobat  
Document

Appendix B – Proposed Amending By-law



2022-XXX Amend  
By-law 2018-141 Desig

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