

# The Corporation of the City of Kawartha Lakes

## By-Law 2022-XXX

### A By-law to Designate 761 Salem Road, Geographic Township of Mariposa in the City of Kawartha Lakes

A By-law to designate 761 Salem Road in the Geographic Township of Mariposa in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

#### Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 761 Salem Road, Geographic Township of Mariposa described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022-XXX.

#### **Section 1.00: Definitions and Interpretation**

1.01 **Definitions:** In this by-law,

**“alter”** means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and **“alteration”** and **“altering”** have corresponding meanings;

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Director of Development Services”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

**“Municipal Heritage Committee”** means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

**“Ontario Heritage Act”** or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

**“Property”** means property as set out in Section 2.01.

**1.02 Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

**1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: Designation of Property**

**2.01** 761 Salem Road, Geographic Township of Mariposa is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

**2.02** The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

**2.03** The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

**Section 3.00: Enforcement, Offence and Penalties**

**3.01 Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

**3.02 Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

**Section 4.00: Administration and Effective Date**

- 4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2022.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2022-XXX**

Being a By-law to designate 761 Salem Road, Geographic Township of Mariposa in the City of Kawartha Lakes as being of cultural heritage value or interest.

### **Section 1: Description of Property**

761 Salem Road, Geographic Township of Mariposa

### **Section 2: Location of Property**

Located on the north side of Salem Road between Eldon Road and White Rock Road.

### **Section 3: Legal Description and PIN**

S1/2 LT 13 CON 6 MARIPOSA; KAWARTHA LAKES

PIN: 63190-0076

### **Section 4: Location of Heritage Features**

The primary heritage feature of the property, the farmhouse, is located on the southern portion of the property facing Salem Road.

### **Section 5: Statement of Reasons for Designation**

#### **Design and Physical Value**

761 Salem Road has design and physical value as an early and rare example of a surviving Georgian-style log residence in Mariposa Township. The date of construction for this property is unknown but is representative of the houses built by early settlers through its construction method. However, it is unique due to its specific use of the Georgian style, which was rare in early log construction as most of these properties were highly utilitarian, and displays key aspects of the style including its symmetrical three-bay construction and Classical entrance surround. It is one of a small number of surviving nineteenth century log homes in the township.

#### **Historical and Associative Value**

761 Salem Road has historical and associative value through its association with its original occupant, James Pogue and his family and the early settlement of Mariposa Township. Pogue purchased the property in 1846 and, along with his wife Martha, raised a large family and developed a farm there in the second half of the nineteenth century. The property yields information regarding the demographic settlement of Mariposa as well as every day and family life in the rural areas of township in the mid-nineteenth century. The property also yields information regarding dissenting Christian traditions in the area through the Pogues' membership in the Evangelical Christian Church (Christian Disciples).

#### **Contextual Value**

761 Salem Road has contextual value as a contributing property to the historic agricultural landscape of Mariposa Township. It maintains and supports the historic agricultural character of the area as an extant mid-nineteenth century

farmhouse within its original context. The farmhouse maintains a relationship within the surrounding area, but also within the property itself as part of an extant nineteenth century farmstead which includes original barns and outbuildings. The property is also linked to its surroundings as part of a small cluster of log homes in this area of Salem Road which speak the mid-nineteenth century settlement and development the area.

## **Section 6: Heritage Attributes**

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

### **Design and Physical Attributes**

The design and physical attributes support the value of the house as a rare and unique example of a Georgian style house constructed in log.

- Two storey log construction including:
  - Dovetailed keying
  - Chinking
- Stone foundation
- Gable roof
- Cedar shingles
- Soffits and fascia
- Board and batten gable ends
- Symmetrical massing
- Centre hall plan
- Fenestration including:
  - Six-over-six sash windows
  - Window surrounds
- Central entrance including:
  - Original door
  - Entrance surround
- Pine flooring
- Interior beams
- Wainscoting
- Original interior doors including:
  - Thresholds
  - Surrounds

### **Historical and Associative Attributes**

The historical and associative attributes support the value of the property as an early farmstead in Mariposa Township.

- Relationship to the mid-nineteenth century settlement of Mariposa Township
- Association with the Pogue family

### **Contextual Attributes**

The contextual attributes support the value of the property as a contributing features to the rural agricultural landscape of Mariposa Township and as a extant nineteenth century farmstead.

- Location in a rural setting on a large agricultural property
- Orientation of the house towards Salem Road
- Associated agricultural structures
- Relationship of the house to the agricultural property
- Views of the property from Salem Road
- Views of Salem Road and the surrounding agricultural landscape from the property
- Relationship of the property to other nineteenth century log house on Salem Road