

The Corporation of the City of Kawartha Lakes

By-Law 2022-XXX

A By-law to Designate 33 North Water Street, Geographic Township of Bexley in the City of Kawartha Lakes

A By-law to designate 33 North Water Street in the Geographic Township of Bexley 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 33 North Water Street, Geographic Township of Bexley 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 33 North Water Street, Geographic Township of Bexley 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 22 day of November, 2022.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A to By-law 2022-XXX

Being a By-law to designate 33 North Water Street, Geographic Township of Bexley in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

33 North Water Street, Geographic Township of Bexley

Section 2: Location of Property

Located on the south side of North Water Street adjacent to the Gull River.

Section 3: Legal Description

LT 10 E/S WATER ST PL 46 BEXLEY; KAWARTHA LAKES

Section 4: Location of Heritage Features

The primary heritage feature of the property, the house, is located in the centre of the property facing North Water Street.

Section 5: Statement of Reasons for Designation

Design and Physical Value

33 North Water Street has design and physical value as an excellent and intact example of a Victoria vernacular residential property. Constructed around 1888, the property displays characteristics typical of a vernacular gable front house, including a frontal gable, an L-shaped plan, an offset main entrance, decorative bargeboard and a bay window. The property is balloon framed which was the most prevalent form of wood construction in the late nineteenth century. It is representative of many residential properties built both in Coboconk and across Ontario in the second half of the nineteenth century.

Historical and Associative Value

33 North Water Street has historical and associative value through its first owners, John Harrison Harvey and his wife Alwilda Carl. Harvey was a prominent businessman in Coboconk in the late nineteenth century through his involvement in the lumber trade, as well as serving as township treasurer and Justice of the Peace. The house is also associated with local businessman Adam Carl, the father of Harvey's wife, who began a general store in Coboconk in the 1860s and became an important member of the business community in the village; it demonstrates the importance of familial connections through marriage in the development and fortunes of local businessmen. The property remained in this family until 2017. Through its original owners and their families, the property yields information regarding the commercial and industrial growth of Coboconk in the second half of the nineteenth century.

Contextual Value

33 North Water Street has contextual value as part of the historic residential landscape of Coboconk as one of a range of late nineteenth and early twentieth century houses from the community's early period of development. It also has

contextual value in its connection to the Gull River, to which it is adjacent, as part of the development of Coboconk along the river, as well as in its historical connection to the lumber industry which relied on the presence of the river.

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 representative example of a balloon frame Victorian vernacular residential property.

- One-and-a-half storey balloon frame construction
- Gable roof
- L-shaped plan
- Front gable
- Fenestration including:
 - Sash windows
 - Bay window
- Offset original main entrance including:
 - Door
 - Interior surround
- Secondary entrance
- Decorative bargeboard and drop finials
- Interior moulding
- Tin ceiling
- Staircase, including:
 - Balustrade
 - Manufactured moulding
- Pine flooring

Historical and Associative Attributes

The historical and associative attributes support the association of the property with John Harrison Harvey and Alwilda Carl and the late nineteenth century development of Coboconk.

- Association with the Harvey-Taverner-McCormick families
- Relationship to the former grist mill
- Relationship to the Gull River

Contextual Attributes

The contextual attributes support the value of the property as a contributing feature to the nineteenth century residential landscape of Coboconk and to the shoreline landscape of the Gull River.

- Location in the village of Coboconk
- Location adjacent to the Gull River

- Orientation of the property towards North Water Street
- Views of the property from North Water Street
- Views of the property from the Gull River
- Views of the Gull River, North Water Street and the surrounding residential area from the property
- Relationship of the property to 6 Nipissing Street