



Committee of the Whole Report

Report Number:	ED2023-008
Meeting Date:	March 7, 2023
Title:	Proposed Heritage Designation of 15 Balsam Lake Drive, Geographic Township of Bexley
Description:	Proposed heritage designation of 15 Balsam Lake Drive (St. Thomas' Anglican Church) under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2023-008, **Proposed Heritage Designation of 15 Balsam Lake Drive, Geographic Township of Bexley**, be received;

That the Municipal Heritage Committee's recommendation to designate 15 Balsam Lake Drive under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including the preparation and circulation of a Notice of Intention to Designate, and preparation of the designating by-law;

That a designating by-law be brought forward to Council at the next Regular Council Meeting following the end of the notice period; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The City of Kawartha Lakes designates properties under Part IV of the Ontario Heritage Act. Properties are recommended for designation by their owners, members of the public, local organizations, the Municipal Heritage Committee, Council or staff. Properties proposed for designation are reviewed by the Municipal Heritage Committee, as required by subsection 29(2) of the Ontario Heritage Act, and their recommendation is brought forward to Council under the cover of a staff report.

15 Balsam Lake Drive in the geographic Township of Bexley contains St. Thomas Anglican Church and its associated cemetery, which are listed on the City's Heritage Register. The cemetery is active and is currently owned and operated by the City of Kawartha Lakes. The property was assumed by the City in 2016 under Section 101.1 the Funeral, Burial and Cremation Services Act after the closure of the church in late 2015. Although there was initially no intention by staff to designate this building under Part IV of the Ontario Heritage Act, amendments to the Ontario Heritage Act made through Bill 23, More Homes Built Faster Act (2022) now require municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. Practically, this means that, in order for municipalities to provide heritage protection to its cultural heritage resources as is required by provincial land use planning policy, they must be designated under Part IV of the Act. The amendments came into effect on January 1, 2023.

15 Balsam Lake Drive has been prioritized for designation because it is City-owned, meaning that there will be no lengthy owner-initiated appeal process, although third-party appeals are always possible with regard to designations under Part IV of the Act. A third-party appeal is not anticipated with regard to this property. The proposed direction of designating City-owned listed properties first is supported by the Director of Community Services under whose portfolio these properties fall. Staff have undertaken a site visit to and heritage evaluation report about the property and have determined that the property is eligible for designation under Part IV of the Act. Designation of this property will not impact its current and continuing use as an active municipal cemetery as regular cemetery operations under the Funeral, Burial and Cremation Services Act are not required to apply for or receive heritage permits under the Ontario Heritage Act.

At its meeting of February 9, 2023, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

KLMHC2023-024

Moved By J. Hartman

Seconded By T. Richards

That Report KLMHC2023-013, **Proposed Heritage Designation of 15 Balsam Lake Drive, Geographic Township of Bexley**, be received;

That the designation of the property known municipally as 15 Balsam Lake Drive be endorsed; and

That the recommendation to designate the subject property be forwarded to Council for approval.

Carried

This report addresses that direction.

Section 29 of the Ontario Heritage Act provides that, upon consultation with its municipal heritage committee, and after serving a Notice of Intention to Designate pursuant to the requirements of the Act, the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest if it fulfils the criteria for designation under the Act, as identified in Ontario Regulation 9/06. Both staff and the Kawartha Lakes Municipal Heritage Committee are satisfied that the subject property fulfils the criteria for designation set out under Ontario Regulation 9/06.

Rationale:

Ontario Regulation 9/06 identifies the criteria for determining the cultural heritage value of a property. Under this regulation, a property may be designated under Part IV, s.29 of the Ontario Heritage Act if it meets at least two of the following criteria:

1. The property has design value or physical value because it:
 - a. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - b. displays a high degree of craftsmanship or artistic merit, or

- c. demonstrates a high degree of technical or scientific achievement.
- 2. The property has historical value or associative value because it:
 - a. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - b. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - c. demonstrates the work of an architect, artist, builder, designer or theorist who is significant to the community.
- 3. The property has contextual value because it:
 - a. is important in defining, maintaining or supporting the character of the area,
 - b. is physically, functionally, visually or historically linked to its surroundings, or
 - c. is a landmark.

Amendments made to the Ontario Heritage Act under Bill 23 require a property to meet two or more criteria in order to be eligible for designation. 15 Balsam Lake Drive fulfils multiple criteria under Ontario Regulation 9/06 and is therefore eligible for designation under Part IV of the Act. A heritage evaluation report has been prepared for this property which outlines its significance and demonstrates which criteria it fulfils. This report is attached as Appendix A. A statement of significance for the property as required by the Act, which summarizes the property's cultural heritage value and reasons for designation, can be found below.

This property has been identified as an organically evolved (continuing) cultural heritage landscape (CHL). A CHL is defined as a concentration of cultural heritage resources which, taken together, form a cohesive grouping with cultural heritage value. CHLs are complex cultural heritage resources with multiple elements which work together to form a whole. Organically evolved CHLs are those which have developed throughout time without a comprehensive plan of development or design and those within that category that are identified as continuing are still evolving and changing in the present day. This property has been identified as a CHL because it contains both the church and the cemetery which function together as a unit to give the property cultural heritage value. The identification of the property as a CHL does not impact the heritage protection afforded through the by-law, but rather provides an accurate definition of the type of cultural heritage resources located on the property, a broader

context for the landscape as a whole, and more nuanced protection through the eventual heritage designation by-law.

15 Balsam Lake Drive Statement of Significance

Design and Physical Value

15 Balsam Lake Drive contains a representative example of a late nineteenth century rural Gothic Revival church. Consistent with the adaptation of the style in North America, the church employs the key characteristics of a Gothic Revival church of this type, particularly as constructed by Anglican congregations, including lancet windows, a steeply pitched gable roof, and a chancel. The church was constructed in 1861 in Oakwood and later moved to this location. The property is also representative of an evolved continuing cemetery landscape. The property includes an active municipal cemetery as well as the church associated with it where burials have occurred since the end of the nineteenth century. Taken together, these elements form a representative example of a cemetery landscape in rural Ontario which includes both historic and ongoing burials.

Historical and Associative Value

The property has historical and associative value for its association with both the development of the Anglican Church in Bexley Township in the late nineteenth century and its relationship to businessman and railway magnate George Laidlaw. The church is one of two Anglican churches constructed in Bexley Township in the nineteenth century and speak to the demographics of the township during this period. The church and cemetery were constructed on lands directly adjacent to the Laidlaw Estate, purchased by George Laidlaw who made his fortune in grain trade and the railway before retiring to his estate on Balsam Lake. The church was attended by the Laidlaw family from its opening in 1885 and its directly associated with this prominent local family.

Contextual Value

15 Balsam Lake Drive has contextual value in its role as part of the wider historical landscape demonstrating the late nineteenth century development of Bexley Township, as well as part of the extant landscape of the former Laidlaw Estate. As one of the primary institutional properties in the local area, the church and cemetery maintain and support the historic character of the surrounding rural region which contains a range of historic residential, agricultural and commercial properties. Similarly, the property is related to the adjacent Laidlaw Estate, which contains a range of historic resources as

the institutional structure associated with it. It is also a local landmark as the former local Anglican church and cemetery and for its prominent position near the intersection of Portage Road and Balsam Lake Drive.

Provincial Policy Conformity

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for development and land use planning Ontario. The policy intends to balance the needs of growth and economic development with the need for ensuring a high quality of life, public safety and health, and the conservation of natural and cultural heritage resources. Section 2.6 (Cultural Heritage and Archaeology) requires municipalities to conserve significant built heritage resources and significant cultural heritage landscapes as part of the land use planning process, stating that “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

Significant built heritage resources, as defined by the PPS, are those which have been determined to have cultural heritage value or interest as established by the criteria under the Ontario Heritage Act. These criteria are outlined by Ontario Regulation 9/06. The subject property has been evaluated based on the criteria under Ontario Regulation 9/06 and has been found to fulfil those criteria and, therefore, is a significant heritage resource within the municipality which requires conservation through designation under Part IV of the Act.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe was prepared by the Ontario government in order to help guide the land use planning process and assist communities within the Greater Golden Horseshoe achieve a high quality of life, positive economic development, and protection for important local resources.

Section 4.2.7 (Cultural Heritage Resources) requires municipalities to conserve their cultural heritage resources as part of the land use planning process “in order to foster a sense of place and benefit communities”. The Growth Plan defines cultural heritage resources as “built heritage resources, cultural heritage landscapes, and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution that make to our understanding of the history of a place, event, or a people. While some cultural heritage resources may already be identified and

inventoried by official sources, the significance of others can only be determined after evaluation.”

The subject property has been determined to have cultural heritage value or interest through evaluation based on Ontario Regulation 9/06 and therefore requires conservation through designation under Part IV of the Act. This property has a high degree of historic significance with regard to the history of Bexley Township as a local Anglican Church and in its association with George Laidlaw and community benefit would be gained through its ongoing preservation.

City of Kawartha Lakes Official Plan (2012)

The City of Kawartha Lakes Official Plan was amended in 2017 to include strengthened cultural heritage policies. Official Plan Amendment 26 outlined those amendments.

Three of the heritage policies speak directly to the conservation of individual heritage properties:

- a) Cultural heritage resources of significant cultural heritage value or interest shall be identified, protected and conserved.
- e) The City shall use the tools available to it under the Municipal Act, the Planning Act, the Environmental Assessment Act, and the Ontario Heritage Act to conserve cultural heritage resources.
- f) Cultural heritage resources shall be maintained in situ and in a manner that prevents the deterioration and conserved the identified cultural heritage values or interest and/or identified heritage attributes of the cultural heritage resource.

The City’s policies require it to conserve cultural heritage resources and designation under Part IV of the Ontario Heritage Act is a tool for doing so. In this case, the subject property has been found to have cultural heritage value through evaluation and individual designation is the most appropriate method for ensuring its conservation.

Other Alternatives Considered:

There are no recommended alternatives. Amendments to the Ontario Heritage Act now require municipalities to review and designate their listed properties and the City is required to follow provincial direction.

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 protection of heritage resources in the municipality 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 costs associated with the provision of public notice and 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 there will be an appeal related to the designation of this property, as it is City-owned. There is the potential for third-party appeals of the designation to the Ontario Land Tribunal; however, appeals of this nature are rare and staff do not anticipate an appeal.

Consultations:

Municipal Heritage Committee
Director, Community Services
Cemetery Administrator

Attachments:

Appendix A – Heritage Evaluation Report: 15 Balsam Lake Drive



Adobe Acrobat
Document

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services