

The Corporation of the City of Kawartha Lakes

By-Law 2023-XXX

A By-law to Repeal and Replace By-law 2022-082 and By-law 2022-109, Designating 1590 Elm Tree Road, Geographic Township of Ops in the City of Kawartha Lakes

A By-law to repeal and replace By-law 2022-082 and By-law 2022-109 which designate 1590 Elm Tree Road in the Geographic Township of Ops 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 31 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may repeal a by-law passed under Section 29 of the Act designating a property within the boundaries of the municipality at Council's initiative.
2. A Notice of Intention to Repeal By-law 2022-082 and By-law 2022-109 designating 1590 Elm Tree Road, Geographic Township of Ops has been given in accordance with Section 31 of the Ontario Heritage Act.
3. No objection to the proposed repeal of the designating by-law has been served on the Clerk of the City.
4. 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.
5. A Notice of Intention to Designate 1590 Elm T described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
6. No objection to the proposed designation has been served on the Clerk of the City.
7. Council has consulted with its Municipal Heritage Committee.
8. 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 1590 Elm Tree Road, Geographic Township of Ops is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations to 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 thirty (30) days after the publication of the notice of intention to designate in a newspaper with general circulation in the municipality.

Section 5.00: Repeals

- 5.01 **Repeal:** By-law 2022-082 and By-law 2022-109 are repealed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2023.

—
Doug Elmslie, Mayor

—
Cathie Ritchie, City Clerk

Schedule A to By-law 2023-XXX

Being a By-law to repeal and replace By-law 2022-082 and By-law 2022-109, designating 1590 Elm Tree Road, Geographic Township of Ops in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

1590 Elm Tree Road, Geographic Township of Ops

Section 2: Location of Property

Located at the northeast corner of the intersection of Elm Tree Road and Highway 7.

Section 3: Legal Description and PIN

PT SW1/4 LT 22 CON 2 OPS; PT N1/4 LT 22 CON 2 OPS; SAVE AND EXCEPT PT 1 57R-10956; CITY OF KAWARTHA LAKES

PIN: 6320-20238

Section 4: Location of Heritage Features

The primary heritage feature of the property, the farmhouse, is located in the western portion of the property.

Section 5: Statement of Reasons for Designation

Design and Physical Value

1590 Elm Tree Road has design and physical value as an early and representative example of a Georgian style residence constructed in stone in Ops Township. Believed to have been constructed around 1840, the house demonstrates the key elements of the Georgian style including the three-bay symmetrical massing, centre hall plan, two storey construction, large sash windows, and lack of ornamentation. It also includes important historic interior elements including the ground floor layout, central staircase, and large fireplaces in both of the ground floor rooms. It is one of the oldest surviving Georgian homes in Ops Township.

Historical and Associative Value

1590 Elm Tree Road has historical and associative value in its association with the early settlement of Ops Township. The property yields information on the growth of the township in the first half of the nineteenth century and its settlement patterns. The property was first used as an inn beginning around 1840 and yields information on the need for accommodation along the Oakwood Road with traffic flowing to and from what would eventually become the town of Lindsay. It was converted to a farmhouse in 1848 and, in that role, yields information about the role of tenancy in rural Ontario in the nineteenth century as the property was rented out for significant period of time between the 1860s and 1880s, likely as a form of succession planning for the original farmer, Charles Naylor, and his sons.

Contextual Value

1590 Elm Tree Road has contextual value as part of the historic rural agricultural landscape of Ops Township. The property is located in a rural setting and maintains and supports its agricultural character. The property is historically linked to its surrounding as part of the rural agricultural landscape of the township which includes a number of other historic farmsteads in the immediate area of the subject property constructed in the nineteenth century. The property is also a local landmark as it is well known in the area and is located in a prominent location at the intersection of Elm Tree Road and Highway 7.

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 Value

The following attributes support the value of the house as an early and representative example of a stone Georgian style home.

- Two-storey stone construction
- Centre hall plan
- Symmetrical massing
- Gable roof including:
 - Return eaves
- Chimneys
- Fenestration including:
 - Sash windows
 - Lintels
 - Sills
- Central entrance including:
 - Sidelights
 - Transom
- Lower storey layout
- Lower storey fireplaces
 - Brick and stone construction materials
 - Wooden surrounds
- Pine flooring

Historical and Associative Value

The historical and associative attributes support the value of the property as an early inn and as a nineteenth century farmstead.

- Relationship to the early settlement of Ops Township
- Location at the intersection of Elm Tree Road and Highway 7

Contextual Value

The contextual attributes support the value of the property as a local landmark and as a contributing feature to the rural agricultural landscape of Ops Township.

- Location of the property in a rural, agricultural setting
- Views of the property from and along Elm Tree Road and Highway 7
- Views of the surrounding agricultural landscape from the property