



## Committee of the Whole Report

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<b>Report Number:</b>	<b>ED2023-018</b>
<b>Meeting Date:</b>	May 9, 2023
<b>Title:</b>	<b>Proposed Heritage Designation of 1011 Portage Road, Geographic Township of Eldon (Sir William Mackenzie Estate)</b>
<b>Description:</b>	Proposed designation of 1011 Portage Road (Sir William Mackenzie Estate Cultural Heritage Landscape) 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 ED2023-018, **Proposed Heritage Designation of 1011 Portage Road, Geographic Township of Eldon**, be received;

**That** the Municipal Heritage Committee's recommendation to designate 1011 Portage Road 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.

1011 Portage Road is the former Sir William Mackenzie Estate and is a large historic estate within the village of Kirkfield. The property is currently listed on the City's Heritage Register. 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.

1011 Portage Road has been prioritized for designation because it is a highly unique example of a late Victorian estate in Kawartha Lakes and has a high potential for redevelopment specifically because of the size of both the estate house and property as a whole. It also appears that the business operating out of the estate has recently closed, making the property's future uncertain. It also holds a substantial amount of cultural heritage value, both locally and nationally, as one of Kawartha Lakes' surviving nineteenth century estates and in its direct historical association with the railway builder Sir William Mackenzie. Mackenzie, who was born in Kirkfield, is a key figure in the City's history who has been recognized as a National Historic Person by the federal Historic Sites and Monuments Board of Canada due to his role in the development of the transcontinental railway; the property is also associated with that federal designation and a plaque has been placed by the Ontario Heritage Trust at the property recognizing Mackenzie's importance. Neither the federal designation nor the provincial plaque confer statutory protection on the property, as in Ontario, only municipal designations provide statutory heritage protection to properties that are not directly owned by the federal or provincial governments. 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. The property has been identified as a cultural heritage landscape as a comprehensive example of a late nineteenth century estate which a range of interrelated built and natural elements that are directly related to one another and to the Mackenzie family.

At its meeting of April 13, 2023, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2023-053**

**Moved By** I. McKechnie

**Seconded By** W. Peel

**That** Report KLMHC2023-028, **Proposed Heritage Designation of 1011 Portage Road, Geographic Township of Eldon**, be received;

**That** the designation of the property known municipally as 1011 Portage Road be endorsed; and

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

**Carried**

This report addresses that direction.

**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. 1011 Portage Road 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.

### **1011 Portage Road Statement of Significance**

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

1011 Portage Road has design and physical value as a representative example of a late nineteenth century estate in Kawartha Lakes. Developed for railway builder and Kirkfield native Sir William Mackenzie and his family, the property includes a large Queen Anne style house with distinctive bay and gable forms, that is representative of the employment of this style in larger homes of the period, as well as a range of landscape features constructed in the period after 1888. It is one of only a few extant late nineteenth century estate houses in Kawartha Lakes and, along with the prominent house, retains a wide array of extant landscape features on the property including the perimeter wall, the grove of Norway spruce and the former gatehouse building. Taken together, these elements form a cohesive cultural heritage landscape which demonstrate the stylistic considerations of a late nineteenth century country estate.

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

1011 Portage Road has historical and associative value for its direct historical associations with Sir William Mackenzie for whom the estate was originally constructed.

Mackenzie, who was born in Kirkfield, grew into one of the key players in the expansion of railways in Canada in the second half of the nineteenth century, including the development of the transcontinental railway. Despite his successes on the national stage, Mackenzie remained connected to Kirkfield and chose to build his country estate in the village in 1888. In 1976, Mackenzie was recognized as a person of national historic significance by the Historic Sites and Monuments Board of Canada. The plaque associated with this designation is located on the subject property, recognizing Mackenzie's connection to his country estate and hometown.

### **Contextual Value**

1011 Portage Road has contextual value as a local and regional landmark. Its role as the former Mackenzie Estate make it a recognized and well known location in both Kirkfield and the wider region. Further, the property is a contributing feature to the historic hamlet landscape of Kirkfield which includes a wide array of late nineteenth and twentieth century historic structures. The subject property supports and maintains the historic hamlet character of the area and also is historically linked to its surroundings, both as part of the wider redevelopment of Kirkfield in the late nineteenth century, but also through direct connections with a range of other businesses directly related to the Mackenzies.

## **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 architectural, historical and contextual significance in Kirkfield as the former Sir William Mackenzie Estate.

### **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 designation which are covered by the existing Heritage Planning budget.

It is possible that there will be any additional legal fees if there is an owner-initiated appeal to the Ontario Land Tribunal as the property is privately owned. There is also the potential for third-party appeals of the designation to the Ontario Land Tribunal; however, appeals of this nature are rare.

## **Consultations:**

Municipal Heritage Committee

## **Attachments:**

Appendix A – Heritage Evaluation Report: 1011 Portage Road



Adobe Acrobat  
Document

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