

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023-XXX**

### **A By-law to Designate 1011 Portage Road, Geographic Township of Eldon in the City of Kawartha Lakes**

A By-law to designate 1011 Portage Road in the Geographic Township of Eldon 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 1011 Portage Road, Geographic Township of Eldon described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. Any objection received has been received by Council.
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 2023-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** 1011 Portage Road, Geographic Township of Eldon 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, 2023.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2023-XXX**

Being a By-law to designate 1011 Portage Road, Geographic Township of Eldon in the City of Kawartha Lakes as being of cultural heritage value or interest.

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

1011 Portage Road, Geographic Township of Eldon

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

Located on the north side of Portage Road in the hamlet of Kirkfield.

### **Section 3: Legal Description**

LT 6 N/S NELSON ST AND W/S KING ST PL 106; LT B, 20 E/S WELLINGTON ST, 21 E/S WELLINGTON ST PL 106; WELLINGTON ST PL 106 CLOSED BY UNREGISTERED BYLAW NO. 1102; LT 7 N/S NELSON ST AND W/S KING ST PL 106; LT 5 N/S NELSON ST AND W/S KING ST PL 106; PT LT 6 W/S KING ST AND N/S NELSON ST PL 106; PT LT A PL 106; PT S PT LT 41-42 CON N PORTAGE RD ELDON PT 1, 57R1457;; CITY OF KAWARTHA LAKES

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

The primary heritage feature of the property is the historic estate house which is located on the south side of the property facing Portage Road. Landscape elements are also primarily located on the south side of the property.

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

#### **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 and the current home of the Sir William Mackenzie Inn 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.

### **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 property as a unique example of a Victorian estate in Kirkfield, and Kawartha Lakes more broadly, which forms a cohesive cultural heritage landscape. These include both the estate house and the landscape elements on the wider property.

### **Estate House**

- Two-and-a-half storey brick construction
- Gable roofs
- Irregular massing
- Symmetrical façade
- Two-and-a-half storey bay and gables
- Central entrance including:
  - Doors
  - Sidelights and transom
- Decorative bargeboard
- Brackets
- Stacked chimneys
- Dormers
- Shingled cladding
- Fenestration including
  - Sash windows
  - Raised window hoods with keystones
  - Lug sills
- Wrap around verandah including:

- Paired Columns
- Entablature
- Rusticated stone
- Stairs
- Railings
- Porches
- Internal relationship of built and natural elements including:
  - Views of the house from the grounds
  - Views within the grounds of natural and built elements
  - Orientation of built and natural elements in relation to one another

### **Landscape Elements**

- Brick retaining walls with capstones
- Brick pillars
- Iron fence
- Landscaped gardens
- Mature trees
- Lawns
- “Apostles’ Row” Norway spruce grove
- Benches and decorative elements
- Octagonal water tower including:
  - Flared roof
  - Multi-pane windows
  - Shingle cladding
- Log cabin ruins
- Outbuildings
- Classroom block/gatehouse including:

### **Historical and Associative Attributes**

The historical and associative attributes support the value of the property in its associations with Sir William Mackenzie.

- Relationship of the property to Sir William and Lady Margaret Mackenzie
- Ontario Heritage Trust plaque

### **Contextual Attributes**

The contextual attributes support the value of the property as a local and regional landmark, as well as a contributing feature to the character of the local hamlet.

- Location of the property along Portage Road
- Views of the property from Portage Road and surrounding historic properties
- View of Portage Road and surrounding rural properties from the subject property
- Location of the gatehouse and fencing along the sidewalk

- Relationship of the property to other Mackenzie-associated properties in Kirkfield