



## Committee of the Whole Report

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<b>Report Number:</b>	<b>ED2023-035</b>
<b>Meeting Date:</b>	September 12, 2023
<b>Title:</b>	<b>Proposed Heritage Designation of 4 May Street, Village of Fenelon Falls</b>
<b>Description:</b>	Proposed heritage designation of 4 May Street 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 ED2023-035, **Proposed Heritage Designation of 4 May Street, Village of Fenelon Falls (McArthur Livery Stable)**, be received;

**That** the Municipal Heritage Committee's recommendation to designate 4 May Street 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; 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.

4 May Street, also known as the McArthur Livery Stable and constructed in 1883, is a historic livery stable located in downtown Fenelon Falls. It is unique within Kawartha Lakes as an extant stone livery stable. 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.

4 May Street has been prioritized as a landmark commercial property that supports and contributes to the historic downtown streetscape of Fenelon Falls. It has a high degree of architectural and historical value in the village. This property was identified by the Municipal Heritage Committee as a priority property and was reviewed and evaluated as part of a larger examination of heritage properties in downtown Fenelon Falls as a whole. 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.

At its meeting of August 4, 2023, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2023-096**

**Moved By** I. McKechnie

**Seconded By** S. McCormack

**That** Report KLMHC2023-53, **Proposed Heritage Designation of 4 May Street, Village of Fenelon Falls**, be received;

**That** the designation of the properties known municipally as 4 May Street be endorsed; and

**That** the recommendation to designate the subject properties 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. 4 May Street 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.

#### **4 May Street Statement of Significance**

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

4 May Street has design and physical value as a unique example of a late nineteenth century livery stable in Fenelon Falls. Known as the McArthur Livery Stable, for its association with the adjacent McArthur House Hotel, the building was constructed in 1883 as a utilitarian structure to house horses, tack, and carriages for the use of both locals and visitors to the community. Architecturally, the building is plain in its execution, but is unique in the community for its use of stone as the primary construction material where the majority of livery stables were typically constructed with wood or brick. It also appears to have been the largest of the community's late nineteenth century stables.

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

4 May Street has historical and associative value as a late nineteenth century livery stable serving the community of Fenelon Falls. Livery stables were an integral aspect of the nineteenth century urban environment and the erection of the subject property, known as the McArthur Livery Stables, in the community in 1883 yields information regarding their important role in the history of transportation in Victorian communities.

Similarly, the property has direct historical associations with the late nineteenth century development of Fenelon Falls which reached the height of its nineteenth century prosperity in the 1870s and 1880s, around when this property was constructed. The property forms a key part of that development which was marked by increased commercial building stock and expansion of existing businesses in Fenelon Falls. It also has direct historical associations with local businessman and politician Joseph McArthur, its original owner, who was a prominent member of Fenelon Falls' late nineteenth century business community and is widely regarded as a major player in the development of the village during this time.

### **Contextual Value**

4 May Street has contextual value as a long-standing local landmark. Known locally as the McArthur Livery Stable, in recognition of its original use, the property is architecturally distinct and is located directly adjacent to Lock 34, making it a highly recognizable and locally significant structure. Similarly, it is historically and physically linked to its surroundings as part of a large wave of development in Fenelon Falls throughout the 1880s, which included the construction of the canal through the village and of the lock; the stone for the structure came from the construction of the canal. Similarly, it supports and maintains the historic small town character of downtown Fenelon Falls.

### **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 Fenelon Falls as a key contributing feature to the downtown streetscape 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 included in the 2023 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: 4 May Street



Adobe Acrobat  
Document

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