

The Corporation of the City of Kawartha Lakes

By-Law 2024-XXX

A By-law to Designate 38-40 Colborne Street, Village of Fenelon Falls in the City of Kawartha Lakes

A By-law to designate 38-40 Colborne Street in the Village of Fenelon Falls 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 38-40 Colborne Street, Village of Fenelon Falls described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
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 2024-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 38-40 Colborne Street, Village of Fenelon Falls 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 30th day of January, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A to By-law 2024-XXX

Being a By-law to designate 38-40 Colborne Street, Village of Fenelon Falls in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

38-40 Colborne Street, Village of Fenelon Falls

Section 2: Location of Property

Located on the east side of Colborne Street at the intersection of Francis Street East and Colborne Street.

Section 3: Legal Description

PT LT 1 E/S COLBORNE ST AND S/S FRANCIS ST PL 17 FENELON AS IN R366292 S/T R366292; KAWARTHA LAKES

Section 4: Location of Heritage Features

The primarily heritage feature of the property is commercial block constructed to the north and west lot lines of the property.

Section 5: Statement of Reasons for Designation

Design and Physical Value

38-40 Colborne Street has design and physical value as a representative example of Italianate commercial architecture in Fenelon Falls. The building, which served as a local hotel and was constructed in 1877 as a replacement for an older hotel building, demonstrates the key features of this architectural style which was the most popular architecture style for commercial construction in Ontario in the second half of the nineteenth century. It is representative of the execution of this style in Fenelon Falls between about 1870 and 1890 when it was at its height of popularity and the commercial core of the village was developing rapidly from its pioneer beginnings to an established Victorian community.

Historical and Associative Value

38-40 Colborne Street, also known as the Mansion House Hotel, has historical and associative value as a former hotel and tavern serving the community in Fenelon Falls during its peak of nineteenth century prosperity. Near the end of the nineteenth century, the community underwent a period of rapidly increasing prosperity that attracted new businesses, residents and investment into the community. This property is a subject of that period of prosperity and yields information regarding Fenelon Falls' economic growth near the end of the nineteenth century, specifically with regard to the need for hotel accommodations and the growing hospitality sector in the community with its burgeoning tourist economy. Similarly, the property also has direct associations with prominent local businessman and landowner, Jeremiah Twomey, the original owner of the building. Twomey was an early resident of Fenelon Falls and, throughout the second half of the century, grew into a prominent local citizen, landowner and businessman through his various ventures in the community.

Contextual Value

38-40 Colborne Street has contextual value as a contributing feature to the historic commercial streetscape of downtown Fenelon Falls. The property, which is historically, visually and historically linked to its surroundings as part of the continuous commercial streetwall along the east side of Colborne Street, maintains and supports the historic commercial character of the village's downtown area which is characterized by its collection of Italianate commercial architecture dating primarily from the 1870s and 1880s. The downtown area includes a variety of late nineteenth century Italianate property executed in a similar style, size and massing to the subject property which, taken together, form a cohesive downtown landscape of which 38-40 Colborne Street is a contributing feature.

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 representative example of late nineteenth century Italianate commercial architecture.

- Two storey brick construction
- Brick side elevation
- Flat roof
- Ground floor commercial space
- Pilasters
- Fenestration including:
 - Rounded two-over-two sash windows
- Decorative brickwork including:
 - Window hoods with key stones and drip moulds
 - Coursing and cornice with drip moulding
 - Dog tooth coursing

Historical and Associative Attributes

The historical and associative attributes support the value of the property in its association with the late nineteenth century development of Fenelon Falls and in its role as the Mansion House Hotel.

- Association with the late nineteenth century of Fenelon Falls
- Association with Jeremiah Twomey
- Continuous use as a hospitality establishment

Contextual Attributes

The contextual attributes support the value of the property as a contributing feature to the historic downtown commercial streetscape of Colborne Street.

- Orientation towards Colborne Street
- Location at the intersection of Colborne and Francis Street
- Construction to the lot line on the front and side elevations
- Continuous streetwall along Colborne Street
- Views of the property down Colborne Street and Francis Street
- Views of Colborne Street and Francis Street from the property