

# The Corporation of the City of Kawartha Lakes

## By-Law 2024-XXX

### A By-law to Designate 4 May Street, Village of Fenelon Falls in the City of Kawartha Lakes

A By-law to designate 4 May 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 4 May 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** 4 May 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 30<sup>th</sup> day of January, 2024.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2024-XXX**

Being a By-law to designate 4 May Street, Village of Fenelon Falls in the City of Kawartha Lakes as being of cultural heritage value or interest.

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

4 May Street, Village of Fenelon Falls

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

Located on the east side of May Street at the intersection of May Street and Water Street.

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

PT LT 2-3 PL 51; PT LT 4 W/S COLBORNE ST, 5 W/S COLBORNE ST PL 17  
FENELON PT 1 57R8290, T/W R378796, R411859

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

The primary heritage feature of the property is the nineteenth century livery stable which is located on the south side of the property fronting onto May Street.

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

#### **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 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.

## **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 of the property support its value as a unique example of a late nineteenth century livery stable in Fenelon Falls.

- One-and-a-half storey rubble limestone construction
- Rectangular plan
- Gable roof
- Fenestration
- Oversized stable doorway
- Hay door including radiating voussoir

### **Historical and Associative Attributes**

The historical and associative attributes of the property support its value in providing information regarding the development of Fenelon Falls in the 1880s, the role of livery stables in nineteenth century life, and local businessman Joseph McArthur.

- Historic use as a livery stable
- Location adjacent to the former McArthur House Hotel and McArthur Block
- Historical association with Joseph McArthur

### **Contextual Attributes**

The contextual attributes of the property support its value as a local landmark and its relationship to Lock 34 as well as in its role as a contributing feature to the historic commercial landscape of downtown Fenelon Falls.

- Location at the intersection of May Street and Water Streets
- Location along the north side of the Trent Severn Waterway
- Proximity to Lock 34
- Views of the property from Oak Street, Water Street, May Street, Lock 34, the Trent Severn Waterway and the Colborne Street bridge
- View from the property to the surrounding commercial landscape, Water Street, Oak Street and the Trent Severn Waterway, including Lock 34