



Municipal Heritage Committee Report

Report Number: KLMHC2024-010

Meeting Date: February 1, 2024

Title: **Repeal and Replacement of By-law 2003-038 - 1 King Street East, Village of Omemee (Coronation Hall)**

Description: Repeal and replacement of the heritage designation by-law for 1 King Street West

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report KLMHC2024-010, **Repeal and Replacement of By-law 2003-038 – 1 King Street East, Village of Omemee (Coronation Hall)**, be received;

That the repeal and replacement of By-law 2003-038 be endorsed; and

That this recommendation be forwarded to Council for approval.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

1 King Street West in Omemee is designated by By-law 2003-038 under Part IV of the Ontario Heritage Act. This by-law is attached as Appendix A. The property contains Coronation Hall, which was constructed in 1911 as a municipal hall and performance space for the former Village of Omemee. The building is a rare example of a public building constructed in the Prairie style and has important historical associations with Omemee-born Flora McCrae, Lady Eaton, who commissioned and donated the building to the village. The property is owned by the City of Kawartha Lakes and contains the Omemee Municipal Service Centre as well as the original performance space.

The designation of this property was undertaken prior to the 2005 amendments to the Ontario Heritage Act and the establishment of the criteria for individual property designation under Ontario Regulation 9/06. Addition regulation in 2021 established mandatory content requirements for designation by-laws to ensure consistency across Ontario municipalities. These requirements are established in Ontario Regulation 385/21. As has been done with other properties whose by-laws are not in alignment with the current requirements for designation by-laws under the Act, staff have reviewed By-law 2003-038 and determined that replacement of the by-law with a new by-law is an appropriate course of action to ensure its long-term preservation and assist with transparency in the decision-making process regarding this property. This report addresses the proposed new by-law for the property.

Rationale:

Staff began a process of reviewing and updating heritage designation by-laws in 2018. At the time, a significant number of heritage designation by-laws were not in alignment with the requirements for designation by-laws under the Act and did not demonstrate how the property fulfilled the criteria for designation under Ontario Regulation 9/06. These by-laws have been gradually updated to reflect current legislation and heritage best practices. Most properties that are owned by private individuals, organizations and businesses have been reviewed and amended where required. Staff are currently reviewing designation by-laws for City-owned properties for those that may require updates.

The designation by-law for Coronation Hall is more comprehensive than many by-laws from the time in which it was written in that it contains a detailed overview of the significance of the property, which many by-laws of its age do not. However, the by-law

is lacking a list of heritage attributes of the property. Current regulations require that by-laws identify a list of heritage attributes for the property so that, when decisions are made regarding alterations to the property, there is a clear understanding of which attributes of the building are significant and contribute to its cultural heritage value. As a result, staff have determined that the by-law requires an update to address a number of issues outlined below:

- **Alignment with current legislative requirements:** The by-law does not align with current legislative requirements and is missing several pieces of information that are required under Ontario Regulation 385/21, including a list of heritage attributes for the property and a current legal description. The statement of significance also does not adequately address how the property fulfils the criteria for designation under Ontario Regulation 9/06.
- **Future asset management:** The property is owned by the City and managed by the Building and Property Division. Although there are no major renovations contemplated on the building at this time, a clearer by-law would assist with future decision-making regarding required changes and maintenance to the property by outlining what attributes of the property are important in maintaining its cultural heritage value.
- **Artifact accessioning and collections management:** Coronation Hall contains a large number of artifacts belonging to the City, some of which were formerly part of the building but are no longer attached to it, such as the folding theatre seating from the main floor of the building. Updating the by-law helps to establish what items in the building fall under the purview of the City's Heritage Planning program and what items are managed by the City's Curatorial Services program. Although the Heritage Planning and Curatorial Services programs work closely together, the formal identification of what aspects of the building are managed through the designation by-law allows for more transparent management of the City's historic assets as well as the formal documentation and accessioning of artifacts into the City's collection.

To update a designation by-law, Council may either amend a by-law or repeal and replace it. Although amending a designation by-law is a less involved process, staff felt that the repeal and replacement of By-law 2003-038 was a more appropriate course of action. The original designating by-law is not structured in the same fashion as current designation by-laws passed by Council with two separate schedules that outline the legal description of the property and statement of significance. The original by-law also

does not contain any enforcement provisions which are now standard parts of designation by-laws in Kawartha Lakes. Furthermore, the original by-law contains a number of outdated definitions such as for the former LACAC, now the Municipal Heritage Committee, and the Ontario Heritage Foundation, now the Ontario Heritage Trust. Given the number of changes required, staff felt that a new, clean by-law was the most appropriate course of action.

The repeal of a designating by-law at Council's initiative is outlined under Section 31 of the Act. Should Council agree to this course of action, a notice of repeal of by-law will be issued. At the same time, a notice of intention to designate, with a new and revised by-law, will also be issued under Section 29 of the Act, which outlines the processes for designating a property. These are separate legal processes, but can be performed simultaneously, as is being proposed. As the by-laws will be repealed and replaced at the same time, there will be no lapse in heritage protection of the property.

It should be noted that because a new by-law is being passed, as opposed to simply an amendment taking place, the property must fulfil the new requirements for designation under Ontario Regulation 9/06 as amended by Bill 23, the More Homes Built Faster Act (2022). These amendments came into force on January 1, 2023. Under the amendments, a property must now fulfil two of the nine criteria outlined under Ontario Regulation 9/06 as opposed to one. 1 King Street West fulfils multiple criteria under the Regulation and is still eligible for designation. A heritage evaluation matrix has been prepared for the property identifying which criteria it fulfils and how. The matrix is attached as Appendix B of this report.

Under both Section 31 and 29 of the Act, notice is required to be provided to the owner of the property regarding the City's intent to repeal the original designating by-law and pass a new one, although, in this case, the City is the property owner. Notices regarding the designation of City-owned properties are circulated to the CAO and Director of Community Services. A public notice is also required. The Act provides for objections to be made to this process, either by the property owner or any member of the public, but staff do not anticipate this occurring as third-party objections are rare. The objection period is 30 days from the date of the publication of the public notice after which time the new by-law will be brought forward to Council for ratification.

A draft of the new by-law is attached to this report as Appendix C. In relation to the older by-law, it provides additional details regarding the cultural heritage value of the property and its heritage attributes. It also contains an enforcement provision and

updated definitions, which are now standard in all City designation by-laws. The draft by-law has been reviewed by the Economic Development Officer – Curatorial Services and the Director of Community Services.

Other Alternatives Considered:

There are no recommended alternatives.

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 covered by the existing Heritage Planning budget.

Consultations:

Director, Community Services
Supervisor, Facility Management Operations
Economic Development Officer – Curatorial Services

Attachments:

Appendix A – By-law 2003-083



Adobe Acrobat
Document

Appendix B – Heritage Evaluation Matrix: 1 King Street West



Adobe Acrobat
Document

Appendix C – Draft By-law



2024-XXX Designate
1 King Street West.do

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services