



Committee of the Whole Report

Report Number: ED2024-008
Meeting Date: March 5, 2024
Title: **Proposed Heritage Designation of 11 Victoria Avenue North, Town of Lindsay (Sylvester House)**
Description: Proposed heritage designation of 11 Victoria Avenue North under Part IV of the Ontario Heritage Act
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2024-008, **Proposed Heritage Designation of 11 Victoria Avenue North, Town of Lindsay (Sylvester House)**, be received;

That the Municipal Heritage Committee’s recommendation to designate 11 Victoria Avenue North 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 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.

11 Victoria Avenue North, also known as the Sylvester House, was constructed in the late 1880s and is an important example of late Victorian Gothic Revival architecture in Lindsay. It has historic connections with Lindsay businessman Richard Sylvester, an important member of the community in the late nineteenth and early twentieth century, and his company, the Sylvester Manufacturing Company, a major Lindsay employer and manufacturer of agricultural and railway equipment. 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.

11 Victoria Avenue North has been prioritized as a landmark residential building in Lindsay with the potential for future development pressures due to the large size of the lot and its location in close proximity to downtown Lindsay. It has a high degree of architectural and historical value in Lindsay. The house on the property was originally constructed as a single family home, but has since been converted into a multi-residential building. The designation of this property would provide controls for future development on the subject property itself as well as on adjacent properties and give Council and staff additional tools to ensure compatibility with the existing historic residential fabric of this area of Lindsay when reviewing and approving new development. This property was identified by the Municipal Heritage Committee and staff as a priority property. 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 February 1, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

KLMHC2024-017

Moved By W. Bateman

Seconded By I. McKechnie

That Report KLMHC2024-012, **Proposed Heritage Designation of 11 Victoria Avenue North, Town of Lindsay (Sylvester House)**, be received;

That the designation of the properties known municipally as 11 Victoria Avenue North be endorsed; and

That the recommendation to designate the subject property 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. 11 Victoria Avenue North 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.

11 Victoria Avenue North Statement of Significance

Design and Physical Value

11 Victoria Avenue North has design and physical value as a unique example of a late Victoria residential property in Lindsay erected in the High Victorian Gothic style. Constructed in the late 1880s, the property is one of the largest and most ornate surviving examples of this type of domestic architecture in Lindsay. The property is demonstrative of the ornate and eclectic High Victorian architectural style that was regularly employed in domestic design in the latter decades of the nineteenth century that drew on the Gothic Revival style to create ornate and decorative buildings. The subject property includes a range of eclectic architectural elements, including the asymmetrical massing, brick coursing, pointed arches, ornate entrance porch, and

distinctive corner tower with gable peaks, that speak to its origins within this stylistic type.

Historical and Associative Value

11 Victoria Avenue North has historical and associative value through its direct historical connections with Richard Sylvester, its first owner and an extremely influential and successful businessman in late nineteenth and early twentieth century Lindsay. Sylvester, who lived in the property with his family from the late 1880s when it was constructed to his death in 1919, was the founder and owner of the Sylvester Manufacturing Company, a large Lindsay employer that developed and made farm machinery and, later, railway equipment. They were early manufacturers of important turn of the century agricultural equipment, including twine binders, seed drills, and cultivators. Sylvester is also notable as the creator of the Sylvester Auto-Thresher, an early self-propelled precursor to the modern combine.

Contextual Value

11 Victoria Avenue North has contextual value as a contributing feature to the historic residential neighbourhood to the north of Kent Street West. The area in which the subject property is located contains a wide variety of late nineteenth and early twentieth century residential properties, beginning at Peel Street and continuing north. These properties are representative of the historic development of Lindsay during this period and together form a cohesive historic residential landscape. The property is also directly connected to its neighbour to the south, Victoria Park and the Lindsay Armoury, which were originally connected to this property. The property is a local landmark as one of Lindsay's most recognizable late nineteenth century mansions and for its prominent location adjacent to Victoria Park.

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 they 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 architectural and historical significance in Lindsay 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 deterioration and conserves 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 an 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 2024 Heritage Planning budget.

It is possible that there will be 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.

Statutory notices to owners under the Ontario Heritage Act are issued once Council has issued a resolution to issue a Notice of Intention to Designate under subsection 29(3) of the Act. The issuance of a Notice of Intention to Designate triggers the formal consultation process with the property owner(s) and the general public.

Attachments:

Appendix A – Heritage Evaluation Report: 11 Victoria Avenue North



Adobe Acrobat
Document

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