



## Council Report

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**Report Number:** ED2024-025

**Meeting Date:** June 25, 2024

**Title:** **Proposed Heritage Designation of 1884 Pigeon Lake Road, Geographic Township of Emily (Gamiing Nature Centre)**

**Description:** Proposed heritage designation of 1884 Pigeon Lake Road under Part IV of the Ontario Heritage Act

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

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### Recommendations:

**That** Report ED2024-025, **Proposed Heritage Designation of 1884 Pigeon Lake Road, Geographic Township of Emily (Gamiing Nature Centre)**, be received;

**That** the Municipal Heritage Committee’s recommendation to designate 1884 Pigeon Lake Road under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed; and

**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 Notices of Intention to Designate, initiating formal consultation with stakeholders, including the owner(s), and preparation of the designating by-law.

**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.

1884 Pigeon Lake Road is a rural agricultural property in Emily Township that is now home to Gamiing Nature Centre. The property contains an early twentieth century farmhouse and barn, alongside natural elements including open fields, rewilded woodland, and wetland along Pigeon Lake, and is an important example of a rural cultural heritage landscape in Kawartha Lakes. The property has significant historical association with the Irish Catholic settlement of northern Emily Township through its pattern of occupation throughout the nineteenth and early twentieth century. The initial non-Indigenous inhabitants of this property came to Canada as part of the Peter Robinson settlement scheme in 1825, a pivotal event in the history of eastern Kawartha Lakes and western Peterborough County that will reach its 200<sup>th</sup> anniversary in 2025, and the property yields important information about this key event in local history. Gamiing Nature Centre will also celebrate its 25<sup>th</sup> anniversary in 2024.

The designation of this property was requested by the owner who reached out to staff in February 2024. Staff undertook a site visit to the property and met with the owner in March 2024 and subsequently have prepared a heritage evaluation report for the property. Through the heritage evaluation report, staff have determined that the property is eligible for designation under Part IV of the Act.

At its meeting of June 6, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2024-055**

**Moved By** A. Adare

**Seconded By** W. Bateman

**That** Report KLMHC2024-031, **Proposed Heritage Designation of 1884 Pigeon Lake Road, Geographic Township of Emily**, be received;

**That** the designation of the property known municipally as 1884 Pigeon Lake Road 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. 1884 Pigeon Lake Road 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.

### **1884 Pigeon Lake Road Statement of Significance**

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

1884 Pigeon Lake Road has design and physical value as a representative example of a nineteenth century rural farm in Emily Township and as evolved cultural heritage landscape. First settled by non-Indigenous settlers in 1825, the property typifies the 100 acre parcels granted to settlers in the township throughout the first half of the nineteenth century, retaining its lot layout from the time of its land grant. Although it was extensively reforested in the late twentieth century, the property retains key features of a historic farmstead, including cleared property, an early twentieth century farmhouse, and historic barn. The house is an important example of a concrete block Edwardian Classical house in Emily Township, while the barn demonstrates the evolution of agricultural structures by the turn of the twentieth century.

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

1884 Pigeon Land Road has historic and associative value through its pattern of settlement throughout the nineteenth and early twentieth century. First settled by non-Indigenous settlers in 1825, it was originally occupied by John Collins, who arrived in Emily Township as part of the Peter Robinson settlement scheme and subsequently by other Irish Catholic settlers and families who arrived in Emily Township throughout the nineteenth century and occupied the property into the twentieth century. Through this pattern of settlement, the property yields information regarding Irish Catholic

settlement in northern Emily Township throughout the nineteenth century, its impact on the landscape and the demographics of the community.

### **Contextual Value**

1884 Pigeon Lake Road has contextual value as a contributing feature to the historic, rural agricultural landscape of Emily Township. The property, which was first settled by non-Indigenous people in 1825, is located in Emily Township's rural area which is characterized by farmland, forest, wetlands and historic agricultural buildings and itself supports these land uses across approximately 100 acres of property. In general, the historic survey patterns in this area have been retained, as have a variety of built and natural features that reinforce the area's rural character. Although the subject property has been extensively replanted since it was originally cleared for agricultural purposes, the continued existence of its historic residential and agricultural structures, as well as cleared areas support its continuing value as a former agricultural property and a supporting feature in the wider landscape.

### **Consultation with Property Owners**

The Ontario Heritage Act requires the City to notify and consult with the owner of any property being proposed for designation prior to the passage of a designating by-law. Formal consultation is initiated with the issuance of a notice of intention to designate by Council resolution. Property owners are sent a letter and an information package advising them of the proposal to designate their property, encouraging them to engage with the designation process and informing them that they are able to object to the designation if they so choose. Different owners choose to have different levels of engagement with the process, but all owners of properties proposed for designation are notified in accordance with the processes outlined in the Act. Staff shall not issue a notice of intention to designate and initiate the formal consultation process without direction from Council. The formal consultation process also includes the issuance of a public notice and invitation for the general public to comment on and object to the proposed designation. Should an objection be received from the property owner or a member of the public, the objection will be presented to Council under the cover of a staff report for consideration. If an objection is not received, a by-law to designate the property will be brought forward at the next Council meeting following the conclusion of the objection period.

In this case, the owner of the property is both aware of and has been extensively involved in the process of designation prior to the presentation of this report to Council

because the designation was owner-initiated. However, discussions with owner prior to the issuance of a notice of intention to designate, as have occurred with this property, are not considered formal consultation under the Ontario Heritage Act and the statutory process outlined under subsection 29(3) of the Act will still need to take place prior to a by-law being passed.

## **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 is well-known locally, with a high degree of historical significance in rural Emily Township 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.

### **Kawartha Lakes Cultural Heritage Landscapes Strategy**

Council adopted a new Cultural Heritage Landscape Strategy in November 2023. The strategy outlines how, why and by what legislative and policy mechanisms the City will identify, evaluate and protect cultural heritage landscapes throughout Kawartha Lakes. 1884 Pigeon Lake Road was identified during its evaluation as an evolved cultural heritage landscape (CHL) and, as such, falls under the scope of this strategy.

The designation of the property fulfils several of the goals identified in the CHL Strategy regarding the broader protection of CHLs across Kawartha Lakes. Specifically, it supports the following goals:

- Ensure that important urban, hamlet and rural landscapes are identified, evaluated and preserved
- Promote and support the unique sense of place of Kawartha Lakes communities through the identification and protection of CHLs
- Support and promote historic and ongoing traditions and ways of life in Kawartha Lakes such as farming and nature based tourism through the protection of CHLs across the City of Kawartha Lakes

The CHL at 1884 Pigeon Lake Road is confined within the boundaries of the property and, as such, designation under Part IV of the Ontario Heritage Act was deemed the most appropriate method of conservation. The heritage attributes of the property identified in the heritage evaluation report recognize the complex nature of the site and the interrelationship of its individual elements that support its holistic cultural heritage value as a CHL.

### **Other Alternatives Considered:**

There are no recommended alternatives. The designation of this property was requested by the owner and, historically, the City has proceeded with designations that are requested by property owners, unless the property does not fulfil the criteria for designation under Ontario Regulation 9/06. The designation of this property also coincides with the upcoming 200<sup>th</sup> anniversary of the Peter Robinson settlement scheme which will take place in 2025 and supports broader efforts currently in preparation to commemorate this event through its association with the Robinson settlers in Emily Township.

### **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

The designation of property under the Ontario Heritage Act is a core function of the heritage planning program offered as part of the City's economic development and



business development programming which has been identified as one of the priority area's action items.

### **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 third-party appeal to the Ontario Land Tribunal; however, appeals of this nature are rare. As this designation was requested by the property owner, staff do not anticipate an appeal from the property owner.

### **Consultations:**

Property Owner.  
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. However, the property owner has already been involved informally in this designation because it is owner-requested.

### **Attachments:**

Appendix A – Heritage Evaluation Report: 1884 Pigeon Lake Road



Adobe Acrobat  
Document

**Department Head email:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)

**Department Head:** Leah Barrie, Director of Development Services