

## Council Report

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<b>Report Number:</b>	<b>ED2024-026</b>
<b>Meeting Date:</b>	June 25, 2024
<b>Title:</b>	<b>Proposed Heritage Designation of 19-21 King Street East, Village of Omemee (Mulligan’s Drug Store)</b>
<b>Description:</b>	Proposed heritage designation of 19-21 King Street East under Part IV of the Ontario Heritage Act
<b>Author and Title:</b>	Emily Turner, Economic Development Officer – Heritage Planning

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### Recommendations:

**That** Report ED2024-026, **Proposed Heritage Designation of 19-21 King Street East (Mulligan’s Drug Store)**, be received;

**That** the Municipal Heritage Committee’s recommendation to designate 19-21 King Street East 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-laws.

**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.

19-21 King Street East, also known as Mulligan's Drug Store, was constructed around 1891 and is an important example of Italianate commercial architecture in downtown Omemee. 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) required municipalities to designate listed properties or remove them from the Register within two years of the amendments coming into effect. This timeline has now been extended to four years through Bill 200, the Homeowner Protection Act, which came into effect on June 6, 2024; a report will be coming forward at a future Council meeting outlining this change in more detail. 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.

19-21 King Street East has been prioritized as an important historic commercial block in Omemee. It has a high degree of architectural and historical value in Omemee and is a key building block of the village's historic downtown core. 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 fabric of the historic centre of Omemee 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 June 6, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2024-057**

**Moved By** I. McKechnie

**Seconded By** S. Sims

**That** Report KLMHC2024-035, **Proposed Heritage Designation of 19-21 King Street East, Village of Omeme**, be received;

**That** the designation of the property known municipally as 19-21 King Street East 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. 19-21 King Street East 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.

### **19-21 King Street East Statement of Significance**

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

19-21 King Street has design and physical value as a representative example of an Italianate commercial building in Omemee and one of the oldest extant commercial buildings in the village. Constructed after 1891, it displays typical characteristics of the Italianate commercial style which was the most popular style for downtown commercial architecture in the second half of the nineteenth century, including two-storey brick construction with a flat roof; an ornate cornice with decorative brickwork; and a retained Victorian storefront.

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

19-21 King Street East has historical and associative value as a long-standing pharmacy in Omemee, particularly as R.J. Mulligan's pharmacy and in its association with Mulligan, a prominent local businessman, politician and lay leader in the Methodist Church. Through its long-standing use, it yields information regarding the development of medical services in Omemee and the development of pharmacies in turn of the century communities. Constructed around 1891, it yields information regarding the

reconstruction of Omemee after a series of fires in the early 1890s and the development of its businesses in the late nineteenth century. It has direct historical relationships with the history of commercial and economic development in Omemee as a well-known local business premise.

### **Contextual Value**

19-21 King Street East has contextual value as part of the historic streetscape of downtown Omemee. It helps maintain and support the character of the commercial core of downtown Omemee as one of a range of nineteenth century commercial buildings extant along King Street East. It is one of a collection of late nineteenth century commercial buildings dating from the 1890s along the street and forms part of the historic street wall along the north side of King Street. It is physically, visually and historically linked to its surroundings as part of the village's downtown streetscape.

### **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.

### **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 downtown Omemee 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

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. Further, the designation of commercial properties in downtown areas advances the action item to support downtown revitalization, intensification and

beautification by providing recognition and protection to historic commercial properties that contribute to the unique character of Kawartha Lakes' downtowns.

### **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:**

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.

### **Attachments:**

Appendix A – Heritage Evaluation Report: 19-21 King Street East



Adobe Acrobat  
Document

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