

## Council Report

---

<b>Report Number:</b>	<b>ED2024-033</b>
<b>Meeting Date:</b>	July 23, 2024
<b>Title:</b>	<b>Proposed Heritage Designation of 3740 Highway 7, Geographic Township of Emily (Woodlawn/Seven Gables)</b>
<b>Description:</b>	Proposed heritage designation of 3740 Highway 7 under Part IV of the Ontario Heritage Act
<b>Author and Title:</b>	Emily Turner, Economic Development Officer – Heritage Planning

---

### Recommendations:

**That** Report ED2024-033, **Proposed Heritage Designation of 3740 Highway 7, Geographic Township of Emily (Woodlawn/Seven Gables)**, be received;

**That** the Municipal Heritage Committee's recommendation to designate 3740 Highway 7 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 property 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.

3740 Highway 7, also known locally as Woodlawn or Seven Gables, is a Gothic Revival house in Emily Township constructed in 1865 as a residence for William Cottingham who is widely regarded as the founder of 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) 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. Recent amendments to the Act have extended the deadline to designate properties by an additional two years to January 1, 2027.

In March 2023, staff brought forward a report to Council to outline how to prioritize properties for designation, given the size of the City's Register and the limited staff resources to review the Register and designate the listed properties on it. Staff recommended the prioritization of the City's commercial and institutional properties, major landmarks and properties that were under threat of redevelopment or demolition. This did not include the majority of residential properties in the City and it was understood that the heritage protection on these properties would be allowed to lapse. Staff sent correspondence to all residential listed property owners to inform them of these changes and that their property would cease to have protection as of January 1, 2025, although this date has now been extended.

The owner of 3740 Highway 7 contacted staff in May 2024 to request that the property be designated under Part IV of the Act. Staff undertook a site visit to the property, met with the owner and 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. The property has an extremely high level of cultural heritage value in both Omemee and rural Emily Township through both

its architecture and its association with two major figures in the history of the area, William Cottingham and Arthur McQuade.

At its meeting of July 4, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2024-067**

**Moved By** J. Pitcher

**Seconded By** A. Adare

**That** Report KLMHC2024-045, **Proposed Heritage Designation of 3740 Highway 7, Geographic Township of Emily**, be received;

**That** the designation of the property known municipally as 3740 Highway 7 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. 3740 Highway 7 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.

## **3740 Highway 7 Statement of Significance**

### **Design and Physical Value**

3740 Highway 7 has design and physical value as representative example of Victorian rural residential architecture in Emily Township, that is also unique due to its size and ornateness. Built in the pervasive Gothic Revival style, the house, constructed in about 1865, demonstrates key features of Victorian rural domestic architecture in the middle decades of the nineteenth century. It includes features that were popular around this time including decorative bargeboard, steeply pitched gables and a projecting front entrance bay with a central door including a transom and sidelights. It is a particularly large example of this domestic architectural type in the township and includes decorative elements, including its surviving gingerbread, that demonstrate the high degree of craftsmanship in the building.

**Historical and Associative Value**

3740 Highway 7 has historical and associative value through its association with two prominent political figures in nineteenth century Emily Township and Omemee: William Cottingham and Arthur McQuade. Cottingham, one of Emily Township's early settlers and the first owner of the house, was one of the major landholders in the township and served as the Reeve of Emily, the first Reeve of Omemee after its incorporation, and Warden of the United Counties of Peterborough and Victoria. Cottingham is widely regarded as the founder of Omemee. McQuade, the second owner of the house, also served in local politics and as the Conservative Member of Parliament for Victoria South between 1874 and 1882. Through these two figures, who dominated the political landscape of the area in the second half of the nineteenth century, the property yields information regarding the political culture of Emily Township, the Village of Omemee and southern Victoria County more broadly during this period.

**Contextual Value**

3740 Highway 7 has contextual value as part of the historic rural landscape of Emily Township just outside of Omemee. The property is located in an area containing a wide array of historic residential properties dating from a similar period that reflect the rural agricultural character of the township. It is historically and visually linked to its surroundings as part of the historic nineteenth century development of both Emily Township and Omemee. It is also specifically historically linked to the adjacent village of Omemee through its original occupants. It is widely considered a landmark locally, for its distinct architecture, prominent position along Highway 7 at the western gateway to Omemee, and its association with prominent local figures in the community.

**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 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 may 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 owners 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 architectural and historical significance in both Omemee and 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.

## **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 property is currently listed on the City's Heritage Register and has an extremely high degree of cultural heritage value. Staff's position regarding listed residential properties is that, should an owner request that the property be designated so that its heritage protection does not lapse, the designation should proceed (unless there is a strong and specific reason not to do so) in order to support property owners with an interest in protecting their properties.

## **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 a 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 provided once Council has passed 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: 3740 Highway 7



Adobe Acrobat  
Document

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

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