



Committee of the Whole Report

Report Number: ED2024-015
Meeting Date: September 10, 2024
Title: **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**
Description: Proposed heritage designation of 49 King Street East under Part IV of the Ontario Heritage Act
Author and Title: Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2024-015, **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**, be received;

That the Municipal Heritage Committee’s recommendation to designate 49 King Street East 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 Notices of Intention to Designate, initiating formal consultation with stakeholders, including the property owner(s), and preparation of the designating by-laws; and

That this recommendation be brought forward to Council for approval 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.

49 King Street East was constructed in 1873 and is a unique example of a two-storey Victorian schoolhouse in both Bobcaygeon and Kawartha Lakes. It provides important information regarding the history of education in Bobcaygeon and is a local landmark. 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 their 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.

49 King Street East has been prioritized as a landmark institutional building in Bobcaygeon. It has a high degree of architectural and historical value in Bobcaygeon as its former schoolhouse. 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 Bobcaygeon 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 March 7, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

KLMHC2024-029

Moved By A. Adare

Seconded By J. Hartman

That Report KLMHC2024-017, **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**, be received;

That the designation of the properties known municipally as 49 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.

This report first came forward to Council at its April 9 Committee of the Whole meeting where a delegation was received from the property owner. At its meeting of April 30, 2024, Council passed the following resolution:

CR2024-203

Moved By: Councillor Warren
Seconded By: Councillor Perry

That Report ED2024-015, **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**, be received; and

That the proposed heritage designation be referred back to Staff for consultation with the property owner and report back to Council by the end of Q3, 2024.

Carried

Staff have since reached out to the property owner to discuss the proposed designation and the property owner has indicated that they are satisfied with the information provided by staff. As with all designations, the discussions between staff and the property owner do not constitute the statutory consultation required under the Act. Council must issue a Notice of Intention to Designate to initiate formal consultation with the property owner and the general public.

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. 49 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.

49 King Street East Statement of Significance

Design and Physical Value

49 King Street East, also known as the Bobcaygeon School, has design and physical value as a representative, but rare, example of a two-storey Victorian schoolhouse in Kawartha Lakes. The building, which was constructed in 1873 as a replacement for an older school demonstrates the key characteristics of Victorian school design as executed in urban environments including two-storey construction, steeply pitched gable roofs, polychromatic brickwork, rounded arches and decorative coursing. The school is demonstratives of trends in educational architecture in the late nineteenth and early twentieth century that emphasized new ideas regarding hygiene, ventilation and health into school design. It is one of only a small number of surviving two-storey urban Victorian schools in Kawartha Lakes as many were demolished in the early twentieth century in favour of Beaux-Arts replacements.

Historical and Associative Value

49 King Street East has historical and associative value as the former Bobcaygeon School which operated as an elementary school, and for a time offering secondary classes, from 1873 to 1956. The school was constructed in 1873 as part of a general upgrade of the village's education facilities in the early 1870s as the town grew and prospered throughout the last quarter of the nineteenth century, housing both elementary and continuation classes. It yields information regarding the development of

Bobcaygeon throughout the late nineteenth century through its evolution as a public school, reflecting the community's demographic and economic changes during this period, as well as the evolving role of public education in Ontario communities.

Contextual Value

49 King Street East has contextual value as both a local landmark and as part of the historic small town streetscape of King Street East. It supports the diverse historic landscape of Bobcaygeon's main island which includes a range of historic properties dating from the second half of the nineteenth century onwards and is linked to its surroundings as part of the development of the village throughout the second half of the nineteenth century and its core services, including commercial buildings, churches and schools. It supports and maintains the small town historic landscape of Bobcaygeon and maintains its overall character.

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 Bobcaygeon 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.

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 aware of the designation and has discussed it with staff, as directed by Council. 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.

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 2024-2027 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 a third-party appeal to the Ontario Land Tribunal; however, appeals of this nature are rare. As this designation has already been discussed with the property owner, staff do not anticipate an appeal from the property owner.

Consultations:

Municipal Heritage Committee.

Property Owner.

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: 49 King Street East



Adobe Acrobat
Document

Department Head email: lbarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services