

The Corporation of the City of Kawartha Lakes

By-Law 2024-XXX

A By-law to Designate 3740 Highway 7, Geographic Township of Emily in the City of Kawartha Lakes

A By-law to designate 3740 Highway 7 in the Geographic Township of Emily in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 3740 Highway 7, Geographic Township of Emily described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and **“alteration”** and **“altering”** have corresponding meanings;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Director of Development Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“Property” means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation of Property

2.01 3740 Highway 7, Geographic Township of Emily is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A to By-law 2024-XXX

Being a By-law to designate 3740 Highway 7, Geographic Township of Emily in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

3740 Highway 7, Geographic Township of Emily

Section 2: Location of Property

Located on the south side of Highway 7 to the east of the intersection of Highway 7 and Mount Horeb Road

Section 3: Legal Description

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Section 4: Location of Heritage Features

The primary heritage feature of the property is the historic house located on the north side of the property.

Section 5: Statement of Reasons for Designation

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 key 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. 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 contained 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.

Section 6: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes of the property support its value as a representative, but large and ornate, example of rural Gothic Revival domestic architecture in Emily Township.

- Two storey buff brick construction
- T-shaped plan
- Cross gable roof
- Gables
- Decorative bargeboard
- Projecting front bay
- Primary entrance including:
 - Entrance
 - Sidelights
 - Transom
 - Moulded hood
- Fenestration including:
 - Sash windows

- Voussoirs
- Moulded window hoods
- Oculus windows with raised surrounds
- Chimneys

Historical and Associative Attributes

The historical and associative attributes of the property support its important historic relationship with William Cottingham and Arthur McQuade.

- Association with William Cottingham
- Association with Arthur McQuade
- Association with the history of politics in Omemee and Emily Township

Contextual Attributes

The contextual attributes of the property support its value in supporting the historic agricultural character of Emily Township and as a local landmark.

- Location of the property in rural Emily Township on the west side of Omemee
- Location of the property on the south side of Highway 7
- Relationship to the rural agricultural landscape of Emily Township
- Views of the property from Highway 7 and Mount Horeb Road
- Views of Highway 7 and surrounding rural properties from the property