



## Committee of the Whole Report

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<b>Report Number:</b>	<b>ED2024-043</b>
<b>Meeting Date:</b>	November 5, 2024
<b>Title:</b>	<b>Proposed Heritage Designation of 19 Third Street, Village of Sturgeon Point (Cherry Tree Lodge)</b>
<b>Description:</b>	Proposed heritage designation of 19 Third Street 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 ED2024-043, **Proposed Heritage Designation of 19 Third Street, Village of Sturgeon Point (Cherry Tree Lodge)**, be received;

**That** the Municipal Heritage Committee’s recommendation to designate 19 Third Street 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, and preparation of the designating by-laws; and

**That** this recommendation be brought forward to Council for consideration 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.

19 Third Street, also known as Cherry Tree Lodge, was constructed in 1887 and is one of the oldest extant summer cottages in Kawartha Lakes. 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.

19 Third Street has been prioritized as one of Kawartha Lakes' landmark summer recreation properties. It has a high degree of architectural significance both in Sturgeon Point and in Kawartha Lakes as a whole and substantial historical value through its association with Lindsay artists and countercultural thinker W.A. Goodwin. It is an important building block in the historic commercial landscape of Sturgeon Point. 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 community of Sturgeon Point 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 September 5 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

**KLMHC2024-080**

**Moved By** I. McKechnie

**Seconded By** W. Bateman

**That** Report KLMHC2024-050, **Proposed Heritage Designation of 19 Third Street, Village of Sturgeon Point**, be received;

**That** the designation of the property known municipally as 19 Third Street 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 Third Street 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 Third Street Statement of Significance**

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

19 Third Street has design and physical value as a unique and early example of a late nineteenth century summer cottage in Kawartha Lakes. Constructed in 1887, the cottage is one of the original summer residences in Sturgeon Point and is visually and architecturally distinct from the surrounding cottages through its unique architectural forms, small size, and Victorian and Rustic influences. The structure, with a steeply pitched roof, octagonal bay, and frame construction, is believed to have been based on the form of a tent and reflects the broader trend towards rustic design in cottage architecture that sought to integrate buildings with their surrounding environment.

### **Historical and Associative Value**

19 Third Street has historical and associative value in its association with Lindsay artist and early Sturgeon Point cottager, W.A. Goodwin who used the property as his summer residence for most of his life. Goodwin, who is believed to have both designed and built the cottage also known as Cherry Tree Lodge, was an important commercial decorator in late nineteenth and early twentieth century Lindsay, as well as an artist and countercultural thinker in Kawartha Lakes. His painting and sketches are important depictions of life in Kawartha Lakes at the turn of the twentieth century, showing primarily scenes relating to nature and the burgeoning summer recreation industry in the region. Although not well recognized after his death in 1940, Goodwin's art has recently re-emerged and been recognized for its insight into life in the region during his lifetime. The property also yields information regarding the development of Sturgeon Point as a cottage community in the late nineteenth and early twentieth century.

### **Contextual Value**

19 Third Street has contextual value as a contributing feature to the historic character of Sturgeon Point as a recreational cottage community. Through its history and architecture, it supports and maintains the character of the community as a summer cottage community dating from the late nineteenth and early twentieth century. It is one of a collection of the original generation of summer cottages at Sturgeon Point and is historically linked to its surroundings as part of the historic landscape of the community. The cottage is a well-known local landmark, since the time of its construction and has gained increasing recognition over the past decade with the re-emergence of Goodwin's art into the public sphere.

### **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 informing them of the proposal to designate their property and encouraging them to engage with the process and to inform 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. The subject property has previously been featured on the City's Arts and Heritage Trail and staff have had a longstanding relationship with the previous owners of the property. The property has recently changed owners and the new owners of the property have been in contact with staff regarding the property, including the proposed designation.

## **Provincial Policy Conformity**

### **Provincial Planning Statement, 2024**

The new Provincial Planning Statement (PPS) sets the policy foundation for development and land use planning in Ontario. The policy intends to balance the need for growth and economic development in Ontario's communities with the need for ensuring a high quality of life, public safety and health, and the conservation of natural and cultural heritage resources, noting that "Cultural heritage and archaeology in Ontario will provide people with a sense of place." Section 4.6 (Cultural Heritage and Archaeology) requires municipalities to identify and conserve heritage properties as part of the land use planning process. The PPS states that "Planning authorities are encouraged to develop and implement b) proactive strategies for conserving significant built heritage resources and cultural heritage landscapes."

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 City is currently in the process of implementing its strategy to conserve listed built heritage resources in Kawartha Lakes through designation under Part IV of the Act which aligns with the direction in the PPS. 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 for which designation under Part IV of the Act is an appropriate conservation strategy.

### **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.

## **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 property 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, although the owner is already aware of the proposed heritage designation of this property. 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:**

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 Third Street



Adobe Acrobat  
Document

**Department Head e-mail:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)

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