



## Committee of the Whole Report

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**Report Number:** ED2024-038

**Meeting Date:** November 5, 2024

**Title:** **Amendment to By-law 2024-081 Designating 31-35 King Street East, Village of Omemee (Ivory and Williamson Block)**

**Description:** Proposed amendment to By-law 2024-081 to update its heritage attributes

**Author and Title:** Emily Turner, Economic Development Officer – Heritage Planning

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### Recommendations:

**That** Report ED2024-038, **Amendment to By-law 2024-081 Designating 31-35 King Street East, Village of Omemee (Ivory and Williamson Block)** be received;

**That** the Municipal Heritage Committee’s recommendation to amend By-law 2024-081 be endorsed;

**That** staff be authorized to proceed with the process to amend the designating by-law as prescribed by the Ontario Heritage Act and the issuance of a Notice of Intention to Amend;

**That** an amending by-law be brought forward to Council at the next Regular Council Meeting following the end of the notice period; 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:**

31-35 King Street East in Omemee was designated in April 2024 by By-law 2024-081. It was designated as part of the broader initiative to designate listed commercial properties in downtown Omemee as a result of the amendments to the Ontario Heritage Act that came into effect in January 2023. The property has historic value as the western portion of the Ivory and Williamson Block and is one of a collection of Second Empire commercial buildings in downtown Omemee constructed in the early 1890s. The current occupant of the property is the Omemee Foodland. The property is owned by a company that owns a range of commercial buildings and complexes throughout Ontario, including in Kawartha Lakes. The property owner was provided with the statutory notices required under the Ontario Heritage Act when a property was proposed for designation and when the by-law was passed by Council but otherwise chose not to engage with the designation process.

In May 2024, ERA (the consultant working on behalf of the property owner) reached out to City staff to ask that they work with the City on amending the by-law for the property as, while the property owner was not opposed to designation, they wanted to ensure that the by-law excluded the modern addition to the property on its western side and provide more specificity to a number of other items within the by-law. Typically, City staff have worked with property owners to review and revise the designating by-law before it comes forward to Council to ensure that the contents of the by-law are mutually agreed upon before it is passed. Owners are invited to participate in this process in the correspondence sent to property owners as part of the statutory notice process. However, in this case, the property owner was not familiar with the designation process and timeline under the Ontario Heritage Act and had wanted to participate in the by-law development, but did not reach out to City staff before the by-law was brought forward to Council for adoption. Given the owner's willingness and interest in designation, staff felt that it was appropriate to work with ERA on making amendments to the by-law that addressed the concerns raised by the property owner.

A red-line version of the amended by-law is attached to this report at Appendix A. The amended by-law explicitly identifies the late twentieth century addition to the building as a non-heritage feature of the building. It also makes some other wording amendments that were suggested by ERA, including identifying the building as being mixed-use due to its upper storey residential units; this was a specific request made by

the property owner. The protected features of the property and its statement of cultural heritage value are broadly the same in the revised version of the by-law with a number of minor amendments and modifications in wording.

Amendments to heritage designation by-laws are made by Council and follow the process outlined under Section 30.1 of the Ontario Heritage Act which required Council to consult with its Municipal Heritage Committee prior to amending a designation by-law. The Kawartha Lakes Municipal Heritage Committee reviewed the proposed amendments to the by-law at its meeting of September 5, 2024 and passed the following resolution:

**KLMHC2024-081**

**Moved By** S. McCormack

**Seconded By** I. McKechnie

**That** Report KLMHC2024-051, **Amendment to By-law 2024-081 Designating 31-35 King Street East, Village of Omemee**, be received;

**That** the proposed amendment to By-law 2024-081 be endorsed; and

**That** the recommendation to amend the designating by-law be forwarded to Council for approval.

**Carried**

This report presents the proposed amendments to the by-law for Council's review and consideration.

**Rationale:**

The Ontario Heritage Act allows for the amendment of designation by-laws under Section 30.1 of the Act. There are no specific restrictions either under the Act or in City policy as to why a designating by-law may or may not be amended. Council has periodically amended heritage designation by-laws for a variety of reasons, including to make changes to the heritage attributes of a property, correct or update its statement of significance or to update its legal description.

Staff are supportive of the amendment of the by-law. Staff have worked with ERA and the property owner on the revised version of the by-law and the proposed amendments do not substantially alter the contents or heritage attributes of the property. The

proposed amendments are in keeping with intent of the original by-law with regard to the attributes to be protected and the significance of the property but explicitly exclude the modern addition to the property and provide additional details regarding the heritage attributes of the property that the owner is comfortable with. Staff feel that the amendment of the by-law is an appropriate goodwill gesture to the property owner that both ensures continued protection for the property and owner support for the designation.

Under Section 30.1 of the Ontario Heritage Act, Council must pass a resolution of intent to amend a heritage designation by-law after which a formal notice of amendment is sent to the property owner who has the ability to object to the amendment; in this case, the property owner had already reviewed the revised by-law and staff do not anticipate an objection. Once the objection period has concluded, the final by-law will be brought forward to Council for adoption. There is no third-party objection process for amendments to designation by-laws.

The proposed amendment aligns with the heritage protection policies contained within the new 2024 Provincial Planning Statement and the 2012 City of Kawartha Lakes Official Plan and the direction from the provincial government in relation to the designation of listed properties as a result of amendments to the Ontario Heritage Act in 2023.

### **Other Alternatives Considered:**

There are no recommended alternatives.

### **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. However, this amendment is owner-initiated and the owner has already reviewed the proposed amendments to the by-law; staff do not anticipate an appeal.

### **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 Amend under subsection 30.1(3) of the Act. The issuance of a Notice of Intention to Amend triggers the formal consultation process with the property owner(s).

### **Attachments:**

Appendix A – By-law 2024-081 Proposed Amendments



2024-081 Designate  
Property 31 35 King S

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