

Council Report

Report Number:	ED2024-045
Meeting Date:	December 10, 2024
Title:	Proposed Heritage Designation of 204 Ballyduff Road, Geographic Township of Manvers (Frog Pond/Lotus Mill)
Description:	Proposed designation of 204 Ballyduff Road under Part IV of the Ontario Heritage Act
Author and Title:	Emily Turner, Economic Development Officer – Heritage Planning

Recommendations:

That Report ED2024-045, **Proposed Heritage Designation of 204 Ballyduff Road, Geographic Township of Manvers (Frog Pond/Lotus Mill)**, be received;

That the Municipal Heritage Committee’s recommendation to designate 204 Ballyduff Road 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 consultation with 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.

204 Ballyduff Road, also known as Frog Pond Mill or Lotus Mill, has cultural heritage value as the oldest extant grist mill in Manvers Township and through its association with Adam Scott Jr., the miller who developed the property. It no longer operates as a mill and has been converted into a residential building. 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 owners of 204 Ballyduff Road 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 owners 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 Manvers Township as the oldest extant mill in the township and for its importance in the historic development of the community of Lotus.

At its meeting of November 7, 2024, the Kawartha Lakes Municipal Heritage Committee reviewed the heritage evaluation report for this property and adopted the following resolution:

KLMHC2024-097

Moved By I. McKechnie

Seconded By W. Bateman

That Report KLMHC2024-058, **Proposed Heritage Designation of 204 Ballyduff Road, Geographic Township of Manvers**, be received;

That the designation of the property known municipally as 204 Ballyduff Road 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. 204 Ballyduff Road 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.

204 Ballyduff Road Statement of Significance

Design and Physical Value

204 Ballyduff Road holds design and physical value as a representative example of a mid-nineteenth century grist mill in Manvers Township. Built in the early 1850s, the mill retains original machinery such as pulleys, spur and cog wheels, shafts, gears, and pinions, as well as its stone foundation and gabled roof which are typical of mid-nineteenth century grist mills in Ontario. The property's design prioritized automation, ventilation, and visibility, with large windows and multi-storey doors to facilitate milling operations. Though renovated for modern use, the mill retains key original elements,

such as hand-hewn beams, masonry foundations, and historic machinery, making it a notable example of a historic local mill in the community of Lotus. It is believed to be the oldest surviving mill in Manvers Township.

Historical and Associative Value

204 Ballyduff Road holds significant historical and associative value through its connection to Adam Scott Jr., the son of millwright Adam Scott Sr., who was instrumental in the settlement and development of several communities in the region, including Peterborough, Millbrook, and Lotus. Adam Scott Jr., who served as reeve of Manvers Township in the 1860s, established mills in these areas, which were crucial to growth of settlement in the region. The construction of the subject property by Scott played an essential role in the development of Lotus as a settlement area in Manvers Township and was the community's primary industry and economic driver. It yields information regarding the development of mills in Manvers Township in the mid-nineteenth century and the role of mill sites in the development of rural communities.

Contextual Value

204 Ballyduff Road, known locally as Frog Pond's Mill, holds contextual value as a local landmark that played a pivotal role in the historic and economic development of Lotus. As the site of the first grist mill in the area, the property was instrumental in attracting settlers and spurring the development of Lotus as a settlement site within the broader rural region. It is historically linked to its surroundings as part of the historic development of Lotus in the mid-nineteenth century and helps define the character of the community as a settlement site set apart from its rural surroundings because of the presence of the mill. Despite being hidden by dense vegetation today, the mill remains a locally recognized site, known for its role in the development of Lotus and the surrounding areas.

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 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. 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.

The designation of property also aligns with the strategic direction contained in the 2025-2029 Economic Development Strategy. It advances Objective 4.4. (Lead, partner and foster heritage conservation) where the conservation of historic property through designation is identified as an action item to support Strategic Priority 4: Invest in Places of Economic and Cultural Activity.

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 2025 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

Attachments:

Appendix A – Heritage Evaluation Report: 204 Ballyduff Road



Adobe Acrobat
Document

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Department Head: Leah Barrie, Director of Development Services