

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2017-022

Date: December 12, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Adding Listed Properties to the Heritage Register

**Author Name and Title: Debra Soule, Economic Development Officer, Arts,
Culture and Heritage**

Recommendation(s):

RESOLVED THAT Report ED2017-022, **Adding Listed Properties to the Heritage Register**, be received;

THAT staff be directed to add a Section Two: Properties of Potential Heritage Value or Interest section to the Kawartha Lakes Heritage Property Register;

THAT the Municipal Heritage Committee identify and include properties of potential heritage interest and value in Section Two of the Heritage Property Register; and

THAT the property owners be notified of inclusion on the list and of the nature of the listing.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Interim protection for properties of potential heritage value or interest was introduced under the Ontario Heritage Act following changes to *Ontario's Building Code Act*, which took effect in 2006. The changes introduced accelerated building permit review timeframes including 10 days for a house and 20 days for a large building. These compressed timeframes leave little time for municipalities and municipal heritage committees to assess properties facing demolition or alteration that are potentially of cultural heritage value to the community.

Amendments were subsequently made to the Ontario Heritage Act to enable a municipality to provide interim protection for “listed properties” in the following subsections of the Act allowing municipalities to include properties of cultural heritage value that have not been designated on the municipal register. Section 27 Subsection 1.2 of the Ontario Heritage Act states that:

(1.2) In addition to the property listed in the register under subsection (1.1), the register may include property that has not been designated under this Part but that the Council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property.

(1.3) Where the Council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee.

If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the Council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2006, c. 11, Sched. B, s. 11 (2).

Subsection (3) applies only if the property is included in the register under subsection (1.2) before any application is made for a permit under the *Building Code Act, 1992* to demolish or remove a building or structure located on the property. 2006, c. 11, Sched. B, s. 11 (2).

Although the legislation does not require municipalities to list properties on their register, The Ontario Ministry of Tourism, Culture and Sport and the Ontario Heritage Trust recommend the inclusion of listed properties as best practice for municipalities.

This report addresses the province's recommendations and enabling legislation.

Rationale

Listing properties on the Municipal Heritage Register is an administrative process rather than a legal process. Listed properties are not designated under the Ontario Heritage Act. Heritage permits are not required for work to a listed property, and there are no legal restrictions registered on the property title.

The list serves to identify properties that may have cultural heritage value or interest to the community for future consideration. This is a key component of any municipal heritage conservation strategy that provides a measure of interim protection in the event that a demolition permit is requested for the property.

Owners of listed properties must give the Council of the municipality at least 60 days notice of their intention to demolish or remove a building or structure on the property. This allows time for the municipality to decide whether to assess the property for potential designation which would provide long term protection for the property, or to approve the demolition permit.

Although the Act does not require that property owners are contacted or that their consent is required for inclusion on the list, many municipalities utilize a process that includes contacting the property owners to inform them of inclusion on the list. A few municipalities also require a property owners consent to be on the list, although this practice has been found to diminish the effectiveness of the process since anyone can request to be removed from the list without further assessment.

Listed Properties in the City of Kawartha Lakes Context

The Kawartha Lakes Municipal Heritage Committee's 2017 work plan included the introduction of 'properties of potential heritage value or interest'. Members of the Municipal Heritage Committee and the Economic Development Officer – Arts, Culture and Heritage have received many calls in the past from residents concerned about the demolition and loss of treasured heritage properties in their community. The demolition of the Ann Langton's homestead in Sturgeon Point is a prime example of a culturally significant landmark that has been lost in Kawartha Lakes. In addition to architectural merit, there are many Kawartha

Lakes properties that are an integral part of our community's past that could contribute significantly to our cultural heritage tourism.

The committee has identified many properties in the City of Kawartha Lakes that are not currently designated but should be protected from demolition so that they could be assessed for heritage value. Examples of properties that are not designated in Kawartha Lakes that the Committee has identified for inclusion on such a list include, but are not limited to:

- The Sir William McKenzie Inn (Sir William McKenzie's 's country estate)
- The Highlands Cinema and Museum (a landmark museum and operating cinema)
- The Laidlaw Homestead on Balsam Lake (George Laidlaw was a railway entrepreneur and rancher who also oversaw the building of the Balsam Lake dry stone wall)
- Riverside Cemetery and Crematorium, 374 Lindsay St. S, Lindsay (Burial site of Leslie Frost & Sir Samuel Hughes)
- Cherry Tree Lodge, 3rd St, Sturgeon Point (in one of Ontario's oldest cottage communities, built by Lindsay artist W.A. Goodwin)
- Christ Church, Anglican, Bobcaygeon (Constructed manually with materials and stained glass windows donated by Mossom Boyd)
- McBurney-Dwyer Home, 13 Glenelg St W Lindsay (a monumental blonde brick Regency style home of Italianate influence acquired by James Dwyer in 1910)
- Bethany Old Post Office, Hwy 7A (one of the last freestanding original post office in Ontario, once a railroad office and an MP's office)

The following process is recommended for a Kawartha Lakes "Properties of Potential Heritage Value or Interest":

1. Council approves the introduction of a listed properties section in the Heritage Register
2. Municipal Heritage Committee assembles a list of properties to be included
3. Property owners are contacted by mail to inform them of inclusion on the list and to clarify the administrative nature of the listing and its implications
4. Properties are not removed from the listed properties section of the Register until they are formally assessed by the Municipal Heritage Committee when a demolition permit is requested or if the property owner requests heritage designation under the Ontario Heritage Act (OHA). (Please refer to Attachment A for OHA Criteria for Heritage Designation.)

Other Alternatives Considered:

Alternative One:

The register could continue in its current form containing only designated properties.

Alternative Two:

- a) Council approves the introduction of a listed properties section in the Heritage Register
- b) Municipal Heritage Committee assembles list of properties to be included
- c) Property owners are contacted by mail to inform them of inclusion on the list
- d) Property owners can request to be removed from the list on the basis that it does not meet any of the criteria for determining cultural heritage value or interest prescribed under Regulation 9/06 of the Ontario Heritage Act. This means that the property is reviewed by the Municipal Heritage Committee for potential designation and is subsequently either designated under the Ontario Heritage Act or removed from the listed properties section.

Financial/Operation Impacts:

There are no financial implications associated with this report.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Approval of Heritage Victoria's 2017 reporting and 2018 Work Plan will enable the fulfillment of the municipality's Strategic Goals including an Exceptional Quality of Life and a Vibrant and Growing Economy.

Review of Accessibility Implications of Any Development or Policy:

Not applicable

Servicing Implications:

Not applicable

Consultations:

Municipal Heritage Committee members

Attachments:

Appendix A:



OHA Criteria for
Heritage Designation.

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