

8 April 2024

Sent via E-mail to critchie@kawarthalakes.ca and soconnell@kawarthalakes.ca

Committee of the Whole and City Council
City of Kawartha Lakes
P.O. Box 9000,
26 Francis Street, Lindsay, ON, K9V 5R8

Dear Committee of the Whole Members and Members of Council:

**Re: Report Number: ED2024-015
Proposed Heritage Designation of 49 King Street East, Village of
Bobcaygeon (Bobcaygeon Schoolhouse)**

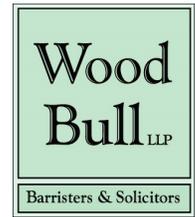
We have been retained by Charlie's Inc. (the "**Owner**"), the owner of the property municipally known as 49 King Street East located in the Village of Bobcaygeon (the "**Subject Lands**"). The Subject Lands lie on the southwest quadrant of King Street E and Need Street and are currently developed with a 2-storey mixed-use building. We understand that, at its meeting on 9 April 2024, Committee of the Whole will be considering staff report ED2024-015 ("**Staff Report**") respecting the possible designation of the Subject Lands pursuant to Part IV of the *Ontario Heritage Act*. The matter will then be considered by Council at the next Regular Council Meeting.

We write on behalf of the Owner to respectfully request that staff's recommendations in the Staff Report be refused. Specifically, for the reasons stated below, we request that the recommendation to endorse the Municipal Heritage Committee's recommendation to designate the Subject Lands be refused, and that the recommendation to authorize staff to proceed with designation steps also be refused. If the Committee / Council does not see fit to refuse these recommendations at this time, we hereby request that the matter be deferred to allow the Owner time to consult with staff.

Background

Our client only became aware of the proposed designation of the Subject Lands late last Friday, April 5th, by happenstance. Prior to that date, it had no knowledge of a heritage report being written for the Subject Lands, nor such matter being considered by the Town's heritage committee. Nor, in fact, was our client made aware of any site visits to the Subject Lands, which it appears would have occurred in connection with the preparation of the heritage evaluation report attached to the Staff Report.

Upon learning of this proposal last Friday, our client has had to move quickly to review background materials and retain counsel. However, as you will appreciate, it has not had sufficient time to do more



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than a very modest review. Furthermore, from a preliminary review, it is not clear that there is a sufficient basis to designate the Subject Lands, nor that the potential attributes that have been identified are meritorious.

As such, it is premature to move forward with an endorsement of the proposed designation, or even of issuing a notice of intention to designate the Subject Lands, as recommended in the Staff Report. Moving forward absent more time to consider these matters would be unfair and seriously prejudicial to our client's interests.

To the extent that staff is concerned about a two-year time period to designate the Subject Lands, we note that the *Ontario Heritage Act* only requires that a notice of intention to designate be issued before 1 January 2025. The designation itself is not required within that time period. Furthermore, designation may occur without a property being listed, in many instances, outside of a development application.

Request

For the reasons stated above, the Owner hereby respectfully requests that staff's recommendations in the Staff Report be refused. Specifically, the recommendations to endorse the Municipal Heritage Committee's recommendation to designate the Subject Lands and to authorize staff to proceed with designation steps should be refused. If the Committee / Council does not see fit to refuse these recommendations at this time, the Owner hereby requests that the matter in its entirety be deferred until such time that the Owner has time to consult with staff. To proceed otherwise would be fundamentally unfair and prejudicial to the Owner.

We trust this letter will be brought forward for Council's consideration at the appropriate time.

Thank you for your consideration.

Regards,

Wood Bull LLP

A handwritten signature in black ink, appearing to be "JRS", is written below the name Johanna R. Shapira.

Johanna R. Shapira

JRS/as

c. clerks@kawarthlakes.ca