

**To:** COUNCIL  
**Meeting Date:** 10/22/2024  
**Subject:** 24-101-CD, Passing of Designation By-law for 105 Middle Block Rd  
**Submitted By:** Bob Bjerke, Chief Planner  
**Prepared By:** Laura Waldie, Senior Planner-Heritage  
**Report No.:** 24-101-CD  
**File No.:** R01.01.148  
**Wards Affected:** Ward 2

### **RECOMMENDATION(S):**

THAT Report 24-101-CD, Passing of Designation By-law for 105 Middle Block Rd be received;

AND THAT the designation by-law attached as Appendix A to Report 24-101-CD be presented to Council for enactment;

AND FURTHER THAT staff be directed to take the necessary steps under the Ontario Heritage Act following passage of the by-law.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

The purpose of this report is to request that Council enact a designation by-law under Part IV of the Ontario Heritage Act for the stone farmhouse located at 105 Middle Block Rd.

#### **Key Findings**

- Council initiated designation of the stone farmhouse located at 105 Middle Block Rd on October 24, 2023.
- The Notice of Intent to Designate (NOID) was published on August 30, 2024. The 30 day appeal period for the NOID expired on September 29, 2024. There were no appeals.

## Financial Implications

The City provides and pays for the installation of a heritage landmark plaque at an approximate cost of \$500. The City also pays to register the bylaw on title to the property, which costs approximately \$82.

### STRATEGIC ALIGNMENT:

Strategic Action

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

OR

Core Service

**Program:** Community Development

**Core Service:** Heritage Conservation

### BACKGROUND:

On October 24, 2023, Council supported staff's recommendation to designate the stone farmhouse located at 105 Middle Block Rd under Part IV of the Ontario Heritage Act through Report 23-313-CD.

On August 30, 2024, staff caused the Notice of Intention to Designate (NOID) for the stone farmhouse located at 105 Middle Block Rd to be published in the Cambridge Times.

### ANALYSIS:

Under Section 29(8) of the Ontario Heritage Act, the City of Cambridge is required to pass its designation by-laws within 120 days after the date of the publication of the Notice of Intent to Designate (NOID).

As of September 29, 2024, the appeal period for the NOID passed without objection, satisfying the notice requirement under Section 29(4.1) of the Ontario Heritage Act.

The Ontario Heritage Act outlines the following next steps to ensure the designation of each property:

1. Staff must ensure that a copy of the registered by-law be served on the property owner and the Ontario Heritage Trust, as per Section 28(8).
2. The Clerk must ensure that a copy of the by-law that comes into force is registered against the properties affected in the appropriate land registry office, as per Section 29(19).
3. Staff must ensure that a notice of the passage of the by-law be published in a newspaper having general circulation in the municipality, per Section 29(8).

As such, heritage planning staff recommend that Council pass the designation by-law (**Appendix A**) and direct staff to carry out all remaining responsibilities for each property under the Ontario Heritage Act.

## **EXISTING POLICY / BY-LAW(S):**

### **Ontario Heritage Act**

#### **Designation by municipal by-law**

29 (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and

(b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (1); 2022, c. 21, Sched. 6, s. 4 (1).

If no notice of objection or no withdrawal

29 (8) If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of intention to designate the property, the council may pass a by-law designating the property, provided the following requirements are satisfied:

1. The by-law must be passed within 120 days after the date of publication of the notice of intention under clause (3) (b) or, if a prescribed circumstance exists, within such other period of time as may be prescribed for the circumstance.
2. The by-law must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.
3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:

4. A copy of the by-law.
  - a. A notice that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.
5. The council must publish notice of the by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 7 (6); 2021, c. 4, Sched. 6, s. 74 (2).

#### **FINANCIAL IMPACT:**

The City provides and pays for the installation of a heritage landmark plaque at an approximate cost of \$500. The City also pays to register the bylaw on title to the property, which costs approximately \$82.

#### **PUBLIC VALUE:**

##### **Sustainability**

The passing of designation by-laws supports sustainability through conserving for future generations the places and spaces that are considered historically significant to the community.

##### **Transparency**

The Council agendas are posted publicly as part of the report process.

#### **ADVISORY COMMITTEE INPUT:**

Staff consulted with the Municipal Heritage Advisory Committee on June 15, 2023 through report 23-021(MHAC) and the Committee provided the following recommendations to Council:

THAT Report 23-021(MHAC) - Recommendation to Designate the Property located at 105 Middle Block Road for its Architectural, Historic and Contextual Value under Part IV of the Ontario Heritage Act – be received.

AND THAT the Municipal Heritage Advisory Committee (MHAC) support the contents and recommendations of the Heritage Impact Assessment for 105 Middle Block Road prepared by MHBC Planning as appended as Appendix A to Report 23-021(MHAC);

AND FURTHER THAT the Municipal Heritage Advisory Committee (MHAC) recommend to Council that the Clerk be authorized to publish a Notice of Intention to Designate (NOID) for the property municipally known as 105 Middle Block Road in accordance with Section 29 of the Ontario Heritage Act for its cultural heritage value.

**PUBLIC INPUT:**

Posted publicly as part of the reporting process.

**INTERNAL / EXTERNAL CONSULTATION:**

Heritage Planning staff have liaised with the property owner through their heritage consultant and planning agent on identifying the cultural heritage attributes of the stone residence for both the Notice of Intention to Designate (NOID) and the Designation By-law.

**CONCLUSION:**

Given that the 30-day notice period passed for the stone farmhouse located at 105 Middle Block Rd without appeal on September 29, 2024, heritage planning staff recommends that Council pass the designation by-law and direct staff to carry out all remaining responsibilities related to the designation of as outlined within Part IV of the Ontario Heritage Act.

**REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

**APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**Deputy City Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 24-101-CD Appendix A - Designation By-law for the stone farmhouse located at 105 Middle Block Rd.