

To: COUNCIL

Meeting Date: 7/22/2025

Subject: 25-080-CD - 90 Old Mill Road (Sheave Tower), Passing of Amending Designation By-law

Submitted By: Melissa Aldunate, Manager of Policy Planning

Prepared By: Jeremy Parsons, Senior Planner – Heritage

Report No.: 25-080-CD

File No.: LAC 8.59.59

Wards Affected: Ward 1

RECOMMENDATION(S):

THAT Report 25-080-CD - 90 Old Mill Road (Sheave Tower), Passing of Amending Designation By-law be received;

AND THAT the amending by-law attached as Appendix A to Report 25-080-CD be enacted;

AND FURTHER THAT staff be directed to take the appropriate 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 by-law to amend the designation by-law for 90 Old Mill Road under Part IV of the *Ontario Heritage Act*.

Key Findings

- The property at 90 Old Mill Road is designated under Part IV of the *Ontario Heritage Act* and located within the Blair Village Heritage Conservation District.
- The property contains a 31-foot wooden structure, known as the Sheave Tower, built in 1876 in the Carpenter Gothic Style.
- There were no objections received during the legislated notice period.

- The proposal to amend the existing designation by-law ensures that the property's cultural heritage attributes are appropriately conserved for future generations.

Financial Implications

There are minor costs associated with providing public notice and registering the amended by-law on the property's title which will be funded via the approved 2025 Operating Budget. There are no other financial implications to the City as a result of amending the designation by-law.

STRATEGIC ALIGNMENT:

☐ Strategic Action

Objective(s): Not Applicable

Strategic Action: Not Applicable

OR

☒ Core Service

Program: Community Development

Core Service: Heritage Conservation

BACKGROUND:

On April 17, 2025, MHAC supported a recommendation to amend the designation by-law for 90 Old Mill Road (Sheave Tower) under Part IV of the *Ontario Heritage Act* through Report 24-017 (MHAC). The existing by-law is attached as Appendix B while the amending by-law is attached as Appendix A.

On June 17, 2025, Council also supported the recommendation to amend the designation by-law through Report 25-065-CD.

On June 19, 2025, staff caused the Notice of Proposed Amendment to be served on the property owner for 90 Old Mill Road.

The owner to Section 30.1(6) of the *Ontario Heritage Act*, the property owner has thirty (30) days in which they may object to the Notice of Proposed Amendment. The 30-day objection period will have ended as of July 19, 2025.

Once the amending by-law is passed, staff will cause a copy to be served on the property owner and the Ontario Heritage Trust.

ANALYSIS:

The property at 90 Old Mill Road is designated under both Parts IV and V of the *Ontario Heritage Act*, being located within the Blair Village Heritage Conservation District. In accordance with Section 41(2.2) of the *Ontario Heritage Act*, the Part IV by-law takes precedence over the property's Part V status, given that the Blair Village Heritage Conservation District Plan was passed prior to the amendments to the *Ontario Heritage Act* in 2005.

Under Section 30.1(15) of the *Ontario Heritage Act*, Council is expected to update old by-laws that do not comply with the new requirements of the *Act*. As such, updating and amending the Part IV by-law is seen as an important step to ensure conformity with the legislation and better protect the property's heritage value. The current property owner has also requested that the designation by-law be updated.

As of July 19, 2025, the Notice of Proposed Amendment will have passed without objection, satisfying the notice requirements under Section 30.1(6) of the *Ontario Heritage Act*.

As such, staff recommend that Council enact the amending by-law, attached as Appendix A, and direct staff to carry out all remaining responsibilities for the property under the *Ontario Heritage Act*.

EXISTING POLICY / BY-LAW(S):

Ontario Heritage Act

Amendment of designating by-law

30.1 (1) The council of a municipality may, by by-law, amend a by-law designating property made under section 29 and section 29 applies, with prescribed modifications, to an amending by-law. 2019, c. 9, Sched. 11, s. 8 (1).

Exception

(2) Despite subsection (1), subsections 29 (1) to (14) do not apply to an amending by-law if the only purpose or purposes of the amendments contained in the by-law are to do one or more of the following:

1. Clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes.
2. Correct the legal description of the property.

3. Otherwise revise the by-law to make it consistent with the requirements of this Act or the regulations, including revisions that would make a by-law passed before subsection 7 (6) of Schedule 11 to the *More Homes, More Choice Act, 2019* comes into force satisfy the requirements prescribed for the purposes of paragraph 2 of subsection 29 (8), if any. 2019, c. 9, Sched. 11, s. 8 (1).

Same

(3) If the council of a municipality proposes to make an amendment described in subsection (2), the council shall give the owner of the designated property written notice of the proposed amendment in accordance with subsection (4). 2005, c. 6, s. 19.

Content of notice

(4) A notice of a proposed amendment shall,

(a) contain an explanation of the purpose and effect of the proposed amendment; and

(b) inform the owner of the right to object to the proposed amendment by filing a notice of objection with the clerk of the municipality within 30 days of receiving the notice. 2005, c. 6, s. 19.

Consultation with committee

(5) The council of a municipality shall consult with its municipal heritage committee, if one has been established, before giving notice of a proposed amendment to the owner of property under subsection (3). 2005, c. 6, s. 19.

Objection

(6) The owner of a property who receives notice of a proposed amendment from a municipality under subsection (3) may, within 30 days of receiving notice of the amendment, file a notice of objection to the amendment with the clerk of the municipality setting out the reasons for the objection and all relevant facts. 2005, c. 6, s. 19.

Consideration of objection by council

(7) If a notice of objection is filed within the 30-day period under subsection (6), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of the proposed amendment within 90 days after the end of the 30-day period under subsection (6). 2019, c. 9, Sched. 11, s. 8 (2).

Notice of withdrawal

(8) If the council of the municipality decides to withdraw the notice of the proposed amendment, either on its own initiative at any time or after considering an objection under subsection (7), the council shall withdraw the notice by causing a notice of withdrawal,

(a) to be served on the owner of the property and on the Trust; and

(b) to be published in a newspaper having general circulation in the municipality. 2019, c. 9, Sched. 11, s. 8 (2).

If no notice of objection or no withdrawal

(9) If no notice of objection is filed within the 30-day period under subsection (6) or a notice of objection is served within that period but the council decides not to withdraw the notice of the proposed amendment, the council may pass an amending by-law and if it does so, the council shall do the following:

1. Cause the following to be served on the owner of the property and on the Trust:

i. A copy of the amending by-law.

ii. A notice that if the owner of the property objects to the amending by-law, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of the notice under this subparagraph, a notice of appeal setting out the objection to the amending by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

2. Publish notice of the amending by-law in a newspaper having general circulation in the municipality. 2019, c. 9, Sched. 11, s. 8 (2); 2021, c. 4, Sched. 6, s. 74 (2).

Appeal to Tribunal

(10) If the owner of the property objects to the amending by-law, the owner may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of the notice under subparagraph 1 ii of subsection (9), 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. 8 (2); 2021, c. 4, Sched. 6, s. 74 (2).

If no notice of appeal

(11) If no notice of appeal is given within the time period specified in subsection (10),

(a) the amending by-law comes into force on the day following the last day of the period; and

(b) the clerk shall ensure that a copy of the amending by-law is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered amending by-law is served on the Trust. 2019, c. 9, Sched. 11, s. 8 (2).

If notice of appeal

(12) If a notice of appeal is given within the time period specified in subsection (10), the Tribunal shall hold a hearing and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Tribunal may determine. 2019, c. 9, Sched. 11, s. 8 (2).

Same

(13) If a notice of appeal is given within the time period specified in subsection (10), subsections 29(15) to (19) apply with necessary modifications. 2019, c.9, Sched. 11, s. 8(2).

Forwarding of record of decision

(14) If the council made a decision on the proposed amending by-law under subsection (7) and if a notice of appeal is given within the time period specified in subsection (10), the clerk of the municipality shall ensure that the record of the decision under subsection (7) is forwarded to the Tribunal within 15 days after the notice of appeal is given to the clerk of the municipality. 2019, c. 9, Sched. 11, s. 8 (2).

Requirement to update old by-laws

(15) If the council of a municipality proposes to amend a by-law designating property made under section 29 that does not comply with requirements that are prescribed for the purposes of paragraph 2 of subsection 29 (8), if any, the council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies those requirements. 2019, c. 9, Sched. 11, s. 8 (2).

Same, 2005 amendments

(16) If the council of a municipality proposes to amend a by-law designating property made under section 29 before the day the *Ontario Heritage Amendment Act, 2005* received Royal Assent, the council shall include in the amendment such changes as are necessary to ensure that the by-law satisfies the requirements of section 29, as it read on the day the *Ontario Heritage Amendment Act, 2005* received Royal Assent. 2019, c. 9, Sched. 11, s. 8 (2).

FINANCIAL IMPACT:

There are minor costs associated with providing public notice and registering the amended by-law on the property's title which will be funded via the approved 2025 Operating Budget. There are no other financial impacts to the City as a result of amending the designation by-law.

PUBLIC VALUE:

Sustainability

This project will support sustainability by ensuring that an existing heritage structure is retained and adapted for public use.

Transparency:

Council reports and meetings are open to the public.

ADVISORY COMMITTEE INPUT:

Municipal Heritage Advisory Committee (MHAC)

The MHAC was consulted on April 17, 2025, through Report 24-017 (MHAC) and was provided with Heritage Planning staff's recommendations as presented in this report. MHAC passed the following recommendations to Council:

THAT Report 25-017 (MHAC): 90 Old Mill Road, By-law Amendment, be received;

AND FURTHER THAT the Municipal Heritage Advisory Committee supports the staff recommendation to amend the designation by-law for 90 Old Mill Road (Sheave Tower) in accordance with the updated Statement of Cultural Heritage Value or Interest, attached as Appendix B.

PUBLIC INPUT:

Posted publicly as part of the report process.

Meetings of Council are open to the public via the City's YouTube channel.

INTERNAL / EXTERNAL CONSULTATION:

Heritage Planning have been in discussions with the property owner during the writing of this report. Heritage Planning staff have also liaised with staff from Legal Services and Realty Services in writing this report.

CONCLUSION:

For the reasons outlined in this report, Heritage Planning staff recommend that Council approve amending the designation by-law for 90 Old Mill Road (Sheave Tower) under 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. 25-080-CD Appendix A – Amending Designation By-law
2. 25-080-CD Appendix B – Existing Designation By-law