

To: COUNCIL
Meeting Date: 2/24/2026
Subject: **Objection to Notice of Intention to Designate – 234 King Street East**
Submitted By: Brynn Nheiley, Director of Planning
Prepared By: Scott Abbott, Planner – Heritage
Report No.: 26-009-PG
Wards Affected: Ward 3

RECOMMENDATION(S):

THAT Council, having considered the Notice of Objection submitted under subsection 29(5) of the *Ontario Heritage Act*, determine under subsection 29(6) of the Act not to withdraw the Notice of Intention to Designate for the property municipally known as 234 King Street East;

AND THAT Council enact a by-law to designate the property municipally known as 234 King Street East in accordance with subsection 29(8) of the Act.

EXECUTIVE SUMMARY:

- A Notice of Intention to Designate the property municipally known as 234 King Street East under section 29 of the *Ontario Heritage Act* was published on December 15, 2025, in accordance with subsection 29(3) of the Act.
- A Notice of Objection was received by the Clerk on December 16, 2025, within the legislated 30-day objection period, in accordance with subsection 29(5) of the Act.
- Pursuant to subsection 29(6) of the Act, Council must consider the objection and decide whether or not to withdraw the Notice of Intention to Designate.
- If Council decides not to withdraw the Notice, Council may proceed to pass a designation by-law in accordance with subsection 29(8) of the Act.

STRATEGIC ALIGNMENT:

Strategic Action

Objective(s): Not Applicable

Strategic Action: Not Applicable

Core Service

Program: Community Development

Core Service: Heritage Conservation

BACKGROUND:

On November 25, 2025, Council supported the recommendation to designate the property municipally known as 234 King Street East under Part IV, section 29 of the *Ontario Heritage Act*. A Notice of Intention to Designate was subsequently served on the owner and published on December 15, 2025. On December 16, 2025, the property owner submitted a written objection to the proposed designation. (**Appendices A-D** of Report No. 26-009-PG)

ANALYSIS:

Ontario Heritage Act – Council’s Role

In accordance with subsection 29(6) of the *Ontario Heritage Act*, where an objection is served within the legislated timeframe, Council must consider the objection and determine whether to withdraw the Notice of Intention to Designate or continue with the designation process. If Council decides not to withdraw the Notice, Council may proceed to pass the designation by-law under subsection 29(8) of the Act.

Summary of the Objection

The owner’s objection includes the following key issues:

- The building has been “completely gutted” internally and retains no meaningful interior heritage features.
- The exterior has been altered (painted brick, replacement gable components/spindles, altered porch), reducing heritage authenticity.
- Functional/condition concerns: non-code door to upper gable, energy inefficiency of windows, leaking basement.

- The lot would be better suited for redevelopment; the owner intends to demolish and rebuild in the future and asserts designation will negatively affect property value.
- The owner disputes that the property has community heritage recognition and states it is not widely known as “Fox’s Lair.”
- The owner argues designation is not in the Region’s interest given proposed LRT alignment and broader city-building/density objectives.

Cultural Heritage Value/Ontario Regulation 9/06

The property satisfies four (4) of nine (9) criteria - Criteria 1, 4, 7 and 8 - under O. Reg. 9/06 (see **Appendix D** of Report No. 26-009-PG for full criteria). In summary, the property is a representative mid 19th-century Ontario Cottage with Gothic Revival detailing, is associated with early Preston entrepreneurs, and contributes to a cohesive historic streetscape on King Street East with adjacent 19th century buildings. a

The objection does not provide evidence to negate the evaluation under Ontario Regulation 9/06 or the supporting historical and architectural research set out in Council report 25-028-PG.

Conditions, Alterations, and Interior Features

The owner’s objection places significant emphasis on the property’s internal alterations and the view that the building has been “completely gutted.”

Staff note that the designation recommendation does not identify interior elements as cultural heritage attributes, and the heritage evaluation did not assess interior design features. The identified heritage attributes are primarily associated with the building’s form, massing, materials, and exterior design features that convey its cultural heritage value.

With respect to exterior alterations, staff acknowledge that painted brick and replacement components (including alterations to porch elements or gable detailing) have occurred over time. However, as documented in the Council report, the building retains key characteristics of the Ontario Cottage type including: its one-and-a-half-storey form, symmetrical three-bay façade, central gable, brick construction on a stone foundation, and L-shaped footprint (main block and rear tail).

Staff are of the opinion that the alterations described in the objection do not eliminate the cultural heritage value or interest of the property, and do not undermine the conclusion that the property meets the prescribed criteria for designation.

Safety, Maintenance, and Building Performance Concerns

The objection references practical issues including code compliance of the door to the upper gable, energy inefficiency of windows, a leaking basement, and a desire to undertake improvements.

Staff note that designation under Part IV of the *Ontario Heritage Act* does not prohibit reasonable repairs, maintenance, or upgrades to ensure life-safety and building performance. Further, designation does not prevent the owner from undertaking work to address water infiltration, to improve energy efficiency, or to update building components, subject to the Act's permit process where heritage attributes may be affected.

Redevelopment Intentions/Property Value/LRT Context

The owner indicates an intention to demolish the building and redevelop the site in the future and asserts that designation would negatively affect property value. The owner also references the proposed LRT corridor and suggests that redevelopment would better support density and city-building objectives.

Staff note that designation is a tool intended to recognize and conserve properties of cultural heritage value or interest. The subject property has been evaluated and determined to meet the prescribed criteria under O. Reg. 9/06. The *Ontario Heritage Act* does not require an owner's agreement in order for Council to proceed with designation.

Further, designation does not in itself preclude planning approvals, site redevelopment considerations, or broader infrastructure projects. Any future proposals would be subject to applicable approvals and processes.

Community Recognition/ "Fox's Lair"

The owner disputes local recognition of the name "Fox's Lair." Staff note that the cultural heritage value of the property is supported by documentary and historical evidence regarding ownership and historic use (including the association with Xavier Fuchs and the tradition of vinegar production in the rear wing).

Regardless of whether the colloquial name is widely known, the property's cultural heritage value and interest is established through the historical record, built form, and contextual contribution to the remaining 19th-century King Street East streetscape.

EXISTING POLICY / BY-LAW(S):

Designation of property is subject to [Ontario Heritage Act](#) (Notice of Intention to Designate and objections), including subsections 29(3), 29(5), 29(6) and 29(8).

FINANCIAL IMPACT:

The City does provide and pay for the installation of a heritage plaque at a cost of approximately \$500. The City also pays to register the bylaw on title to the property, which is under \$100.

ADVISORY COMMITTEE INPUT:

At its meeting on October 16, 2025, the MHAC reviewed the heritage evaluation report for 234 King Street East. The committee unanimously recommended its designation under Part IV of the Ontario Heritage Act.

PUBLIC INPUT:

Transparency:

The Council agenda is posted on the City's website as part of the reporting process.

INTERNAL / EXTERNAL CONSULTATION:

- Heritage Planning staff consulted with the City Clerk's Division regarding notice requirements and statutory timelines under section 29 of the *Ontario Heritage Act*.
- Staff acknowledged receipt of the objection correspondence and advised the owner that the objection would be addressed through Council's statutory process and that the owner would be kept informed of applicable timelines and next steps.

CONCLUSION:

Heritage Planning staff remain of the opinion that the property municipally known as 234 King Street East meets the prescribed criteria for designation under Ontario Regulation 9/06 (as amended), as outlined in Council report 25-028-PG.

Having reviewed the objection, staff are of the opinion that the issues raised do not undermine the cultural heritage value or interest of the property, and there is no basis to withdraw the Notice of Intention to Designate. Accordingly, staff recommend that Council not withdraw the Notice under subsection 29(6) and proceed with designation by municipal by-law in accordance with subsection 29(8) of the *Ontario Heritage Act*. (Appendix E of Report No. 26-009-PG)

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

General Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 26-009-PG Appendix A – Notice of Objection (received December 16, 2025)
2. 26-009-PG Appendix B – Notice of Intention to Designate (served on owner)
3. 26-009-PG Appendix C – Notice of Intention to Designate (published in newspaper, December 15, 2025)
4. 26-009-PG Appendix D – Council Report 25-028-PG Heritage Designation Report for 234 King Street East
5. 26-009-PG Appendix E – By-law to Designate 234 King Street East