

**To:** COUNCIL  
**Meeting Date:** 2/24/2026  
**Subject:** **Objection to Notice of Intention to Designate – 35 Oak Street**  
**Submitted By:** Brynn Neiley, Director of Planning  
**Prepared By:** Edwin Chiu, Planner – Heritage  
**Report No.:** 26-017-PG  
**Wards Affected:** Ward 4

### **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 35 Oak Street;

AND THAT Council enact a by-law to designate the property municipally known as 35 Oak Street in accordance with subsection 29(8) of the Act.

### **EXECUTIVE SUMMARY:**

- A Notice of Intention to Designate the property municipally known as 35 Oak Street 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 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

**OR**

Core Service

**Program:** Community Development

**Core Service:** Heritage Conservation

## **BACKGROUND:**

Council has received a Notice of Objection to the Notice of Intention to Designate the property municipally known as 35 Oak Street under section 29 of the Ontario Heritage Act (**Appendix A**). The objection results from concerns about the financial burden of increased insurance costs resulting from heritage designation.

Council previously considered and accepted Report 25-017-PG, which recommended designation of the property under Part IV of the *Ontario Heritage Act*. Following Council's direction, the Clerk issued the Notice of Intention to Designate and published notice in a newspaper having general circulation in the municipality, in accordance with subsection 29(3) of the Act (**Appendix B**).

## **ANALYSIS:**

In accordance with subsection 29(6) of the *Ontario Heritage Act*, where an objection is received within the 30-day objection period, Council is required to consider the objection and determine whether to withdraw the Notice of Intention to Designate or continue the designation process.

### **Insurance**

The property owner is objecting to the heritage designation because their insurance provider has informed them that they will not renew their house insurance once the property is designated.

Staff acknowledges the owner's concerns; however, designation under Part IV of the *Ontario Heritage Act* does not impose requirements that would prevent a property from being insured. Under Section 29 of the Act, designation serves to recognize and protect a property's cultural heritage value or interest.

Public guidance issued by the Province of Ontario, Ontario Heritage Trust, and the Insurance Bureau of Canada consistently note that heritage designation should not result in the loss of insurance coverage or increase in premiums nor impose additional financial obligations on property owners.

Insurance considerations for older buildings may be related to factors such as age, condition, construction type, and maintenance history, but not designation status. Many properties under Part IV of the *Ontario Heritage Act* within the City of Cambridge and across Ontario continue to be insured through standard insurers.

### **The Application of Ontario Regulation 9/06**

As set out in Report 25-017-PG, Heritage Planning staff evaluated the property under Ontario Regulation 9/06 (as amended by O. Reg. 569/22) and determined that it satisfies five (5) of the nine (9) prescribed criteria, including criteria related to design/physical value, historical or associative value, and contextual value.

The objection also states it does not refute the points of the designation.

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

#### **ONTARIO HERITAGE ACT**

Designation of this property by municipal by-law is subject to the *Ontario Heritage Act*, [Section 29 \(1\) through \(10\)](#).

### **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:**

#### **Municipal Heritage Advisory Committee (MHAC)**

At its meeting on September 18, 2025, the MHAC reviewed the heritage evaluation report for 35 Oak Street. 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*.

Correspondence was received from the owner by email and in-person discussions respecting the Notice of Intention to Designate, and staff provided written acknowledgment of receipt. Staff advised that the objection would be addressed

through the statutory process under section 29 of the *Ontario Heritage Act* and that the property owner would be kept informed of applicable timelines and next steps.

## **CONCLUSION:**

Having reviewed the objection:

- The objection does not undermine the cultural heritage value or interest of the property; and
- the property meets the criteria for Part IV, Section 29 designation and that Notice of Intention to Designate should not be withdrawn.

Accordingly, staff recommend that Council direct staff to proceed with designation in accordance with subsection 29(8) 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

General Manager

Chief Financial Officer

City Solicitor

City Manager

## **ATTACHMENTS:**

1. 26-017-PG Appendix A – Objection to Notice of Intention to Designate 35 Oak St (received January 14, 2025)
2. 26-017-PG Appendix B – Notice of Intention to Designate 35 Oak St (served on owner Dec 15, 2025)
3. 26-017-PG Appendix C – Proposed Designation By-law for 35 Oak St