

To: **COUNCIL**

Meeting Date: **11/23/21**

Subject: **By-law to Designate 1261 Dundas Street South under the Ontario Heritage Act**

Submitted By: **Lisa Prime, RPP MCIP, Chief Planner**

Prepared By: **Abraham Plunkett-Latimer, Senior Planner - Heritage**

Report No.: **21-284(CD)**

File No.: **C1101**

Recommendations

THAT Report 21-284(CD) - By-law to Designate 1261 Dundas Street South under the Ontario Heritage Act - be received;

AND THAT the By-law attached as Appendix “A” to Report 21-284(CD) be passed;

AND FURTHER THAT Council direct staff to bring forward an amending by-law to correct the legal description of the property to describe only a 0.291-hectare lot containing the heritage resource after a plan of subdivision is registered for 1261 Dundas Street south as outlined in Report 21-284(CD).

Executive Summary

Purpose

- To designate the property municipally known as 1261 Dundas Street South as a property of cultural heritage value or interest under Part IV, Section 29 of the Ontario Heritage Act (the “Act”).

Key Findings

- On November 18, 2020 Council approved staff’s recommendations and instructed staff to issue a notice of intention to designate 1261 Dundas Street South as a property of cultural heritage value or interest under Part IV, Section 29 of the Act.

- On April 29, 2021 notice of intention to designate was served on the property owner and the Ontario Heritage Trust and was published in a newspaper having general circulation in the City of Cambridge.
- No objections were received by the City Clerk within 30 days of the publication of the notice of intention to designate.
- Now that notice requirements have been fulfilled, Council may pass a by-law designating the property.
- The by-law is attached to this report.
- The City of Cambridge approved the draft plan of subdivision for these lands in 2019.
- The designation by-law is intended to apply only to the main residence on the property, which has been identified as holding cultural heritage value or interest.
- Heritage designation is registered on title, and so cannot be applied only to a portion of a property. The by-law must apply to the entire 28.5-acre property until the property has been subdivided to create a new legal lot including only the main house.
- After the plan of subdivision has been registered, the by-law will be amended to update the legal description of the property to apply only to a 0.291-hectare lot including the main house as outlined in **Figure 1**.

Financial Implications

There are limited fees for designating a property in Cambridge which are the responsibility of the City; these fees are approximately \$650 and are detailed later in this report. Sufficient funds exist in the Policy Planning operating budget for this purpose.

Background

This 28.5-hectare property has been on the City's heritage inventory (now the Heritage Properties Register) since the 1990s. It includes a Georgian style, 1½-storey fieldstone farmhouse from the 1840s, associated with John Milroy and E.R. Bibby. It is among the earliest fieldstone farmhouses in the City of Cambridge.



C.1840s fieldstone farmhouse, 1261 Dundas Street South

On October 15, 2020 the Municipal Heritage Advisory Committee recommended that Council approve a request that staff begin the process of designating the property under the Ontario Heritage Act by issuing a notice of intention to designate 1261 Dundas Street South under the Ontario Heritage Act.

On November 18, 2020 Council approved the recommendation and instructed staff to begin the process of designating the property under the Ontario Heritage Act by issuing a notice of intention to designate 1261 Dundas Street South as a property of cultural heritage value or interest under Part IV, Section 29 of the Act.

On April 29, 2021 notice of intention to designate was served on the property owner and the Ontario Heritage Trust and was published in a newspaper having general circulation in the City of Cambridge.

No objections were received by the City Clerk within 30 days of the publication of the notice of intention to designate.

Council may now complete the process to designate the property under the Ontario Heritage Act by passing a designating by-law.

In 2019 The City of Cambridge approved a draft plan of subdivision for the property. The heritage resource will be located on a 0.291-acre lot outlined as block 18 in **Figure 1** below. Designation of the main residence has been imposed as a condition of approval by the Region of Waterloo, requiring that the property be designated under the Ontario Heritage Act before the subdivision can be registered.

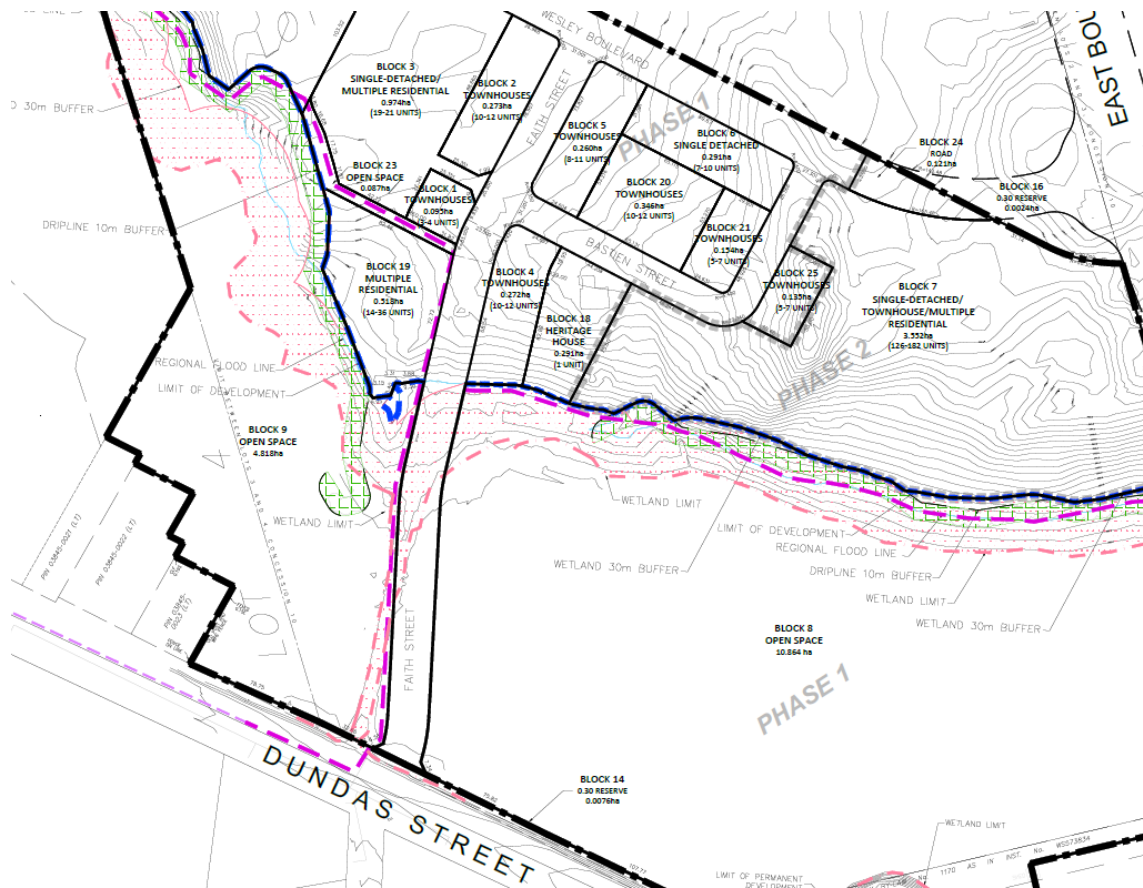


Figure 1: Modified Draft Plan of Subdivision, July 2021, Polocorp Heritage Property Outlined in Red.

Analysis

Strategic Alignment

PLACE: To take care of, celebrate and share the great features in Cambridge that we love and mean the most to us.

Goal #3 - Arts, Culture, Heritage and Architecture

Objective 3.2 Conserve and make positive contributions to our heritage districts and buildings throughout the community.

Designation of 1261 Dundas Street South would promote the long-term conservation of the main house and its unique features.

Comments

1261 Dundas Street South has been identified as having cultural heritage value or interest because of its physical or design value its historical or associative value and its contextual value.

It meets criteria for designation outlined by regulation under the Ontario Heritage Act. It has design or physical value as a rare, representative, and early example of a style and material as an early example of a vernacular fieldstone farmhouse built circa 1840 with Georgian architectural influences.

The property has historical or associative value due to its association with early agricultural development of North Dumfries Township and its association with the Milroy family, who were early settlers in the Township.

The property has contextual value due to its historical link to the surrounding agricultural lands that formed the Milroy farm. The prominent placement of the house on a rise of land visible from Dundas Street South is important to defining the visual character of the area.

A description of this significance and a list of heritage attributes is included as **Appendix B to Appendix 1** of this report.

On November 18, 2020 Council directed staff to publish a notice of intention to designate 1261 Dundas Street South. The notice was published in a newspaper having general circulation in the municipality and was served upon the owner and the Ontario Heritage Trust in compliance with Section 29 (3) of the Ontario Heritage Act. No objections were received.

Council may now choose to pass a by-law designating the subject property as a property of cultural heritage value or interest. A copy of this by-law would be served on the owner and on the Ontario Heritage Trust and published in a newspaper having general circulation in the City of Cambridge. The By-law is included as **Appendix 1** to this report.

Council may choose to withdraw the notice of intention to designate by causing a notice of withdrawal to be served on the property owner and the Ontario Heritage Trust and to be published in a newspaper having general circulation in the City of Cambridge.

If Council withdraws notice of intention to designate, then the property would not be designated under the Ontario Heritage Act and would not be protected from alteration or demolition.

The intention of the by-law is to recognize the cultural heritage value or interest of the main house only and not the 28.5-hectare property as a whole.

The Ontario Heritage Act requires that a designation by-law is registered on title of real property. Designation must apply to the entire property and cannot be registered for only a portion of a property. For this reason, the attached by-law must apply to the entire 28.5-hectare parcel.

The City of Cambridge approved a draft plan of subdivision for the subject property in 2019. The Region of Waterloo has requested as a condition of approval that the main house be designated prior to the subdivision being registered.

After the subdivision is registered, the main house would be located on a 0.291-hectare lot. Staff is recommending that the attached by-law be amended to correct the legal description of the property to apply only to the 0.291-hectare lot containing the main house after the plan of subdivision has been registered and the new legal lot has been created.

Section 30.1 of the Ontario Heritage Act permits Council to amend the by-law to correct the legal description of the property by passing an amending by-law.

Existing Policy/By-Law

Ontario Heritage Act

Section 29, Part IV of the Ontario Heritage Act outlines the process by which a property may be designated as a property of cultural heritage value or interest.

Section 29 (3) requires that notice of intention to designate be served upon the owner of the property, the Ontario Heritage Trust, and published in a newspaper having circulation in the municipality.

Section 29 (5) outlines that any person may object to the designation within 30 days of the notice being published.

Section 29 (6) states that if no objection has been received within the 30 days, Council may pass a by-law designating the property or withdraw notice of intention to designate the property by causing a notice of withdrawal.

Section 30.1 (1) outlines that Council may by by-law amend a designating by-law. Section 30.1 (2) describes that if the purpose of the amendment is to correct the legal description of the property, this amendment is considered minor and is not required to follow the process outlined in Section 30.1 (1).

Ontario Regulation 9/06

Ontario Regulation 9/06 is a regulation under the Ontario Heritage Act that lays out criteria that a property must meet in order to be designated under the Ontario Heritage Act. This includes physical or design value, associative or historical value, and contextual value. The property only needs to meet one criterion in order to be eligible to be designated under the Act.

City of Cambridge Official Plan (2012)

Section 4.6 of the City of Cambridge Official Plan states that the City will regulate as fully as possible the demolition, removal or inappropriate alteration of buildings of cultural heritage value or interest included in the Register of Cultural Heritage Resources referred to in Section 4.3, and for these purposes, Council may:

a) pass by-laws pursuant to the Ontario Heritage Act to designate properties including such buildings or structures to be of cultural heritage value.

Financial Impact

There are limited fees for designating a property in Cambridge which are the responsibility of the City. The City will pay for nominal administrative costs of publishing the Notice of Intention to Designate in the Cambridge Times and for sending the notice to the owner. There is also a fee of approximately \$76 to register the Bylaw on title to the property. The City also provides and pays for the installation of a heritage landmark plaque if the owner desires one, at a cost of approximately \$500. Therefore, the total cost to the City for designating a property may be approximately \$650, if the owner wishes to install a plaque.

Public Input

Posted publicly as part of the report process.

Notice of intention to designate was published in a newspaper having general circulation in the municipality. No objections were received during the notice period.

An agent for the owner delegated to the Municipal Heritage Advisory Committee regarding the designation on October 15, 2020.

Internal/External Consultation

Heritage staff consulted with an agent for the owner of the property. The owner is supportive of designation.

Conclusion

The property municipally known as 1261 Dundas Street South meets Provincial criteria for designation as a property of cultural heritage value or interest under the Ontario Heritage Act due to its physical or design value, its historical or associative value, and its contextual value.

Council directed staff to publish Notice of Intention to Designate the property on November 18, 2020 to begin the process to designate the property under the Ontario Heritage Act.

A Notice of intention to designate has been published in accordance with the required processes outlined by Section 29 of the Ontario Act and no objections were received during the 30-day period following the publication of this notice.

For these reasons, staff recommends that Council pass the attached by-law to designate 1261 Dundas Street South as a property of cultural heritage value or interest under the Ontario Heritage Act.

After the property has been subdivided, staff recommends that the by-law be amended to correct the legal description to describe only the legal lot containing the heritage resource.

Signature

Division Approval



Reviewed by the CFO

Reviewed by Legal Services

Name: Lisa Prime

Title: Chief Planner MCIP, RPP

Departmental Approval



Name: Hardy Bromberg

Title: Deputy City Manager, Community Development

City Manager Approval



Name: David Calder

Title: City Manager

Attachment

- Appendix A – Proposed By-law XX- 21