

To: SPECIAL COUNCIL

Meeting Date: 9/13/2022

Subject: 22-123-CD - Repealing of Heritage Designation Bylaw and Heritage Easement Agreement -102 Fountain Street South

Submitted By: Lisa Prime, Chief Planner

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Report No.: 22-123-CD

File No.: R01.01.75

Wards Affected: Ward 1

RECOMMENDATION(S):

THAT Report 22-123-CD - Repealing of Heritage Designation Bylaw and Heritage Easement Agreement -102 Fountain Street South, be received;

AND THAT the By-law attached to this report, being a by-law to repeal by-law 16-92, be enacted and passed;

AND THAT Council authorizes the Clerk to publish a Notice of Repealed Designation By-law in the Cambridge Times;

AND THAT the By-law attached to this report, being a by-law to repeal the by-law registering a heritage easement on title for the property municipally known as 102 Fountain Street South, the former Preston Springs hotel, be enacted and passed;

AND THAT the City Solicitor be authorized to take the necessary steps to remove from the title to the property the heritage easement agreement and designation bylaw registered on title for the property municipally known as 102 Fountain Street South, the former Preston Springs Hotel;

AND FURTHER THAT Council authorizes the appropriate staff to remove the property from the Municipal Heritage Properties Register.

EXECUTIVE SUMMARY:

Purpose

The purpose for this report is to repeal the designation bylaw and heritage easement for the Preston Springs Hotel because the building has been demolished.

Key Findings

Council approved a Notice of Intent to Repeal the Designating By-law on January 28, 2020. The Architectural Conservancy of Ontario (ACO) Cambridge and North Dumfries branch objected to the notice and subsequently withdrew its objection. As a result, the Conservation Review Board cancelled the hearing and closed its file. The Designation By-law can now be repealed.

Financial Implications

There is no cost to the property owner. The cost to the City is \$79 each to remove the designation bylaw and heritage easement from title to the property. There is a separate cost of \$79 to register the repealing bylaw on title to the property for a total cost of \$236.

STRATEGIC ALIGNMENT:

- ☒ Strategic Action; or
- ☐ Core Service

Objective(s): PLANNING FOR GROWTH - Provide for a mix of development, uses and amenities in order to meet the needs of a changing and diverse population

Strategic Action: Establish our core areas as attractive destinations

Program: Land Use Planning

Core Service: Heritage Conservation

BACKGROUND:

On January 28, 2020 Council passed a resolution authorizing the Clerk to issue a notice of intention to repeal the designating bylaw and that the notice be served on the owner of the property and on the Heritage Trust and that the notice be published in a newspaper having general circulation in the City of Cambridge.

As a result of the Notice of Intent to Repeal the designation bylaw, an objection to that Notice was received in March 2020 from the Architectural Conservancy of Ontario's Cambridge and North Dumfries Branch and the matter was referred to the Conservation Review Board.

The Architectural Conservancy of Ontario Cambridge and North Dumfries branch subsequently withdrew their objection to the Conservation Review Board. There is an outstanding appeal of Council's decision not to allow for the demolition of the Preston Springs hotel. That appeal was brought by the property owner, Haastown Holdings (Preston) Inc. It is expected that should Council permit the de-designation that that

appeal will be a moot issue before the Ontario Land Tribunal and that the appeal will be withdrawn.

A heritage easement agreement was also registered on title to the property in February, 2000. This easement was an agreement between the City and the property owner at that time, to undertake some maintenance of the property. Windows were replaced, the red metal roof was added and the building was stuccoed. Because the building no longer exists, this heritage easement agreement will also be removed from title to the property through a repealing bylaw.

ANALYSIS:

The next step is for Council to repeal the designation bylaw and any bylaw registered for the heritage easement that is registered on title.

Should Council pass the recommendations in this report, the City is also required to publish a Notice of Repealed Bylaw in the Cambridge Times indicating to the public that the designation bylaw and the heritage easement have been repealed.

The final step in removing the designation bylaw and heritage easement is for heritage planning staff to remove the property from the Heritage Register.

For the reasons listed above, heritage planning staff recommends that the designation bylaw and heritage easement should be repealed because the building no longer exists.

EXISTING POLICY / BY-LAW(S):

The provisions of the Ontario Heritage Act addressing the repeal of a designating by-law have changed since the Notice of Intention to Repeal the designating by-law for the Preston Springs hotel was issued by the City. The new provisions came into effect in July 2021. However, the public process for objection was completed under the former provisions of the Ontario Heritage Act and the technical requirements for repealing the heritage designation are being completed under the former provisions of the Ontario Heritage Act.

FINANCIAL IMPACT:

There is no cost to the property owner. The cost to the City is \$79 each to remove the designation bylaw and heritage easement from title to the property. There is a separate cost of \$79 to register the repealing bylaw on title to the property for a total cost of \$236.

PUBLIC VALUE:**Transparency:**

This report has been shared with the public through the applicable Council meeting agenda process.

ADVISORY COMMITTEE INPUT:

On February 20, 2020 the Municipal Heritage Advisory Committee (MHAC) considered report 20-041(CD) from the City's Chief Building Official about the existing condition of the building at 102 Fountain St S and the Order to Remedy an Unsafe Building issued with direction to demolish. The report requested that MHAC recommend Council approve the de-designation of the property in order to comply with the Order by demolishing the building. MHAC passed a resolution indicating that Preston Springs still has cultural heritage value and they refused the request to de-designate the property.

PUBLIC INPUT:

Posted publicly as part of the report process.

INTERNAL / EXTERNAL CONSULTATION:

There was no internal/external consultation undertaken.

CONCLUSION:

Heritage planning staff recommends that the designation bylaw and heritage easement should be repealed because the building no longer exists and the appeal by the ACO has been withdrawn.

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. 22-123-CD Appendix A – Draft Repealing Bylaw for 102 Fountain Street
2. 22-123-CD Appendix B – Draft Heritage Easement Repealing Bylaw for 102 Fountain Street