

**To:** COUNCIL

**Meeting Date:** 11/28/2023

**Subject:** **Passage of Designation By-laws under Part IV of the Ontario Heritage Act for 12 Dayton Street, 74 Queen Street East and 119 Blair Road**

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**Report No.:** 23-316-CD

**File No.:** R01.01.143, R01.01.144, R01.01.145

**Wards Affected:** Ward 4  
Ward 2  
Ward 5

### **RECOMMENDATION(S):**

THAT Report 23-316-CD Passage of Designation By-laws under Part IV of the Ontario Heritage Act for 12 Dayton Street, 74 Queen Street East and 119 Blair Road, be received;

AND THAT the designation by-laws attached as Appendix A, B and C to Report 23-316-CD be presented to Council for enactment;

AND FURTHER THAT staff be directed to take the necessary steps under the Ontario Heritage Act following passage of the by-laws.

### **EXECUTIVE SUMMARY:**

#### **Purpose**

The purpose of this report is to request that Council enact designation by-laws for three properties under Part IV of the Ontario Heritage Act: 12 Dayton Street (private residence), 74 Queen Street East (the former Hespeler Post Office now the Fashion History Museum) and 119 Blair Road (private residence).

#### **Key Findings**

12 Dayton Street

- Council agreed to designate the property on May 31, 2022

74 Queen Street East

- Council agreed to designate the property on May 31, 2022

119 Blair Road

- Council agreed to designate the property on December 13, 2022

### **Financial Implications**

The City pays to register the by-law on title to the property, which costs approximately \$75 per 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 May 31, 2022 Council supported staff's recommendation to designate the properties at 12 Dayton Street and 74 Queen Street East under Part IV of the Ontario Heritage Act through Report 22-045-CD.

On September 14, 2023, staff caused the Notice of Intention to Designate (NOID) for 12 Dayton Street and 74 Queen Street East to be published in the Cambridge Times.

On December 13, 2022, Council supported staff's recommendation to designate the property at 119 Blair Road under Part IV of the Ontario Heritage Act through Report 22-110-CD.

On September 14, 2023, staff caused the Notice of Intention to Designate (NOID) for 119 Blair Road to be published in the Cambridge Times.

As of October 14, 2023, the 30-day objection period for 12 Dayton, 74 Queen Street East and 119 Blair Road has passed.

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

### **Ontario Heritage Act**

#### **Designation by municipal by-law**

**29 (1)** The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and

(b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (1); 2022, c. 21, Sched. 6, s. 4 (1).

#### **If no notice of objection or no withdrawal**

**29 (8)** If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of intention to designate the property, the council may pass a by-law designating the property, provided the following requirements are satisfied:

1. The by-law must be passed within 120 days after the date of publication of the notice of intention under clause (3) (b) or, if a prescribed circumstance exists, within such other period of time as may be prescribed for the circumstance.

2. The by-law must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.

3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:

i. A copy of the by-law.

ii. A notice that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, 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.

4. The council must publish notice of the by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, 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. 7 (6); 2021, c. 4, Sched. 6, s. 74 (2).

### **Registration of by-law**

(19) The clerk of a municipality shall ensure that a copy of a by-law that comes into force under subsection (18) is registered against the properties affected by the by-law in the appropriate land registry office and that a copy of the registered by-law is served on the Trust. 2019, c. 9, Sched. 11, s. 7 (6).

### **ANALYSIS:**

Under Section 29(8) of the Ontario Heritage Act, the City of Cambridge is required to pass its designation by-laws within 120 days after the date of the publication of the Notices of Intent to Designate (NOID). Because this time period had lapsed, staff re-published all three NOID on September 12, 2023 to meet the requirements for Council to proceed with passing each designated by-law.

As of October 14, 2023, all three NOIDs passed without objection, satisfying the notice requirement under Section 29(4.1) of the Ontario Heritage Act.

The Ontario Heritage Act outlines the following next steps to ensure the designation of each property:

1. Staff must ensure that a copy of each of the registered by-laws be served on the property owners and the Ontario Heritage Trust, as per Section 28(8).
2. The Clerk must ensure that a copy of each of the by-laws that come into force are registered against the properties affected in the appropriate land registry office, as per Section 29(19).
3. Staff must ensure that a notice of the passage of each of the by-laws be published in a newspaper having general circulation in the municipality, per Section 29(8).

As such, staff recommend that Council pass each designation by-law and direct staff to carry out all remaining responsibilities for each property under the Ontario Heritage Act.

## **FINANCIAL IMPACT:**

The City pays to register the by-law on title to the property, which costs approximately \$75.

## **PUBLIC VALUE:**

### **Sustainability:**

The passing of designation by-laws supports sustainability through conserving for future generations the places and spaces that are considered historically significant to the community.

### **Transparency:**

The Council agendas are posted publicly as part of the report process.

## **ADVISORY COMMITTEE INPUT:**

For 12 Dayton Street and 74 Queen Street East, the Municipal Heritage Advisory Committee (MHAC) was consulted on January 20, 2022 through Report 22-001(MHAC) and passed the following recommendations:

THAT the Cambridge Municipal Heritage Advisory Committee (MHAC) recommends to Cambridge City Council (Council) that the Clerk be authorized to publish a Notice of Intention to Designate for the property municipally known as 12 Dayton Street in accordance with Part IV of the Ontario Heritage Act because of its cultural heritage value;

AND THAT the Cambridge Municipal Heritage Advisory Committee (MHAC) recommends to Cambridge City Council (Council) that the Clerk be authorized to publish a Notice of Intention to Designate for the property municipally known as 74 Queen Street East (the Hespeler Post Office) in accordance with Part IV of the Ontario Heritage Act because of its cultural heritage value.

For 119 Blair Road, the MHAC was consulted on July 21, 2022 through Report 22-021(MHAC) and passed the following recommendation:

THAT the Municipal Heritage Advisory Committee (MHAC) recommends to Cambridge City Council (Council) that the Clerk be authorized to publish a Notice of Intention to Designate for the property municipally known as 119 Blair Road in accordance with Part IV of the Ontario Heritage Act because of its cultural heritage value.

## **PUBLIC INPUT:**

Posted publicly as part of the reporting process.

## **INTERNAL / EXTERNAL CONSULTATION:**

Heritage staff conducted consultation with the property owner at 12 Dayton Street and 119 Blair Road. Heritage staff also conducted consultation with City staff on the designation of 74 Queen Street East as the property is City owned and the designation request came from the Ward 2 Councillor, Mike Devine. No objections were received prior to or during the legislated notice period for any of the properties.

## **CONCLUSION:**

Given that the 30-day notice periods passed for all three properties without appeal, staff recommend that Council pass each designation by-law and direct staff to carry out all remaining responsibilities related to designation for each of the properties as outlined within 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. 23-316-CD Appendix A – Draft Designation By-law for 12 Dayton Street

2. 23-316-CD Appendix B – Draft Designation By-law for 74 Queen Street East
3. 23-316-CD Appendix C – Draft Designation By-law for 119 Blair Road