

**To:** COUNCIL

**Meeting Date:** 12/19/2023

**Subject:** 23-341-CD: Passage of Designation By-law under Part IV of the Ontario Heritage Act for 498 Eagle Street North

**Submitted By:** Joan Jylanne, Manager of Policy Planning

**Prepared By:** Jeremy Parsons, Senior Planner - Heritage

**Report No.:** 23-341-CD

**File No.:** R01.01.149

**Wards Affected:** Ward 1

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

THAT Report 23-341-CD: Passage of Designation By-law under Part IV of the Ontario Heritage Act for 498 Eagle Street North be received;

AND THAT the designation by-law attached as Appendix A to Report 23-341-CD be enacted by Council;

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

### **EXECUTIVE SUMMARY:**

#### **Purpose**

The purpose of this report is to request that Council enact the designation by-law for the property located at 498 Eagle Street North (Preston Woollen Mills) under Part IV of the Ontario Heritage Act.

#### **Key Findings**

- Council agreed to designate the property on October 24, 2023.

#### **Financial Implications**

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

## **STRATEGIC ALIGNMENT:**

- ☐ Strategic Action; or
- ☒ Core Service

**Objective(s):** Not Applicable

**Strategic Action:** Not Applicable

**Program:** Community Development

**Core Service:** Heritage Conservation

## **BACKGROUND:**

On September 21, 2023, the Municipal Heritage Advisory Committee (MHAC) supported Heritage Planning staff's recommendation to designate the property at 498 Eagle Street North under Part IV of the Ontario Heritage Act through Report 23-012 (MHAC).

On October 24, 2023, Council supported Heritage Planning staff's recommendation to designate the property at 498 Eagle Street North under Part IV of the Ontario Heritage Act through Report 23-294-CD.

On November 7, 2023, Heritage Planning staff caused the Notice of Intention to Designate (NOID) for 498 Eagle Street North to be published in the Waterloo Record. A copy of the NOID was also forwarded to the property owner and to the Ontario Heritage Trust.

As of December 7, 2023, the 30-day objection period for 498 Eagle Street North will have 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:**

As of December 7, 2023, the NOID for 498 Eagle Street North will have passed without objection, satisfying the notice requirement under Section 29(4.1) of the Ontario Heritage Act.

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 NOID. For 498 Eagle Street North, the designation by-law must be passed by Council before February 6, 2024.

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

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

As such, Heritage Planning staff recommend that Council enact the designation by-law, attached as Appendix A, and direct staff to carry out all remaining responsibilities for the property under the Ontario Heritage Act.

## **FINANCIAL IMPACT:**

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

## **PUBLIC VALUE:**

The designation of properties of heritage significance protects and celebrates cultural heritage value for the benefit of the community. Conserving heritage properties supports the principles of sustainability and transparency (Five Public Value Principles).

### **Sustainability:**

This project will support sustainability by retaining existing structures in situ and supporting the conservation of a property valued by the community.

### **Transparency:**

Council reports are posted publicly as part of the report process and Council meetings are open to the public.

## **ADVISORY COMMITTEE INPUT:**

The MHAC was consulted on September 21, 2023 through Report 23-012 (MHAC) and the committee provided the following recommendation to Council:

THAT Report 23-012 (MHAC) Recommendation to Designate the Property Located at 498 Eagle Street North (Preston Woollen Mills) Under Part IV of the Ontario Heritage Act - be received;

AND THAT the Municipal Heritage Advisory Committee (MHAC) recommend that Council approve the request to designate the property municipally known as 498 Eagle Street North (Preston Woollen Mills) under Part IV of the Ontario Heritage Act;

AND FURTHER THAT the MHAC recommends to Council that the Clerk be authorized to publish a Notice of Intention to Designate (NOID) for the property municipally known as 498 Eagle Street North (Preston Woollen Mills) in accordance with Section 29 of the Ontario Heritage Act because of its cultural heritage value.

## **PUBLIC INPUT:**

Posted publicly as part of the report process.

## **INTERNAL / EXTERNAL CONSULTATION:**

Heritage Planning staff conducted a site visit to the property on August 9, 2023. Throughout the designation process, Heritage Planning staff have liaised with representatives of the property who have been supportive of the proposed designation. No objections were received prior to or during the legislated notice period.

## **CONCLUSION:**

Following Council's direction to designate the property located at 498 Eagle Street North within Report 23-294-CD, Heritage Planning staff issued a notice of intention to designate. Given that the 30-day notice period has now passed for 498 Eagle Street North, Heritage Planning staff recommend that Council enact and pass the designation by-law and direct Heritage Planning staff to carry out all remaining responsibilities related to designation of the property 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. 23-341-CD Appendix A: Designation By-law, 498 Eagle Street North (Preston Woollen Mills)