



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 9, 2018

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**FROM:** Planning Services Department

**DATE:** June 18, 2018

**SUBJECT:** Notice of Intention to Amend Designation By-laws - 99 Forsythe Street, 3041 Postville Street, 21 Regency Court, 66-70 Shepherd Road and 139 Thomas Street

**LOCATION:** 99 Forsythe Street, 3041 Postville Street, 21 Regency Court, 66-70 Shepherd Road and 139 Thomas Street

**WARD:** Multiple Wards:

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### RECOMMENDATION:

That notice be issued under subsection 30.1(3) of the *Ontario Heritage Act* to the owners of the following properties of the proposed amendments under subsection 30.1(2) of the *Ontario Heritage Act* to their respective heritage designation by-laws:

- 99 Forsythe Street, currently designated by By-law 1993-054, a by-law to designate Lyon's Log Cabin, Shipyard Park, as a property of historical and architectural value and interest;
- 3041 Postville Street, currently designated by By-law 1991-185, a by-law to designate 257 Dundas Street East as a property of architectural and historical significance;
- 21 Regency Court, currently designated by By-law 1978-005, a by-law to designate certain property as property of historic and architectural value and interest (King's Castle);
- 66-70 Shepherd Road, currently designated by By-law 2009-079, a by-law to designate the Old Smith Houses at 531-533 Kerr Street as a property of historical, architectural and/or contextual significance; and
- 139 Thomas Street, currently designated by By-law 1995-122, a by-law to designate 139 Thomas Street (Old Radial Station) as a property of historical, architectural and contextual value and interest.

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## KEY FACTS:

The following are key points for consideration with respect to this report:

- The properties described in this report are designated under Part IV of the *Ontario Heritage Act*.
- The designation by-laws require amendments to ensure that they satisfy the requirements of the *Ontario Heritage Act*, as amended in 2005.

## BACKGROUND:

Following changes to the *Ontario Heritage Act* in 2005, all designation by-laws are required to include the following four items: a description of the property; a statement explaining the cultural heritage value or interest; a description of the heritage attributes; and a correct legal description.

The by-laws proposed to be amended either do not include all four of these items, or these four items need to be clarified or updated. In some cases, the heritage feature has been relocated within the site and/or has been altered through restoration and rehabilitation. These changes can impact the property address and the description of heritage attributes.

The reasons for the proposed amendments are described below for each property.

### Lyon's Log Cabin

The Lyon's Log Cabin at 99 Forsythe Street was designated under Part IV of the *Ontario Heritage Act* by By-law 1993-054, attached as Appendix A. The by-law needs to be amended to update the description of the property and the legal description since the current by-law includes a reference plan showing the former location of the cabin prior to its relocation within Shipyard Park. Both the statement explaining the cultural heritage value or interest and the description of the heritage attributes also need to be updated to reflect recent restoration work on the building.

### Appelbe House

The Appelbe House at 3041 Postville Street was designated under Part IV of the *Ontario Heritage Act* by By-law 1991-185, attached as Appendix B. The by-law needs to be amended to update the description of the property and the legal description since the current by-law uses the former address of 257 Dundas Street East, prior to relocation of the house within the site to a new lot at 3041 Postville Street. Both the statement explaining the cultural heritage value or interest and the description of the heritage attributes also need to be updated to reflect recent restoration and rehabilitation work on the building.

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### 21 Regency Court

King's Castle at 21 Regency Court was designated under Part IV of the *Ontario Heritage Act* by By-law 1978-005, attached as Appendix C. As one of the first designation by-laws in Ontario, the by-law only includes a legal description and needs to be amended to satisfy the four requirements of the *Ontario Heritage Act*.

### 66-70 Shepherd Road

The Old Smith Houses at 66-70 Shepherd Road were designated under Part IV of the *Ontario Heritage Act* by By-law 2009-079, attached as Appendix D. The by-law needs to be amended to update the description of the property and the legal description since the current by-law uses the former address of 531-533 Kerr Street, prior to the relocation of the houses to new lots on the site at 66 and 70 Shepherd Road. Both the statement explaining the cultural heritage value or interest and the description of the heritage attributes also need to be updated to reflect restoration work on the building.

### 139 Thomas Street

The Old Radial Railway Station at 139 Thomas Street was designated under Part IV of the *Ontario Heritage Act* by By-law 1995-122, attached as Appendix E. The by-law needs to be amended to update the description of the property and the legal description since the current by-law does not reflect a severance of a portion of the property in 2012. Both the statement explaining the cultural heritage value or interest and the description of the heritage attributes also need to be updated to reflect restoration and rehabilitation work on the building.

## COMMENT/OPTIONS:

In accordance with section 30.1 of the *Ontario Heritage Act*, a Council may amend a designation by-law made under section 29 of the *Act*. The amendments described in this report are being proposed in order to correct legal descriptions and/or to ensure that the by-laws satisfy today's requirements of the *Ontario Heritage Act*. In accordance with section 30.1(2) of the *Act*, for these types of amendments, Council is required to provide written notice to the owner prior to amending the by-laws.

Staff is therefore recommending that the existing by-laws described above be amended and that notice of the proposed amendments be issued to the owners in accordance with subsection 30.1(3) and (4) of the *Ontario Heritage Act*.

A separate report on this matter was presented to the Heritage Oakville Committee on June 26, 2018. The Committee supported staff's recommendation to amend the designation by-laws.

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**CONSIDERATIONS:**

**(A) PUBLIC**

If notice is to be issued for the amendment of these by-laws, notice will be given to the owners in accordance with section 30.1 of the *Ontario Heritage Act*.

**(B) FINANCIAL**

None

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

None

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- enhance our cultural environment
- be the most livable town in Canada

**(E) COMMUNITY SUSTAINABILITY**

The proposed application generally complies with the sustainability objectives of the Livable Oakville Plan.

**APPENDICES:**

Appendix A – Designation By-law 1993-054

Appendix B – Designation By-law 1991-185

Appendix C – Designation By-law 1978-005

Appendix D – Designation By-law 2009-079

Appendix E – Designation By-law 1995-122

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