

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, November 1, 2022
Subject	50-60 Fife Road – Consideration of Objection to Notice of Intention to Designate under Section 29, Part IV of the Ontario Heritage Act

Recommendation

1. That City Council affirm its decision to designate 50-60 Fife Road pursuant to Section 29, Part IV of the Ontario Heritage Act.
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Executive Summary

Purpose of Report

The purpose of this report is to advise Council of the property owner's notice of objection to the intention to designate 50-60 Fife Road and to recommend that City Council affirm its decision to designate 50-60 Fife Road under Section 29, Part IV of the Ontario Heritage Act with the identified heritage attributes being the conical roof, the slate shingles and the wooden corbels of the tower.

Key Findings

A property may be designated under section 29, Part IV of the Ontario Heritage Act if it meets one or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06.

Council considered [Report 2022-260](#) at their July 13, 2022 meeting and authorized the City Clerk to publish and serve notice of intention to designate 50-60 Fife Road pursuant to section 29, Part IV of the Ontario Heritage Act. The notice specifically referenced the heritage attributes of the property to be protected by a designation bylaw.

A [notice of intention to designate](#) 50-60 Fife Road was published and served on August 4, 2022. The objection period ended on September 6, 2022.

A notice of objection to the intention to designate was received by the City Clerk on September 6, 2022 from H. Kennedy, President of Upbuilding! Non-Profit Homes.

According to Section 29 of the Ontario Heritage Act, Council must consider the objection within 90 days after the end of the objection period. Should Council affirm their intention to designate, a bylaw designating the property must be passed within 120 days of the publication of the notice of intention to designate. As such, Council must consider the objection and pass a bylaw prior to December 2, 2022 or the notice of intention to designate the property is deemed withdrawn.

Staff have reviewed the notice of objection and continue to recommend that the tower portion of the property has cultural heritage value or interest and meets the criteria for designation.

Financial Implications

Costs associated with notices and registration of by-laws are covered by the City's advertising budget. Additional costs may be incurred if the designation bylaw is appealed to the Ontario Land Tribunal.

Report

Background

At their meeting of July 13, 2022 Council considered a request to demolish a building at 50-60 Fife Road that is listed in the Municipal Register of Cultural Heritage Properties. Council approved partial demolition while authorizing publication of a notice of intention to designate. The notice of intention to designate identified the heritage attributes of 50-60 Fife Road that would be protected by a heritage designation bylaw.

The notice of intention to designate was published in the newspaper on August 4, 2022 and served on the property owner and the Ontario Heritage Trust on the same date. The objection period ended on September 6, 2022. The City Clerk received a notice of objection on September 6, 2022 from H. Kennedy, President of Up!Building Non-Profit Homes.

In accordance with the Ontario Heritage Act, if a notice of objection has been served, Council shall consider the objection and decide whether to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day objection period. In this case, Council must decide whether to advance or withdraw its intention to designate before December 5, 2022. If Council does not consider the objection, the notice of intention to designate is deemed to be withdrawn. The Act also requires that should Council decide not to withdraw the notice of intention to designate the property, Council must pass a by-law designating the property within 120 days after the date of publication of the notice of intention to designate. In this instance, the bylaw must be passed prior to December 2, 2022 or the notice of intention to designate is deemed to be withdrawn. A notice and appeal period follow the passing of a designation bylaw with appeals being heard by the Ontario Land Tribunal.

Subject Property and Heritage Review

The subject property is located on the south side of Fife Road, west of Wellington Street.

Staff determined that the property meets two of the three criteria used to determine cultural heritage value under Ontario Regulation 9/06 and that the cultural heritage value of the listed built heritage resource at 50-60 Fife Road is found in the tower portion of the building. Council approved staff's recommendation that the tower be retained and that a notice of intention to designate 50-60 Fife Road be published and served setting out the heritage attributes of the tower as the conical roof with a flat top, slate shingles with square and hexagonal shape, and wooden corbels supporting the tower roof soffit.

Notice of Objection

The notice of objection is included in Attachment 1. The objector notes that their objection is procedural, technical and financial in nature. Concerns raised are that the retention of the heritage attributes would require further consultation and heritage permits, that it is unclear how the attributes should be conserved after the building is demolished, and that there would be additional time and expense added to their project plans. There was also concern expressed that the heritage attributes are in poor condition and it may not be possible to retain or move them.

Comments

Staff have reviewed the notice of objection and have reviewed the statement of cultural heritage value and continue to recommend that the property be designated to conserve the cultural heritage attributes of the property. The City's Official Plan policies support the conservation of cultural heritage resources and provide guidance for development proposals for properties that have identified or designated cultural heritage resources. Official Plan policy 4.8.2.3 states that

"Applications for any alteration affecting or likely to affect the heritage attributes of a designated property or other protected heritage property shall be required to demonstrate, to the satisfaction of the City, in consultation with Heritage Guelph, through a Cultural Heritage Resource Impact Assessment and/or a Cultural Heritage Conservation Plan how the heritage attributes will be conserved, protected and integrated, where appropriate, into the development plans."

A cultural heritage resource impact assessment was completed for this property and provided to Council with report 2022-260. A development application for this property, if designated, would require a Cultural Heritage Conservation Plan. The conservation plan would be prepared by the proponent to the satisfaction of Heritage Planning staff. Heritage Guelph reviews and provides comment on conservation plans. The conservation plan would be required as part of the heritage permit process. Depending on the nature of the plan's recommendations, approval of the permit may be delegated to the General Manager of Planning and Building Services.

While the property owner has plans to demolish the existing apartment building and redevelop with 18 units, a formal application has not been submitted to the City. Given that the project is in the design and pre-application phase, consultation with staff on a conservation plan for the heritage attributes would fit within the project's application review time. During the site plan application process, staff will work with the applicant to determine appropriate conservation measures that respect the heritage designation. Staff have reviewed the proponents preliminary proposal and feel that designation of the specific heritage attributes of the tower conserves the cultural heritage value of the property while allowing for development of new housing units thereby achieving multiple City objectives and meeting the policies of the Official Plan.

Staff conclude that the tower portion of the property meets criteria for determining cultural heritage value or interest under the Ontario Heritage Act and that despite the notice of objection, the property should be designated. Staff continue to recommend that the stated heritage attributes be unchanged from Report 2022-260. Should Council affirm its intention to designate, the designating bylaw will be

presented to Council for approval. A notice of passing would then be provided and published in accordance with the Ontario Heritage Act. A notice and appeal period follow the passing of a designation by-law with appeals being heard by the Ontario Land Tribunal.

Financial Implications

Costs associated with notices and registration of by-laws are covered the City's advertising budget. Additional costs may be incurred if the designation by-law is appealed to the Ontario Land Tribunal.

Consultations

Heritage Guelph has been advised of the receipt of the notice of objection from the property owner and of this report.

Strategic Plan Alignment

Priority

Building our Future

Direction

Continue to build strong, vibrant, safe and healthy communities that foster resilience in the people who live here

Alignment

The conservation of cultural heritage resources is aligned with building and maintaining vibrant and resilient communities

Attachments

Attachment-1 Notice of Objection to Designation of 50-60 Fife Road

Departmental Approval

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