

# Advisory Committee of Council Information Report

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Committee	Heritage Guelph
Date	Monday, February 5, 2024
Subject	<b>40 Spring Street – Notice of Amending Heritage Designation By-law (2004)-17606</b>

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## Recommendation

1. That Heritage Guelph supports the proposed amendment to heritage designation By-law (2004)-17606 as presented in the staff report dated February 5, 2024; and
  2. That Heritage Guelph recommends that City Council give notice of the proposed by-law amendment pursuant to Part IV, Section 29 of the Ontario Heritage Act.
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## Description

This report is provided to Heritage Guelph regarding an amendment to heritage designation By-Law (2004)-17606 required as a result of the approval of a consent decision by the Committee of Adjustment to sever a 140 square meter parcel from 40 Spring Street.

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## Report

The heritage attributes of the property known municipally as 40 Spring Street are protected by heritage designation By-Law (2004)-17606 under Section 29, Part IV of the Ontario Heritage Act (Attachment-1).

The decision of the Committee of Adjustment (Attachment-2) permits the severance of a 140 square metre parcel from 40 Spring St adding the severed parcel to 32 Spring St as presented in reference plan 61R-22648 (Attachment-3).

The severance does not impact any of the heritage attributes identified in the designation by-law, therefore the approval of a heritage permit was not required. An amending by-law is required to be passed to remove the severed lands from the legal description in the existing heritage designation by-law.

In accordance with section 30.1 (5) of the Ontario Heritage Act, Heritage Guelph is being consulted at their meeting of February 5, 2024 on the proposed designation by-law amendment. Council will consider the recommendation to give notice of the proposed by-law amendment at their meeting of March 20, 2024.

The owner of a property who receives notice of a proposed amendment to the heritage designation by-law may, within 30 days of receiving notice of the amendment, file a notice of objection to the amendment with the Clerk of the municipality setting out the reasons for the objection and all relevant facts. If a notice of objection is filed within the 30-day period, Council shall consider the objection and make a decision whether or not to withdraw the notice of the proposed amendment within 90 days after the end of the 30-day period. If no objection is received from the property owner, Council would pass an amending by-law which is appealable by the property owner to the Ontario Land Trust. If no notice of appeal is received from the property owner the amending by-law comes into force following the last day of the period of objection for the notice of the by-law's passing.

### **Attachments**

Attachment-1 Heritage Designation By-Law (2004)-17606

Attachment-2 B15.22 40 Spring Street - Decision

Attachment-3 B15.22 40 Spring Street – Deposited Reference Plan 61R-22648

### **Departmental Approval**

Melissa Aldunate, Manager, Policy Planning and Urban Design  
City of Guelph

### **Report Author**

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