

Advisory Committee of Council Information Report



Committee	Heritage Guelph
Date	Monday, March 4, 2024
Subject	785 York Road – Notice of Proposed Amending Heritage Designation By-law (2021)-20631

Recommendation

1. That Heritage Guelph supports the proposed amendment to heritage designation By-law (2021)-20631 as presented in the staff report dated March 4, 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 make Heritage Guelph aware of a proposed amendment to heritage designation By-Law (2021)-20631 required to correct the legal description indicated in the existing by-law.

Report

The heritage attributes of the property known municipally as 785 York Road are protected by heritage designation By-Law (2021)-20631 under Section 29, Part IV of the Ontario Heritage Act (Attachment-1).

The legal description of the designated property used in By-law (2021)-20631 does not include reference to Part Lot 5, Concession 2, Division C and the by-law does not include the "Parts" on Reference Plan 61R-21959 (Attachment-2), therefore the legal description is incorrect.

The legal description of the property known as 785 York Road should be corrected in the by-law to read as follows:

Part Lots 1 & 2 Concession 2 Division C as in BS8347; Part Lot 3 Concession 2 Division C as in BS6264 (REM); Part Lot 4 Concession 1 & 2 Division C as in BS6224 (REM); Part Lot 5 Concession 1 & 2 Division C as in BS6216 (REM); Guelph; Being all of PIN 71236-0096 (and recently shown as Parts 1-39, Reference Plan 61R-21959).

The correction of the legal description does not impact any of the heritage attributes identified and protected by the designation by-law. An amending by-law is required to be passed to formally correct 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 required to be consulted on the proposed by-law amendment. Once Heritage Guelph's recommendation is received, Council will consider recommendations to give notice of a proposed by-law amendment to the property owner.

The owner of a property who receives notice of a proposed amendment to a 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 (2021)-20631

Attachment-2 Reference Plan 61R-21959

Departmental Approval

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City of Guelph

Report Author

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