

Staff Report



To	City Council
Service Area	Infrastructure, Development and Environment
Date	Tuesday, December 10, 2024
Subject	106 Carden Street: Notice of Objection to Intention to Designate

Recommendation

1. That the Notice of Objection to the intention to designate 106 Carden Street dated October 8, 2024 from Christienne Uchiyama of LHC Heritage Planning and Archaeology Inc. on behalf of the property owner (Master's Choice Capital Inc.) be received.
 2. That the designation by-law for 106 Carden Street be approved.
-

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 106 Carden Street and to bring the heritage designation by-law before Council for approval according to the provisions of section 29, Part IV of the Ontario Heritage Act.

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.

The heritage attributes of the Royal Hotel building at 106 Carden Street meet seven of the nine prescribed criteria for determining cultural heritage value or interest, according to Ontario Regulation 9/06 as amended by Ontario Regulation 569/22. The heritage attributes of 106 Carden Street display: design or physical, historical or associative, and contextual value.

Designation enables Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse demolition.

A notice of intention to designate 106 Carden Street was published and served on the property owner and the Ontario Heritage Trust on September 12, 2024 (Attachment-1). An objection to the intention to designate was received by the City Clerk on October 8, 2024 from Christienne Uchiyama of LHC Heritage Planning & Archaeology Inc. on behalf of the property owner Master's Choice Capital Inc. (Attachment-2).

According to section 29, subsections (6-8) of the Ontario Heritage Act, Council has until January 9, 2025 to decide whether to proceed with the designation and, if so,

may pass a by-law. The proposed by-law (2024) – 21016 is included in Attachment-3.

Strategic Plan Alignment

The key findings and recommendations of this report align with 2024-2027 Strategic Plan priority 6.1.4 to conserve our cultural heritage resources.

Future Guelph Theme

City Building

Future Guelph Objectives

City Building: Grow and care for our community space and places

Financial Implications

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

Report

Following the [staff report to Council on September 10, 2024](#), Council directed the City Clerk to publish and serve notice of intention to designate the property known municipally as 106 Carden Street pursuant to section 29, Part IV of the Ontario Heritage Act. The notice of intention to designate was published in the newspaper on September 12, 2024 (Attachment-1) and served on the property owner and the Ontario Heritage Trust on the same date as required under the Ontario Heritage Act.

The notice of intention to designate stated that any person may send a notice of objection to the proposed designation, before 4 p.m. on Friday, October 11, 2024. The notice must be sent by registered mail or delivered to the Clerk of the City of Guelph and must set out the reason for the objection and all relevant facts. If a notice of objection is received, the Council of the City of Guelph shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day objection period. If Council decides not to withdraw its intention to designate, a heritage designation by-law must be passed within 120 days after the date of publication of the notice of intention to designate. Council must publish a notice of passing of the designation by-law which is followed by a 30-day appeal period when appeals of the by-law may be given to the Ontario Land Tribunal for a hearing and decision.

Notice of Objection

A Notice of Objection to the intention to designate 106 Carden Street (Attachment-2) was received by the City Clerk on October 8, 2024 from Christienne Uchiyama of LHC Heritage Planning & Archaeology Inc. on behalf of the property owner (Master's Choice Capital Inc.). In the notice of objection, the property owner's heritage consultant stated that the owner requests that the designation of the subject property be deferred to allow for discussion with City Heritage staff. The letter states that although the owner recalls being contacted by staff over the phone prior to the property being discussed at the Heritage Guelph committee, the owner said they had not received written correspondence from staff related to the designation

or been made aware of opportunities to engage in the process or delegate on the matter at Heritage Guelph committee or at Council. The owner stated they do not have record of being served Notice of Intention to Designate for 106 Carden Street in accordance with OHA requirements. The letter of objection indicated that the owners have questions and concerns about the designation process, the implications of designation and that they would benefit greatly from discussion with the City's Heritage staff.

Staff Response to the Objection

The subject property has been listed as non-designated on the Municipal Register of Cultural Heritage Properties under section 27, Part IV of the Ontario Heritage Act since Council expanded the heritage register to include the Burcher Stokes Inventory in 2009.

When a heritage property has been identified as a candidate for an intention to designate under the Ontario Heritage Act, it has been customary for Heritage Planning staff to reach out to property owners following the presentation of a Cultural Heritage Evaluation Report to the Heritage Guelph committee. When staff's assessment and recommendation regarding 106 Carden Street was supported by Heritage Guelph at their [meeting of April 8, 2024](#) Heritage Planning sent a letter via email on July 5, 2024 to Mr. Ji Bin of the Y Liu Law Firm in Markham, Ontario to make the owner aware of the progress that the City was making on assessing the cultural heritage value of the property at 106 Carden Street. The owner was informed that the Royal Hotel building at 106 Carden Street has been identified as a priority candidate for individual designation and Heritage Planning staff were now preparing for a recommendation for Council to consider an intention to designate under Part IV of the Ontario Heritage Act. It was explained that the first stage of this process has been to conduct research for a Cultural Heritage Evaluation Report (CHER) that was presented to Heritage Guelph for their comments on April 8, 2024. The letter included a link to the meeting agenda and staff's report to the committee and the images that were included as attachments.

The letter explained that as the Cultural Heritage Guelph Report for the subject property had been reviewed and supported by Heritage Guelph, staff have moved to the second of the two stages of preparation involving the determination of heritage attributes of the property that would be protected in a heritage designation by-law. In the case of the property at 106 Carden Street, Heritage Planning staff are recommending that the heritage attributes to be protected by heritage designation are the stone exterior and earlier rooflines only - essentially what is seen of the building from the public realm. The letter stated that the owner was welcome to join the upcoming [meeting of July 8, 2024](#) to be part of the discussion. Again, a link was provided to the owner for the Heritage Guelph meeting agenda which contained a link that enabled them to join the meeting online.

In the letter staff assured the owner that the July 8 meeting of Heritage Guelph is not a decision meeting but as a forum for any questions or comments that the advisory committee may have and that if Heritage Guelph is supportive of the heritage attributes recommended by staff, Heritage Planning staff would then begin a staff report to Council recommending Council publish its intention to designate the property.

The letter was closed with staff's offer to speak with the owner or their representative either virtually, over the phone, or in person on site to discuss the

cultural heritage value and heritage attributes of the property and they may have any questions about the heritage designation process.

Financial Implications

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

Consultations and Engagement

A Cultural Heritage Evaluation was reviewed for comment by Heritage Guelph at their [meeting of April 8, 2024](#). The proposed statement of significance and list of heritage attributes were considered and supported by Heritage Guelph following a report from Heritage Planning staff at their [meeting of July 8, 2024](#).

Following the receipt of the objection to the intention to designate, Heritage Planning and Policy Planning staff met with the property owner and their heritage consultant in order to address questions and concerns regarding the effects of a heritage designation that would protect the heritage attributes of the property and to discuss in general terms how development of the property could still conserve the heritage attributes protected by a heritage designation by-law. In the meeting the following points were confirmed:

- the property owner (Master's Choice Capital Inc.) is represented by Mr. Ji Bin of Y Liu Law Firm in Markham using the email address of binlily0414@gmail.com
- The Clerk of the City of Guelph had confirmed that a notice of Council's intention to designate 106 Carden St was sent to this email address on Sept 12, 2024 as required under the Ontario Heritage Act.

Attachments

Attachment-1 Notice of Intention to Designate – 106 Carden Street (September 10, 2024)

Attachment-2 Notice of Objection to Intention to Designate 106 Carden Street (October 8, 2024)

Attachment-3 Proposed By-law (2024) - 21016

Departmental Approval

Krista Walkey, General Manager, Planning and Building Services

Report Author

Stephen Robinson, Senior Heritage Planner

This report was approved by:

Krista Walkey, MCIP, RPP
General Manager, Planning and Building Services
Infrastructure, Development and Environment
519-822-1260 extension 2395
krista.walkey@guelph.ca

This report was recommended by:

Jayne Holmes, P.Eng., PMP
Deputy Chief Administrative Officer
Infrastructure, Development and Environment
519-822-1260 extension 2248
jayne.holmes@guelph.ca