

Staff Report



To	City Council
Service Area	Infrastructure, Development and Environment
Date	Tuesday, February 11, 2025
Subject	37 Christie Lane: Objection to Notice of Intention to Designate

Recommendation

1. That the Notice of Objection to the intention to designate 37 Christie Lane dated December 19, 2024 from the University of Guelph be received.
 2. That the designation by-law for 37 Christie Lane be approved.
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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 37 Christie Lane 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 Rutherford Conservatory at 37 Christie Lane meet eight 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 37 Christie Lane 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 37 Christie Lane was published and served on the property owner and the Ontario Heritage Trust on November 21, 2024 (Attachment-1). An objection to the intention to designate was received by the City Clerk on December 19, 2024 from the University of Guelph (Attachment-2).

According to section 29, subsections (6-8) of the Ontario Heritage Act, Council has until March 20, 2025 to decide whether to proceed with the designation and, if so, may pass a by-law. The proposed by-law (2025) – 21026 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 November 13, 2024](#), Council directed the City Clerk to publish and serve notice of intention to designate the property known municipally as 37 Christie Lane pursuant to section 29, Part IV of the Ontario Heritage Act. The notice of intention to designate was published in the newspaper on November 21, 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, December 20, 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 was received by the City Clerk on December 19, 2024 Harpreet Hansara, General Counsel of the University of Guelph (Attachment-2). In the notice, the University objects to the designation as a protective measure in case a dispute arises in how the designation by-law is drafted, and/or a dispute arises in the issuance and/or implementation of the OHA demolition permit. The University argues that once a demolition permit was approved, the passing of any designation by-law is unnecessary.

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. At their [January 15, 2024](#) meeting, Heritage Guelph listed the Conservatory as their top designation priority in 2024.

Heritage Planning staff presented a [Cultural Heritage Evaluation Report](#) to the committee at their July 8, 2024 meeting that found that the Conservatory met eight of the 9 criteria for determining cultural heritage value or interest. Staff returned to Heritage Guelph at their September 9, 2024 meeting with an [updated list of heritage attributes](#).

At the November 13, 2024 Council Planning Meeting, staff recommended to Council that Notice of Intention to Designate be issued for the Rutherford Conservatory with a thorough list of heritage attributes. Staff noted during the meeting that Council can revise the attributes to find compromise between the advice of Heritage Planning staff and Heritage Guelph and the request from the University that the Conservatory not be designated.

City Council amended the Notice of Intention to Designate to only include salvageable steel elements of the Conservatory structure. Since issuing the Notice of Intention to Designate, Heritage Planning staff had been working collaboratively with the University to demolish the Conservatory through deconstruction and to retain and conserve the steel for future use in a commemorative structure.

Heritage Planning staff recommend that Council pass the by-law with the heritage attributes it identified at the November 13, 2024 Council Planning Meeting so that Heritage Planning staff can continue to work collaboratively on the commemoration of this important structure.

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

At the [December 2, 2024 Meeting of Heritage Guelph](#), the committee passed the following motion:

That Heritage Guelph supported staff's recommendation to Council to provide notice of intention to designate 37 Christie Lane, in its current form, pursuant to Part IV of the Ontario Heritage Act.

That Heritage Guelph does not support demolition or deconstruction of 37 Christie Lane.

That Heritage Guelph advises Council to defer discussion related to deconstruction/demolition of 37 Christie Lane to their January 2025 planning meeting, in order to allow for greater public consultation and consideration of alternatives to deconstruction/demolition.

That Heritage Guelph advise Council that no deconstruction application be granted until after a design for the commemorative structure is completed and has been reviewed by Staff, Heritage Guelph, and Council.

That Heritage Guelph advise Council to encourage the University to complete immediate maintenance items outlined by Tacoma Engineering regarding the painting and protection of steel components to protect further loss of heritage elements. That glass be removed temporarily and stored to prevent further damage from snow loads.

That Heritage Guelph advise Council to amend the notice of intention to designate to include the follow in its attributes list; that the limestone, which was salvaged from non-extant OAC barns and localized to Guelph, be included in the list of heritage attributes informing the deconstruction and design of a commemorative structure. Its potential for salvage being identified by the engineering report.

That Heritage Guelph advise Council to amend the notice of intention to designate to include the follow in its attributes list to include the glass as a heritage attribute and salvageable material.

That Heritage Guelph advise Council that as much of the salvageable material be retained and that all salvaged material be used in the design of the commemorative structure and not some, as indicated by the University's letter (November 29, 2024). That Council should direct the University to complete both a pre-deconstruction and post-deconstruction salvageable material audit using a CAHP certified professional, and that these reports be provided to Council, Staff, and Heritage Guelph.

Attachments

Attachment-1 Notice of Intention to Designate 37 Christie Lane (November 21, 2024)

Attachment-2 Objection to the Notice of Intention to Designate (December 19, 2024)

Attachment-3 Proposed Designation By-law Number (2025) - 21026

Departmental Approval

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