

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

Figure 1: Notice of Objection to designate 37 Christie Lane with a heritage designation – page 1 of 3



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OFFICE OF LEGAL COUNSEL

December 19, 2024

VIA E-MAIL AND HAND DELIVERY: CLERKS@GUELPH.CA

City Clerk's Office
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Re: Notice of Intent to Designate: 37 Christine Lane, Guelph

Notice of Objection Pursuant to Subsection 29 (5) of the *Ontario Heritage Act* filed by the University of Guelph

Dear Mr. McMahon:

We are the Office of Legal Counsel for the University of Guelph (the "**University**"), the owners of D.M. Rutherford Conservatory (the "**Conservatory**") located at 37 Christie Lane on the University campus ("**37 Christie Lane**").

We are in receipt of the City of Guelph's Notice of Intent to Designate ("**NOID**") 37 Christie Lane under the *Ontario Heritage Act* R.S.O. 1990, c. O.18 (the "**OHA**"). As this notice was issued on November 21, 2024, and the *OHA* requires any objection to the NOID to be filed with the Municipal Clerk within 30 days of the notice date, we hereby file this Notice of Objection.

We are filing this Notice of Objection as a protective measure in the event it may become necessary to address any designation by-law that may arise from the NOID. Such a designation by-law may be necessary to address if: (i) a designation bylaw is indeed passed, and a dispute arises in how the designation by-law is drafted; and/or (ii) a dispute arises in the issuance and/or implementation of the OHA demolition permit described below.

As you know, on December 10, Council approved an OHA demolition permit to permit the demolition of the very structure that the NOID seeks to designate. We intend to directly

Figure 2: Notice of Objection to designate 37 Christie Lane with a heritage designation – page 2 of 3

address our concerns with the NOID through that demolition permit process, including the clearance of any conditions associated with same, which the University has done through its conservation plan. Given that Council has already approved an OHA demolition permit and the University has shared its intentions with the City to hold a design competition for a commemorative design incorporating the salvageable steel, as further articulated in our conservation plan, it is not clear to us why any designation by-law needs to be passed. This is because once the OHA demolition permit is implemented, any designation by-law passed pursuant to the NOID would serve no purpose.

As a result, we ask that the City, at the appropriate time, withdraw its NOID without passing a designation by-law as we do not think the passing of designation by-law is necessary in the circumstances.

Background

As we have indicated in prior submissions, the Conservatory was built between 1930 and 1931 to support the Department of Horticultural Science within the Ontario Agriculture College. The Conservatory was constructed as a one-storey building complete with a steel primary and secondary structure, cypress wood mullion and rafters and float glass. The Conservatory has undergone several restorations since it was built. While the Conservatory was used by the University in the past, it has served no academic or research function for the past 15 years.

By 2022, the Conservatory again began showing signs of advanced deterioration. Between fall 2022 and November 2023, two independent structural assessments were completed, and both were in alignment that the rot of the wooden elements was significant and widespread to the point where a full rebuild of the structure was again required. In November 2023, the second structural engineer recommended the Conservatory be closed to the public as a safety precaution.

Following the closure, the University commissioned a third and final structural and building code assessment, carried out by Tacoma Engineers and Grinham Architects, which essentially affirmed the findings of the prior structural assessments.

Given the urgency to address the public safety hazard that the Conservatory currently presents, on October 10, 2024, the University submitted an OHA demolition permit application to the City to demolish the Conservatory. City Council has since approved that OHA demolition permit subject to certain conditions.

The NOID

The NOID notes that the Conservatory meets eight of the nine prescribed criteria for determining cultural heritage value or interest under Ontario Regulation 9/06. The University disagrees with the NOID's assertions that the Conservatory meets eight of the prescribed criteria. However, because the preservation of the Conservatory is being addressed through the OHA demolition permit, the University will not expand upon these concerns at this time. Instead, the University files this Notice of Objection as a protective measure for the reasons noted above, and to request Council to not pass the designation

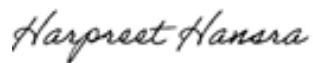
Figure 3: Notice of Objection to designate 37 Christie Lane with a heritage designation – page 3 of 3

bylaw as the implementation of the OHA demolition permit ultimately makes the passing of any designation by-law unnecessary.

Please forward this Notice of Objection to Council for their consideration. Please also provide us with notice of any Council meeting where City Council may consider this notice of objection and/or the passing of any designation bylaw that may arise from the NOID.

Should you have any questions and/or concerns regarding the above, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in cursive script that reads "Harpreet Hansra".

Harpreet Hansra
General Counsel
University of Guelph