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OFFICE OF LEGAL COUNSEL

February 7, 2025

VIA E-MAIL: CLERKS@GUELPH.CA

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

Attention: Mr. Dylan McMahon, Acting General Manager/City Clerk

Re: February 11, 2025, City Council Meeting

Item No. 3.2 – 37 Christie Lane – Objection to Notice of Intention to Designate, 2024-524

Written Submissions from the Owner/ Applicant, the University of Guelph

Dear Mayor and Members of Council:

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 writing to request that City Council not approve the designation by-law for 37 Christie Lane.

We also filed a Notice of Objection on December 19, 2024, objecting to 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 you know, on December 10, 2024, Council approved an OHA demolition permit to permit the demolition of the very structure that the NOID seeks to designate. We intend to directly 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. The University has demonstrated its willingness to work with the City on the requirements of the OHA permit and continues to do so. Even the Staff Report dated February 11, 2025, notes that Heritage Planning Staff have been working collaboratively with the University to demolish the Conservatory. As such, we believe that passing the designation by-law is futile.

As with many universities in the post-secondary sector, the University is facing increased financial constraints due to changes in government policies and continued budgetary restrictions. To address some of these constraints and to support growth, the University has increased its student population in recent years and as such needs to maximize its use of the existing buildings, to support its academic and research mission. In order to do so, the University must retain the ability to be flexible on the use of its real estate and existing building stock to accommodate this increase in student population. The University views the City of Guelph as a key strategic partner and endeavours to work cooperatively with the City with regard to heritage matters. However, it is not financially feasible for the University to participate in the restoration of a number of existing buildings on the campus or to be unduly restricted in its use of these buildings, especially when there is no plan to deconstruct other key structures that advance and support the University's core mission.

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

would like to reiterate that the OHA demolition permit ultimately makes the passing of any designation by-law unnecessary.

We thank you for consideration of this submission. Should you have any questions and/or concerns regarding the above, please do not hesitate to contact me.

Yours truly,

Harpreet Hansra

Harpreet Hansra
General Counsel