

Staff Report



To	City Council
Service Area	Infrastructure, Development and Environment
Date	Tuesday, February 11, 2025
Subject	22 James Street East: Objection to Notice of Intention to Designate

Recommendation

1. That the Notice of Objection to the intention to designate 22 James Street East dated December 16, 2024 from Ajay Sharma of Elevate Law on behalf of the property owner, Hudson Lee Smith, be received.
 2. That the designation by-law for 22 James Street East 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 22 James Street East 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 Toronto Suburban Railway Substation at 22 James Street East meet four 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 22 James Street East 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 22 James Street East 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 16, 2024 from Ajay Sharma of Elevate Law on behalf of the property owner, Hudson Lee Smith (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) – 21035 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 22 James Street East 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.

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.

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. Heritage Planning staff, in collaboration with Heritage Guelph, have been evaluating properties listed on the Municipal Register of Cultural Heritage Properties for designation under Part IV of the Ontario Heritage Act in anticipation of the removal of all non-designated properties at the end of 2026, as per the timeline imposed by the Provincial Government in Bill 185.

In selecting properties to evaluate for heritage designation, heritage planning staff and Heritage Guelph prioritized properties with known historical, architectural, and contextual value. 22 James Street East was identified by Heritage Guelph as [one of the top ten designation priorities of 2024](#) because it is the last built vestige of the Toronto Suburban Railway (TSR) in the City of Guelph.

The TSR was an electric passenger train that ran from Toronto to Guelph from 1916-1931. The railbed that led to the substation is still visible, and functions as a popular hiking trail that runs along the north side of the Eramosa River. The functional Beaux-Arts structure, a rarity in the City of Guelph, was designed by George Briggs, of Mackenzie, Mann, & Company, a significant Canadian architect who would go on to become the superintending architect of the Canadian National Railway. Heritage Planning staff's [Cultural Heritage Evaluation Report](#) concluded that the property meets four of the nine prescribed criteria, making it a significant built heritage resource in the City of Guelph.

Notice of Objection

A Notice of Objection was received by the City Clerk on December 16, 2024 from Ajay Sharma of Elevate Law on behalf of the property owner, Hudson Lee Smith (Attachment-2). The notice highlighted several concerns with regards to the impacts of designation under Part IV of the Ontario Heritage Act: restrictions on alterations and renovations, increased maintenance costs, potential negative impact on property value, and limited development potential.

Heritage Planning Staff Response to Notice of Objection

Part IV designation does not prevent changes to a property and will not impose stringent restrictions on any alteration to the property. Heritage Planning staff work with property owners to ensure that alterations do not negatively impact the cultural heritage value of a property, but there is significant latitude in permissible alterations. A heritage permit is not required for necessary repairs or any alterations to the interior, as noted in the objection.

The heritage attributes listed in the notice of intention to designate would not require specialized materials and labour. When a heritage attribute requires replacement, Heritage Planning staff work with property owners to find solutions within their budget.

Multiple studies (ShIPLEY 2000, Architectural Conservancy of Ontario 2009; 2012) indicate that the real estate sales values of designated properties generally rise more consistently and tend to resist downturns in the real estate market better than non-designated properties.

Heritage designation ensures that existing buildings are utilized to address the housing crisis. While designation provides Council the ability to refuse demolition, it does not prevent or inhibit adaptive reuse of existing buildings into new developments. This designation would not eliminate the property owner's ability to add additional dwelling units. Heritage Planning staff are willing and eager to work with the property owner to add more units to this property to help address the housing shortage.

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 [June 3, 2024 meeting of Heritage Guelph](#), the committee passed the following motion:

That the comments provided by Heritage Guelph members on the '22 James Street West: Cultural Heritage Evaluation Report' be provided to staff and Council for their consideration.

At the [September 9, 2024 meeting of Heritage Guelph](#), the committee passed the following motion:

That Heritage Guelph supports the heritage attributes identified for 22 James Street East as outlined in the staff report dated September 9, 2024; and

That Heritage Guelph recommends that City Council give notice of its intention to designate 22 James Street East pursuant to Part IV, Section 29 of the Ontario Heritage Act.

Heritage Planning staff sent a letter dated August 20, 2024, to the property owner to inform them their property is being considered for designation by City Council. Staff did not receive a response.

Following the receipt of the objection to the intention to designate, Heritage Planning staff met with the property owner to discuss the proposed designation and answer questions and concerns regarding the effects of a heritage designation

Attachments

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

Attachment-2 Objection to Notice of Intention to Designate (December 16, 2024)

Attachment-3 Proposed By-law Number (2025) – 21035

Departmental Approval

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