



**PORT COLBORNE**

**Subject: Heritage Designation Project Update and Motion from Heritage Subcommittee Directing Staff to Research Properties**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-212

Meeting Date: October 24, 2023

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**Recommendation:**

That Development and Legislative Services Department Report 2023-212 be received; and

That the Chief Planner be directed to investigate the heritage significance of the properties that have shown interest in designation.

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**Purpose:**

The purpose of this report is to provide Council with an update regarding the Heritage Designation Project, to provide staff support for the investigation of the heritage significance of the properties that have shown interest in designation, and to explain why staff do not support the investigation of the heritage significance of the properties rated 10 on the Heritage Register Ranking List attached as Appendix A.

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**Background:**

On November 28, 2022, Bill 23 received Royal Assent and amended certain sections of the *Planning Act* and *Ontario Heritage Act* (OHA). Major changes to the OHA include changes to the evaluation and designation process, limitations on designating a property when an application for development has been received, and that any non-designated property included on a Heritage Register is to be evaluated and designated within 2 years or that it must be removed from the register for at least 5 years before another evaluation can take place.

As per section 27 of the *Ontario Heritage Act*, the municipality shall keep a register of properties that are of cultural heritage value. This publicly accessible register contains information about all properties that are designated under Section 29 or 41 of the Act, as well as properties that have not been designated but that the municipality has indicated have cultural heritage value. These properties are often referred to as “listed properties”. Listed properties on a municipal register are provided temporary protection from demolition. An owner of a listed property who wishes to demolish must provide the municipality with 60 days notice of their intent. This notice period gives the municipality time to review and decide whether to begin the designation process.

On September 18, 2023, the Heritage Subcommittee passed a motion recommending to Council that staff investigate the heritage significance of the properties that have shown interest in a heritage designation, which staff supports, and that the properties ranked 10 on the Heritage Register Ranking List attached as Appendix A, which staff does not support for the reasons noted below.

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## **Discussion:**

As a result of the changes to the *Ontario Heritage Act* through Bill 23, staff have initiated a project in consultation with the City’s Heritage Subcommittee to review properties on the Heritage Registry that merit proceeding with designation under the *Ontario Heritage Act*.

The review process started with ranking all the properties currently on the Register to provide the Heritage Subcommittee and Staff with an understanding of those properties that may merit designation. The ranked list is attached as Appendix A. The list was compiled based primarily on architectural, contextual significance, and condition of the building(s), as limited research was conducted. Alterations that negatively impacted significant architectural features may have also resulted in a lower rating.

Using this list, staff mailed a flyer to the top-ranked properties (ranked 7-10). The flyer informed the owner that their property may be eligible for a heritage designation and that if they wish to pursue a designation, to reach out to City staff.

As of the date of preparing this report, staff have received eleven designation requests from residents. The following is a list of the eleven properties:

1. 334 Sugarloaf Street
2. 352 Chippawa Road
3. 172 King Street
4. 5446 Sherkston Road
5. 83 Tennessee Avenue
6. 143 King Street
7. 2506 Miller Road

8. 599 King
9. 736 Pinecrest Road
10. 2352 Third Concession Road
11. 115 Kent Street

At this point, staff will need to conduct a review of these properties to determine if they are eligible for designation. If any additional property owners inquire, they may be considered as well.

Furthermore, the Heritage Subcommittee has included in their motion that staff also research the following properties, which have a ranking of '10' in the Heritage Register Ranking List:

1. 19 Tennessee Avenue
2. 210 Steele Street
3. 5222 Second Concession Road
4. 50 Neff Street
5. 280 King Street
6. 123 King Street
7. 44 King Street
8. 2703 Chippawa Road
9. 55 Charlotte Street

The next steps for this project include researching all the above-mentioned properties. This will partly be done by staff but will require the assistance of a qualified heritage specialist chosen by staff. If there are any properties that are shown to meet the criteria for designation, staff will prepare a by-law and recommendation for designation for Council's consideration.

Staff are supportive of researching the properties that have inquired about designation, however, staff do not support the section of the motion brought forward by the Heritage Subcommittee requesting Staff to research properties ranked as '10'. This is due to the amount of time and resources required to research each property and the likelihood of the research resulting in a designation. Regardless of the research done, if the property owner does not want to pursue a designation, it can be challenging for staff to proceed and may also lead to potential legal battles between the City and the property owners.

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### **Internal Consultations:**

No formal consultation or circulations of this project have been required; however, Planning staff have been working collaboratively with Museum and Archives staff. Collaboration and support from the Heritage Subcommittee has also been included.

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## **Financial Implications:**

There will be no financial impact as a result of this motion. As noted in the 'Discussion' section, Staff will be outsourcing some of the research to a qualified professional chosen by Staff, however the funds to acquire such work have already been budgeted. The anticipated cost of this consultant is estimated to be approximately \$5,000. The purpose of outsourcing this research is to alleviate staff time spent researching each property which can, in some instances, take upwards of 10 hours per property, depending on how much information is available.

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## **Public Engagement:**

As a part of this project, property owners whose properties were considered to potentially have heritage value were sent a flyer indicating that they may be eligible for designation. The homeowners who reached out to staff and expressed interest were added to the list of properties to research, totaling 11 properties. The list of properties was included in the 'Discussion' section of this report.

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## **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
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## **Conclusion:**

Staff recommend that Council pass an amended version of the motion from the Heritage Subcommittee to direct staff to investigate the heritage significance of the properties that have shown interest in designation, and not to the properties rated 10 on the Heritage Register Ranking List attached as Appendix A.

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## **Appendices:**

- a. Heritage Register Ranking List

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### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.