



PORT COLBORNE

Subject: Amendment to Heritage Designation By-law 6743/107/19 & Heritage Easement Agreement for 380 King Street

To: Council

From: Development and Legislative Services Department

Report Number: 2022-191

Meeting Date: August 23, 2022

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2022-191 be received; and;

That Council approve the By-law attached as Appendix A, being a By-law to amend the legal description of 380 King Street in By-law #6743/107/19; and;

That Council approve a By-law to enter into the amended Heritage Easement Agreement for 380 King Street as outlined in Appendix C; and

That Council approve the amendment to the legal description in the Heritage Easement Agreement for 380 King Street as outlined in Appendix D, and the Mayor and Clerk be authorized to execute the amended agreement.

Purpose:

The purpose of this report is to provide a recommendation to Council to approve an amendment to the Heritage Designation By-law #6743/107/19 and to approve a By-law to enter into an amended Heritage Easement Agreement for 380 King Street under section 30.1 of the *Ontario Heritage Act*, for the purpose of correcting the legal description.

Background:

On July 9, 2019, the Committee of Adjustment granted consent application B15-19-PC for a lot-boundary adjustment at 378 King Street with a condition that the heritage designation be lifted from Part 2 at 380 King Street. Part 2 is a 154m² strip of land containing a driveway at the south of the property at 380 King Street that was transferred to the property at 378 King Street. Part 3 of the property containing the building retained

its heritage designation. Due to the consent process, a new legal description was created for both properties. A site plan of the subject property is shown in Appendix A.

Discussion:

On December 9, 2019, Council repealed By-law 2831/10/93 and approved By-law 6743/107/19, for the purpose of removing the heritage designation from Part 2 at 380 King Street. Because this was a condition of consent, the new legal description for 380 King Street could not be created until after By-law 6743/107/19 was passed. Therefore, the legal description on 380 King Street's Heritage Designation By-law and Easement Agreement needs to be updated to reflect the correct legal description for the property.

On January 26, 2009, Council approved By-law 5258/13/09 being a by-law to authorize entering into easement agreements with the owners of 346 Catharine Street and the owners of 380 King Street. Since the passing of this Easement Agreement, the property is now under ownership of one owner, Dr. Peter Typer, therefore the easement agreement has been amended to reflect this. A new By-law is before Council to enter into an amended Easement Agreement with the owner of 380 King Street.

Section 29 of the *Ontario Heritage Act* permits municipalities to designate a property within the municipality if it is of cultural heritage value or interest. When amending a Designation By-law, the council of a municipality must pass a new Designation By-law (Appendix B) to implement the requested changes. If the sole purpose of the amendment is to correct the legal description, notice of intention does not need to be circulated in the newspaper or served on the Trust as per section 30.1 (2) of the *Ontario Heritage Act*.

Staff issued the Notice of Intention to change the legal description of the designated property to the property owner on June 13, 2022, in accordance with section 30.1 of the *Ontario Heritage Act*. The 30-day objection period passed on July 13, 2022, and no notice of objection had been filed with the City Clerk. Planning Staff is of the opinion that the correction to the legal description for 380 King Street will not impact the heritage attributes of the property.

Internal Consultations:

The Port Colborne Heritage Committee was consulted on June 7, 2022 and passed a motion supporting the proposed amendment to the Heritage Designation By-law and to the Heritage Easement Agreement.

Financial Implications:

There are no financial implications.

Public Engagement:

Not applicable.

Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
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Conclusion:

Planning Staff recommend that council approve the amendment to the Heritage Designation By-law and Heritage Easement Agreement for the property at 380 King Street.

Appendices:

- a. Site Plan of Affected Lands
- b. Amended Heritage Designation By-law
- c. By-law to Enter into an Amended Heritage Easement Agreement – 380 King Street
- d. Amended Heritage Easement Agreement – 380 King Street

Prepared By,

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Respectfully submitted,

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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.