



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

Town of Aurora

Committee of the Whole Report

No. PDS24-060

Subject: Results of Consultation with Owners Regarding Heritage Designation

Prepared by: Adam Robb, MPL, MCIP, RPP, CAHP
Manager, Policy Planning and Heritage

Department: Planning and Development Services

Date: June 4, 2024

Recommendation

1. That Report No. PDS24-060 be received; and
2. That at minimum, the eight properties whose owners indicated support for heritage designation (listed under Attachment #1) be designated under Part IV of the *Ontario Heritage Act*.
 - 71 Connaught Avenue, 15 Kennedy Street West, 19 Kennedy Street West, 29 Kennedy Street West, 77 Spruce Street, 80 Spruce Street, 139 Temperance Street, and 59 Tyler Street;
3. That staff be authorized to publish and serve Council's Notice of Intention to Designate the respective properties Council chooses to pursue for designation in accordance with the requirements of the *Ontario Heritage Act*; and
4. That the respective designation by-laws be brought before Council for adoption if no objections are received as per the requirements of the *Ontario Heritage Act*.

Executive Summary

Further to report PDS23-121, this report provides Council with a summary on the feedback received from property owners regarding the designation of their properties under Part IV of the *Ontario Heritage Act*.

- As a result of Provincial Bill 23, all listed properties in Ontario will be removed from municipal Heritage Registers on January 1, 2025, unless they are designated.

- The Town has already pursued a number of designations and is generally well positioned in response to Bill 23.
- Staff and the Heritage Advisory Committee reviewed the Town's remaining listed properties and identified 30 properties that meet the criteria for designation.
- As directed by previous report PDS23-121, these 30 property owners were consulted with, and eight (8) owners indicated their support for designation.
- Council can ultimately choose to issue Notices of Intention to Designate for any properties they so choose.

Background

As a result of Provincial Bill 23, all listed properties in Ontario will be removed from municipal Heritage Registers on January 1, 2025, unless they are designated.

Updates made to the *Ontario Heritage Act* under Bill 23 will result in all currently listed heritage properties being automatically removed from the Municipal Heritage Register effective January 1, 2025. Delisted properties are vulnerable to demolition, as owners would be entitled to apply for demolition permits at any time. The Province through Bill 23 is trying to limit the amount of time that properties are listed for and instead have municipalities maintain Heritage Registers that ultimately prioritize the designation of warranting properties.

The Town has already pursued a number of designations and is generally well positioned in response to Bill 23.

In 2023, the Town pursued designations for all the priority properties identified as part of the Heritage Register Review conducted by MHBC Planning Inc. (PDS22-042). The 30 subject properties as part of this report are additional to the designations of those priority properties from last year. The Town has also previously designated properties within the Yonge Street downtown core (2021) and through the Northeast Old Aurora Heritage Conservation District, which has resulted in a robust inventory of designated properties to well-position the Town relative to the impacts of Bill 23.

Further, as outlined in the Legal Considerations section of this report, the province has also clarified that delisted properties can still technically be designated after the January 1, 2025, deadline date. Although these properties would be vulnerable to demolition once delisted, these properties do not have to be listed first in order to be

designated. Through the consultation that has occurred with owners as part of this exercise it is generally not expected that owners will be actively pursuing demolition permits come the required delisting date of January 1, 2025.

Analysis

Staff and the Heritage Advisory Committee reviewed the Town's remaining listed properties and identified 30 properties that meet the criteria for designation.

The *Ontario Heritage Act* outlines the criteria for determining cultural heritage value or interest through *Ontario Regulation 9/06*. The Regulation requires that a property must substantially meet two of the nine total criteria under historical, contextual, or design value in order to qualify for designation. A complete overview of *O.Reg 9/06* was previously provided under report PDS23-121.

On July 31, 2023, staff and the Heritage Advisory Committee reviewed the Town's remaining listed properties against the criteria of *O.Reg 9/06*, with the subject 30 properties recommended to be pursued for designation. These properties largely merit heritage designation not only due to their physical and historical value, but also due to their contextual value as part of established historic neighbourhood areas. Property information sheets were also previously provided under report PDS23-121.

As directed by previous report PDS23-121, these 30 property owners were consulted with, and eight (8) owners indicated their support for designation.

Staff pursued a comprehensive consultation and engagement initiative with the 30 subject property owners, which included multiple rounds of registered mail outs and door knocking. Owners were highly appreciative of the proactive engagement and the ability to be consulted with, and an overall summary of the property owner positions is included as Attachment #1 to this report. Eight property owners are in support of designation, while 22 property owners are not in support of designation.

The property owners in support of designation recognized that they themselves bought the properties for their charm and character and want to see that protected. Several owners had questions about the impacts of designation, with heritage designation largely intended to preserve built heritage and protect properties from demolition and unsympathetic alterations. Designation is not intended to overly restrict complementary building additions or any interior work, and this was viewed favourably by owners.

Those property owners who are not in support of designation generally were concerned about restrictions to their private property and potential impacts to real estate values (although evidence and scholarly articles tend to show no negative impact to re-sale values). Overall, a number of homeowners also simply did not want to pursue designation as they already considered themselves good caretakers of the property. To this regard, designation is often also about adding a level of “future-proofing” to the protection of buildings in the event that they are sold in the future.

Council can ultimately choose to issue Notices of Intention to Designate for any properties they so choose.

Council can choose to issue a Notice of Intention to Designate for any property they choose. Technically, all 30 properties are believed to satisfy the criteria under the *O.Reg 9/06* of the *Ontario Heritage Act* to qualify for designation. An overview of the criteria for designation under *O.Reg 9/06* and property information sheets for all 30 properties were previously provided through report PDS23-121.

While eight owners have indicated their support for designation at this stage, they and any other properties Council may choose to issue a Notice of Intention to Designate for are still afforded objection and appeal rights through the designation process under the *Ontario Heritage Act*, and can still choose to exercise those rights if they so desire.

As described under the Advisory Committee Review section of this report, the Town’s Heritage Advisory Committee also specifically highlighted the significance of 9 Wellington Street East, being the historic “Knowles Butcher Shop”. Also notable is the Bacon Basketware property at 19-37 Wellington Street West, which operated originally as the Fleury Works. However, both of these owners have indicated that they do not support heritage designation.

In the event that Council, at their discretion, chooses to issue Notices of Intention to Designate for these or any other additional properties listed in Attachment #1, the following amendment should be moved by a Member of Council:

“That the property located at (street address) be designated under Part IV of the *Ontario Heritage Act*”.

These properties would then be pursued for designation and issued Notices of Intention to Designate alongside the eight other properties whose owners have indicated support for designation.

Advisory Committee Review

The subject 30 properties were reviewed and recommended for designation by the Town's Heritage Advisory Committee at the meeting held on July 31, 2023. Staff recommended 29 properties be pursued for designation, with the Heritage Advisory Committee in support and also adding one additional property to be pursued, being 71 Connaught Avenue. This property is the home of Norm and Ada Johnson, of which the Norm Johnson Hall of Education in the Aurora Sports Hall of Fame is named after. Complete details on the 30 properties and their heritage value were also previously provided through report PDS23-121.

At its meeting on April 8, 2024, the Heritage Advisory Committee also specifically further discussed the significance of 9 Wellington Street East. The property is known historically as the "Knowles Butcher Shop". It is one of the 30 properties that has been identified as qualifying for designation and consulted upon with the property owner, but the owner has indicated that they do not support heritage designation. Reasons cited by the owner include a belief that the property does not have heritage value after being repaired by a fire in 2021. In staff and the Heritage Advisory Committee's opinion the property does have heritage value, and the fire would not have impacted the underlying merits for designation under *Ontario Regulation 9/06*. Council can consider designating this and any other property should they so choose.

Legal Considerations

Changes to the *Ontario Heritage Act* per Bill 23 have significantly altered the permissions around municipal Heritage Registers and specifically the 'listed' status of properties. Under Bill 23, all listed properties will be automatically removed from the Heritage Register effective January 1, 2025. Additionally, listed properties cannot be added back onto the Register for a period of five years after being removed. Should a property be listed again at any point in the future, it would also be subject to removal from the register within two years should it not be designated in that time. The province has clarified that delisted properties can still be designated after being removed from the Heritage Register, however, once delisted, the property owners would be entitled to apply for and obtain demolition permits. Further, properties that are subject to a 'prescribed event', being once a planning application for a property is deemed complete, can only be designated if they are listed first.

Should Council decide to proceed with the designation of any of the subject properties, a Notice of Intention to Designate (the "Notice") will be served on the respective

property owners and the Ontario Heritage Trust and published in the local newspaper. Once the Town issues the Notice, the property is protected under the Ontario Heritage Act as designated. Any person may object to the Notice within 30 days of its publication.

If there are no objections within the 30 day period, the designation by-law for the subject property must be brought forward to Council for approval within 120 days after the initial date of publication of the Notice.

If there are objections, any person that objects to the proposed designation shall, within 30 days of the publication of the Notice, serve a notice of objection setting out the reason(s) for the objection and all relevant facts. Council shall consider the objection and decide whether or not to withdraw the Notice to designate the property, within 90 days after the end of the 30-day period.

If Council withdraws the Notice, then notice of the withdrawal must be given to the property owner, any person who objected, and the Ontario Heritage Trust and also be published in the local newspaper. If Council decides to not withdraw the Notice thereby continuing with the designation of the property, then the designation by-law for the subject property must be brought forward to Council for approval within 120 days after the date of the initial publication of the Notice. Anyone may appeal the passing of the designating by-law to the Ontario Land Tribunal for a hearing.

If the by-law is not passed within 120 days of the Notice, then the Notice is deemed to be withdrawn and notice of the withdrawal must be given to the property owner, any person who objected and the Trust and be published in the local newspaper.

Financial Implications

There are no direct financial implications as a result of this report.

Communications Considerations

As directed by report PDS23-121, staff undertook a comprehensive outreach program to engage and consult with all 30 property owners. Two rounds of registered letters were sent, which yielded 24/30 responses. Staff then further pursued multiple rounds of door knocking to engage with the remaining unresponsive owners. Overall, all 30 property owners were contacted and consulted with and provided their positions regarding heritage designation as summarized in Attachment #1.

The Notices of Intention to Designate will be published and served in accordance with the requirements of the *Ontario Heritage Act*.

Climate Change Considerations

None.

Link to Strategic Plan

The conservation of heritage resources supports the Strategic Plan goal of Supporting an Exceptional Quality of Life for All through its accomplishment in satisfying requirements in the objective of Celebrating and Promoting our Culture.

Alternative to the Recommendation

1. That Council provide direction.

Conclusions

Further to report PDS23-121, 30 property owners were consulted with regarding the heritage designation of their properties. Eight owners indicated their support for designation. Council can ultimately issue Notices of Intention to Designate for whichever properties they so choose.

Attachments

Attachment #1 – Results of Consultation with 30 Property Owners Regarding Heritage Designation

Previous Reports

PDS23-121 dated October 3, 2023.

Pre-submission Review

Agenda Management Team review on May 16, 2024

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer