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Town of Aurora  
**General Committee Report**  
No. PDS20-076

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**Subject:** Heritage Permit Application  
Elmwood Lodge: The Reuben J. Kennedy House  
15032 Yonge Street  
File Number: HPA-2019-07

**Prepared by:** Carlson Tsang, Planner/Heritage Planning

**Department:** Planning and Development Services

**Date:** December 1, 2020

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## Recommendation

1. That Report No. PDS20-076 be received; and
2. That Heritage Permit Application File: HPA-2019-07 to permit the removal of twelve louvered window shutters on the Reuben J. Kennedy House at 15032 Yonge Street be refused.

## Executive Summary

This report recommends Heritage Permit Application File: HPA-2019-07 for the removal of twelve louvered window shutters on a designated building known as “The Reuben J. Kennedy House” located at 15032 Yonge Street be refused:

- Staff recommend the application be refused because the applicant is not able to provide evidence to support the removal of the window shutters and meet the deadline approved by the Mayor in accordance with Delegation By-law 6212-19, as amended.

## Background

In November 2019, the Town received a Heritage Permit application to remove ten window shutters from the Reuben J. Kennedy House located at 15032 Yonge Street. The Ontario Heritage Act requires Council to make a decision on a Heritage

Permit application within ninety days after the notice of receipt is served on the applicant, otherwise Council shall be deemed to have consented to the application.

The initial ninety-day deadline for this application was February 27, 2020. On February 25, 2020, Council extended the review period of the application until August 15, 2020 to provide the applicant additional time to work with a Heritage Restoration Consultant to assess the condition of the shutters and explore repair options. Since then, the applicant advised the Town that the majority of heritage restoration consultants were unavailable due to the pandemic and thus, the applicant was not be able to complete the assessment before the August 15 deadline.

On August 10, 2020, the Mayor, in consultation with the CAO, suspended the review period for Heritage Permit Application HPA-2019-07 until December 31, 2020 in accordance with Delegation By-law 6212-19. This matter falls within the Mayor's delegated authority as it relates to suspending time periods, deadlines, date and time restrictions of a Town approved program during a state of emergency. The new deadline provided the applicant additional to complete the assessment and for staff to report to the Heritage Advisory Committee on November 2, 2020.

## **Analysis**

**Staff recommend the application be refused because the applicant is not able to provide evidence to support the removal of the window shutters and meet the deadline approved by the Mayor in accordance with Delegation By-law 6212-19, as amended.**

The applicant advised staff that many Heritage Restoration Consultants are still not available due to the pandemic. As such, staff were not able to report back to the Heritage Advisory Committee on November 2, 2020 with a damage assessment report from the applicant. Given November 2, 2020 is the last Heritage Advisory Committee meeting of the year, Council will not be able to make a decision on the subject application before the new deadline of December 31, 2020. Consequently, the application would lapse and Council would be deemed to have consented to the application.

Staff do not support any further extension of the review period at this time. Due to the ongoing pandemic, Council may have to continually revisit the application for subsequent extensions.

Staff recommend that the application be denied to terminate the current application process. This provides the applicant unrestricted time to work with a Heritage

Restoration Consultant to prepare the damage assessment report. It should be noted that the Town does not charge a fee for heritage permit applications. The applicant can submit a new application without any fees for the same proposal upon completion of a damage assessment report for the shutters.

## **Advisory Committee Review**

The application was discussed by the Heritage Advisory Committee at its meeting on November 2, 2020. The Heritage Advisory Committee supported the staff recommendation to refuse the Heritage Permit Application. However, the Committee was concerned that the shutters will further deteriorate until the owner submits a second application.

Staff advised the Committee that it is the owner's responsibility to maintain the heritage attributes of the building as per the provisions of the Town's Heritage Property Standard By-law 5489-13. The Committee suggested that shutters be temporarily stored at a safe location, such as the Town's storage facility at the Joint Operations Centre, to ensure they will be protected until the owner resubmits an application. Staff will relay the Committee's suggestions to the applicant and explore appropriate options to protect the shutters in the interim. Staff will report back to the Heritage Advisory Committee should any updates become available.

## **Legal Considerations**

Section 33 of the *Ontario Heritage Act* prohibits an owner from altering the heritage attributes of a designated property unless consent is received by the Town. Municipal processes within the Town require the owner to submit a Heritage Permit application. Alterations to any attributes identified in the Designation By-Law will be considered major and will require approval by Council. Council must make a decision on a major heritage permit application within ninety days after the notice of receipt is served on the applicant, otherwise Council shall be deemed to have consented to the application. Council may extend the review period of a heritage application without any time limit under the Ontario Heritage Act provided it is agreed upon by the owner.

The initial 90-day deadline for this permit application is February 27, 2020. The owner has agreed to extend this deadline for six months, being August 15, 2020. The application was further extended to December 31, 2020 by the Mayor, in consultation

with the CAO, during the pandemic in accordance with Delegation By-law 6212-19, as amended.

If Council refuses the application, as per the staff recommendation, the owner may appeal the refusal to the Conservation Review Board.

## **Financial Implications**

There are no direct financial implications from this report.

## **Communications Considerations**

The Town will use 'Inform' as the level of engagement for this application. There are five different levels of community engagement to consider, with each level providing the community more involvement in the decision-making process. These levels are: Inform, Consult, Involve, Collaborate and Empower. Examples of each can be found in the Community Engagement Policy. These options are based on the International Association of Public Participation (IAP2) Spectrum and assist in establishing guidelines for clearly communicating with our public and managing community engagement. In order to inform the public, this report will be posted to the Town's website.

## **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 objective ***Celebrating and Promoting our Culture***.

## **Alternative(s) to the Recommendation**

1. That Council provide direction.

## **Conclusions**

Staff recommend Heritage Permit Application HPA-2019-07 for the removal of the window shutters on the Reuben J. Kennedy House at 15032 Yonge Street be denied because the applicant is not able to provide the supporting materials requested by

Council and meet the deadline approved by the Mayor in accordance with Delegation By-law 6212-19, as amended.

## **Attachments**

Attachment 1 – Location Map

Attachment 2 – Photographs

## **Previous Reports**

PDS20-076 – Heritage Permit Application for 15032 Yonge Street

PDS20-052- Suspension of Heritage Permit Application for 15032 Yonge Street

## **Pre-submission Review**

Agenda Management Team review on November 12, 2020

## **Approvals**

Approved by David Waters, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer