

**Subject: Update to the Designation of the Ottawa Water Works Complex under
Part IV of the *Ontario Heritage Act***

File Number: ACS2024-PRE-RHU-0017

**Report to Built Heritage Committee on 13 February 2024
and Council on 21 February 2024**

**Submitted on February 1, 2024 by Court Curry, Manager, Right of Way, Heritage
and Urban Design Services, Planning, Real Estate and Economic Development
Department**

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Ward: SOMERSET (14)

**Objet: Mise à jour de la désignation du complexe de l'Aqueduc d'Ottawa en
vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario***

Dossier: ACS2023-PRE-RHU-0017

Rapport au Comité du patrimoine bâti

le 13 février 2024

et au Conseil le 21 février 2024

**Soumis le 1er février 2024 par Court Curry, Gestionnaire, Services des emprises,
du patrimoine et du design urbain, Direction générale de la planification, de
l'immobilier et du développement économique**

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Quartier: Somerset (14)

REPORT RECOMMENDATIONS

That the Built Heritage Committee recommend that:

1. Council issue a Notice of Intention to Designate the Ottawa Water Works Complex under Part IV of the *Ontario Heritage Act*, according to the Statement of Cultural Heritage Value, attached as Document 5; and
2. Following registration of a by-law to designate the Ottawa Water Works Complex, Council repeal By-law 22-82 and By-law 65-95.

RECOMMANDATIONS DU RAPPORT

Que le Comité du patrimoine bâti recommande au Conseil :

1. d'émettre un avis d'intention de désigner le complexe de l'Aqueduc d'Ottawa en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*, conformément à la Déclaration de la valeur de patrimoine culturel, jointe en tant que document 5;
2. d'abroger le *Règlement n° 22-82* et le *Règlement n° 65-95* à la suite de l'enregistrement d'un règlement visant à désigner le complexe de l'Aqueduc d'Ottawa.

BACKGROUND

The Ottawa Water Works Complex is a cultural heritage landscape comprised of the Water Works Building at 10 Fleet Street, the covered aqueduct, the open aqueduct to the west including the headworks, the channeled tailrace to the north of the pumping station, and five stone bridges that cross the aqueduct. The bridges include four single-span bridges; the Canada Central Railway, Broad Street, Booth Street, and the combined Lloyd/Lett/Grand Trunk Railway bridge and the triple span Pooley's Bridge, located north of the pumping station. The complex was constructed in 1872-74, with additions to the Water Works building in 1888 and 1899.

In 1982, the City of Ottawa passed By-law 22-82 designating the Water Works Building, including the pumping station and aqueduct, to be property of architectural value or heritage interest under the *Ontario Heritage Act*.

In 1995, the City of Ottawa passed By-law 65-95 designating Pooley's Bridge and the channeled tailrace to be property of architectural value or heritage interest under the *Ontario Heritage Act*.

In 2005, amendments to the *Ontario Heritage Act* require municipalities to include a list of heritage attributes for properties designated by a municipal by-law. The 1982 and 1995 by-laws do not include heritage attributes.

This report has been prepared because staff wish to update the designation under Part IV of the *Ontario Heritage Act* (OHA) which must be approved by City Council after consultation with its Built Heritage Committee.

Site location

Please refer to the Location Map attached as Document 1.

Description of site and surroundings

The Ottawa Water Works complex is located on LeBreton Flats, west of downtown Ottawa.

DISCUSSION

Recommendation 1: Issue a Notice of Intention to Designate

Through the review of recent development and building permit applications on the site, Heritage Planning staff noted the challenges of working with the existing by-laws that lack detail and defined heritage attributes. In anticipation of future development on the site, it would be prudent to have a clear and updated designating by-law.

City Staff recommend replacing the original 1982 and 1995 by-laws with one comprehensive by-law to capture the whole of the site, that meets today's requirements under the *Ontario Heritage Act*. The updated by-law will identify specific heritage attributes and provide greater clarity on the extent of the designation of the Ottawa Water Works Complex.

There is an easement with the Ontario Heritage Trust on the property and the updated designating by-law will reflect the provisions in the Easement. The Official Plan, the Provincial Policy Statement and the *Ontario Heritage Act* all provide policy direction related to the designation of individual properties under Part IV of the *Ontario Heritage Act*.

Official Plan

The Official Plan has policies related to cultural heritage in Section 4.5, Cultural Heritage and Archaeology. Section 4.5.1(3) states: "Individual buildings, structures, and sites shall be designated as properties of cultural heritage value under Part IV of the *Ontario Heritage Act*."

Provincial Policy Statement (2020)

Section 2.6.1 of the Provincial Policy Statement (2020) contains the following policy regarding the protection of cultural heritage resources: “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

Ontario Heritage Act

Part IV of the *Ontario Heritage Act* provides municipalities with the authority to designate properties of cultural heritage value. Section 29 of the *Ontario Heritage Act* sets out the process for the designation of individual buildings. It requires:

- that Council consult with its municipal heritage committee, and
- that the official Notice of Intention to Designate served on the owner and the Ontario Heritage Trust contain a description of the property and its heritage attributes, as well as a statement explaining the cultural heritage value or interest of the property and a statement that a notice of objection may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper.

As per the Ontario Heritage Act Alternative Notice Policy, the Notice of Intention to Designate will be published on the City’s website in both official languages. Document 5 contains the Statement of Cultural Heritage Value for this property.

Ontario Regulation 09/06

Regulation 09/06 (see Document 3), establishes criteria to determine if a property is of cultural heritage value or interest. A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets two or more of the nine criteria set out in the regulation.

Through research and evaluation, as well as recent site visits, staff determined that the Ottawa Water Works complex continues to merit designation as it meets all nine of the nine criteria outlined in Ontario Regulation 9/06. Evaluation is included as Document 4.

Recommendation 2: Following registration of a by-law to designate the Ottawa Waterworks Complex, Council repeal By-law 22-82 and By-law 65-95.

Once a comprehensive by-law is in place that protects the Complex, previous heritage designation by-laws are not needed and can be repealed. By-law 22-82 and By-law 65-95, proposed for repeal, are included as Documents 6 & 7.

Provincial Policy Statement

Staff have reviewed this proposal and have determined it is consistent with the Provincial Policy Statement, 2020.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

The properties that comprise the Ottawa Water Works Complex are owned by the City of Ottawa and the National Capital Commission (NCC). Heritage Planning staff consulted with the NCC and the City of Ottawa Corporate Real Estate Office.

Councillor Troster, the Dalhousie Community Association and Heritage Ottawa were notified of the proposed update to the designation under the *Ontario Heritage Act*.

The Ontario Heritage Trust was notified of the proposed update to the designation under the *Ontario Heritage Act*.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Troster is aware of the recommendations associated with this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

The recommendations documented in this report reference an updated by-law that will identify specific heritage attributes and provide greater clarity on the extent of the designation of the Ottawa Water Works Complex. Renewal of these specific elements and the designated areas may result in increased costs and or schedule to secure heritage specialists, specialized materials, and craftsmanship to maintain the cultural

heritage value of the asset. This will need to be accounted for in the prioritization and scheduling of drinking water rate supported projects.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The update to the designation of this property under the *Ontario Heritage Act* does not impact the physical fabric of the buildings or structures. While alterations to designated properties, including renovations to remove barriers for people with disabilities, require a heritage permit, the fees for these permits are waived and staff work with property owners to allow for accessibility retrofits.

TERM OF COUNCIL PRIORITIES

This report addresses the following Term of Council Priorities:

- Economic Growth & Diversification: Encourage economic growth and diversification by supporting business investment and expansion, talent attraction
- Thriving Communities: Promote safety, culture, social and physical well-being for our residents.
- Sustainable Infrastructure: Ensure sustainable infrastructure investment to meet the future growth and service needs of the city.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Photos

Document 3 Ontario Regulation 9/06

Document 4 Evaluation using Ontario Regulation 9/06

Document 5 Statement of Cultural Heritage Value

Document 6 By-law 22-82

Document 7 By-law 65-95

Document 8 Cultural Heritage Evaluation Old Booth Street Bridge, 9 Fleet Street

DISPOSITION

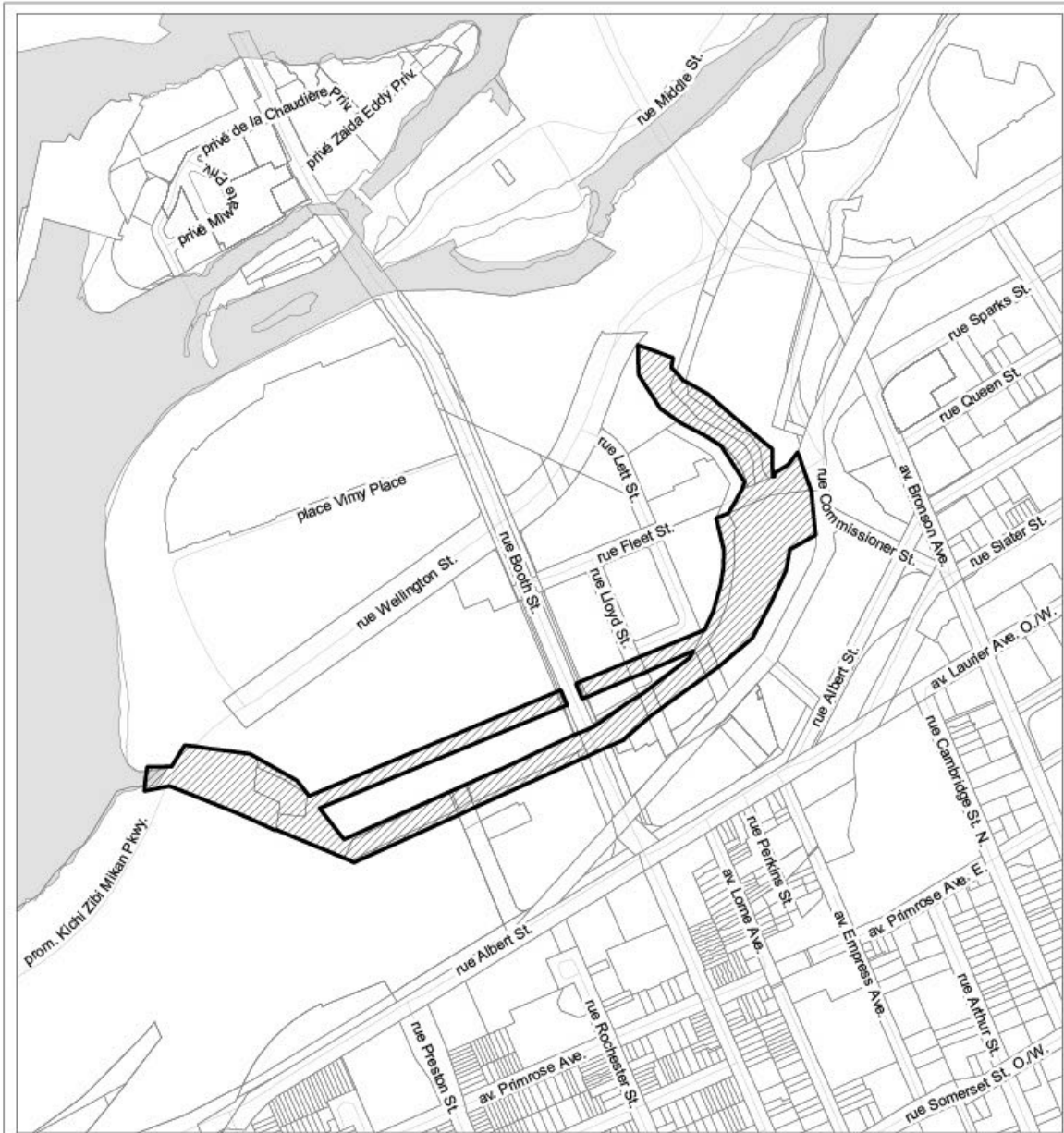
If Council does not approve the recommendation, no further steps are required. If Council proceeds with the issuance of a Notice of Intention to Designate the Ottawa Water Works Complex, several actions must be taken:




- 1) Heritage Planning Branch, Planning Real Estate and Economic Development Department, to prepare the Notice of Intention to Designate. Office of the City Clerk, Council and Committee Services to notify the property owner and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision to issue a Notice of Intention to Designate under Part IV of the Ontario Heritage Act.
- 2) Heritage Planning Branch, Planning Real Estate and Economic Development Department to ensure publication of the Notice of Intention to Designate on Ottawa.ca according to the requirements of Section 29 of the *Ontario Heritage Act*.
- 3) If the City Clerk receives a Notice of Objection under Section 29(5) of the *Ontario Heritage Act* within thirty days of the publication of the Notice of Intention to Designate, the Heritage Planning Branch, Planning, Real Estate and Economic Development Department is to prepare a report regarding the objection for consideration by Council within 90 days after conclusion of the objection period, according to Section 29(6) of the *Ontario Heritage Act*.
- 4) If the City Clerk does not receive any Notice of Objection under Section 29(5) of the *Ontario Heritage Act* within thirty days of the publication of the Notice of Intention to Designate, or if City Council decides not to withdraw the notice of intention to designate the property after an objection as been served, the Heritage Planning Branch, Planning, Real Estate and Economic Development Department, is to prepare the designation by-law, under the authority of the approval of this report and Legal Services to submit to City Council for enactment within 120 days of the publication of the Notice of Intention to Designate as prescribed in Section 29(8) of the *Ontario Heritage Act*.
- 5) Office of the City Clerk, Council and Committee Services to cause a copy of the by-law together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, to be served on the owner of the property and on the Trust according to the requirements of the *Ontario Heritage Act*. Heritage Planning Branch, Planning, Real Estate and Economic Development Department to ensure publication of the

notice of the by-law in the newspaper according to the requirements Section 29(8)(4) of the *Ontario Heritage Act*.

- 6) Following registration of the new comprehensive designation by-law for the site, Heritage Planning Branch, Planning, Real Estate and Economic Development Department is to prepare a by-law to repeal 22-82 and 65-95 for Council's consideration.

DOCUMENT 1 – LOCATION MAP



		LOCATION MAP / PLAN DE LOCALISATION	
SAM - 20886	23-1179-A	 OTTAWA WATER WORKS COMPLEX LE COMPLEXE DE L'AQUEDUC D'OTTAWA	
I:\CO\2023\Location\OttawaWaterWorks			
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