

Subject: Consideration of Objection to Notice of Intention to Designate 290 City Centre Avenue, under Part IV of the *Ontario Heritage Act*

File Number: ACS2024-PDB-RHU-0043

**Report to Built Heritage Committee on 14 May 2024
and Council 15 May 2024**

Submitted on May 3, 2024 by Court Curry, Director, Right of Way, Heritage, and Urban Design Services, Planning, Development and Building Services

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Ward: Somerset (14)

Objet: Examen de l'opposition à l'avis d'intention de désigner la propriété située au 290, avenue City Centre en vertu de la partie IV de la Loi sur le patrimoine de l'Ontario

Dossier : ACS2024-PDB-RHU-0043

Rapport au Comité du patrimoine bâti

le 14 mai 2024

et au Conseil le 15 mai 2024

Soumis le 3 mai 2024 par Court Curry, Directeur, Services des emprises, du patrimoine, et du design urbain, Direction générale des services de la planification, de l'aménagement et du bâtiment

Personne ressource : Anne Fitzpatrick, Urbaniste III, Planification du Patrimoine

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Quartier : Somerset (14)

REPORT RECOMMENDATION(S)

That the Built Heritage Committee recommend that Council:

1. Not withdraw the Notice of Intention to Designate the former W.C. Edwards and Company building, 290 City Centre Avenue and proceed with the designation process under Part IV of the *Ontario Heritage Act*.
2. Suspend the notice required under Subsections 29(3) and 34(1) of the Procedure By-law to consider this report at its meeting on May 15, 2024 in order decide this matter within the legislated timeline.

RECOMMANDATION(S) DU RAPPORT

Que le Comité du patrimoine bâti recommande au Conseil :

1. De ne pas retirer l'avis d'intention de désigner l'ancien bâtiment de la W.C. Edwards and Company situé au 290, avenue City Centre et de poursuivre le processus de désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.
2. De suspendre l'obligation d'avis prévue aux paragraphes 29(3) et 34(1) du *Règlement de procédure* afin d'examiner ce rapport lors de sa réunion prévue le 15 mai 2024 en vue de pouvoir prendre une décision à ce sujet dans les délais prescrits par la loi.

BACKGROUND

At the January 16, 2024, Built Heritage Committee Meeting, staff prepared a report ([ACS2024-PRE-RHU-0002](#)) to assess the property at 290 City Centre Avenue for designation under Part IV of the *Ontario Heritage Act* (OHA). The report concluded that the property had cultural heritage value as it met five of the nine criteria defined in regulation 9/06 of the OHA. The Built Heritage Committee recommended that the property be designated under Part IV of the OHA according to the Statement of Cultural Heritage Value, attached as Document 1 to this report.

This recommendation was approved by City Council on January 24, 2024. Accordingly, City Council directed staff to issue a Notice of Intention to Designate (NOID) under Part IV Section 29 (1.1) of the *Ontario Heritage Act* (OHA) for the building at 290 City Centre Avenue (see Report). In accordance with the *Ontario Heritage Act Alternative Notice Policy*, the NOID was published on the City's website on January 26, 2024. In

accordance with the OHA, the NOID was also served on the property owner and the Ontario Heritage Trust.

Under Part IV, Section 29 (5) of the OHA any person can serve the City with Notice of Objection to a NOID within 30 days after its publication (February 25, 2024). City Council must consider objections and render a decision to either withdraw or proceed with the designation within 90 days from the end of the objection period.

A Notice of Objection (see Document 2) was received by the City Clerk on behalf of the owners of the property on February 23, 2024, within the required timeframe set out in the OHA. Subsequently, on March 1st the applicant submitted an “Opinion Letter and Scoped HIA” by John Stewart Commonwealth Historic Resource Management (see Document 3). Staff note that this document was not submitted within the statutory 30-day objection period provided by Section 29 (5) of the OHA but has been reviewed by staff and included in this report. This report was prepared in response to the Notice of Objection. Council has until May 25, 2024, to consider this objection.

Cultural Heritage Value of the Property

The former W.C. Edwards and Company building is located at 290 City Centre Avenue, on the west side of City Centre Avenue, east of the Trillium Line rail tracks. The building was originally constructed in 1925 as the offices for the W.C. Edwards Company, a large, early eastern Ontario lumber establishment, and held this use until 1962. The building’s designer is unknown; however, it exhibits elements of Ottawa’s vernacular Spanish Colonial Revival style such as a decorative gabled dormer with a curvilinear parapet above its central entrance, and its steeply pitched hipped roof with exposed wooden rafter tails.

The W.C. Edwards and Company administrative offices are important in supporting the historic character of the railway dependent industries and their associated residential neighbourhoods that flourished in West Centretown and Hintonburg in the early twentieth century. Further, the property is historically, physically, and visually linked to the adjacent railway, which W.C. Edwards depended on to support its industrial activities. As one of the only remaining structures in West Centretown associated with the industrial rail era, the building is a landmark in the vicinity.

The property was listed on the City’s Heritage Register in June 2019, as part of the Heritage Inventory Project. Changes to the *Ontario Heritage Act* through Bill 23 will result in the removal of the property from the City’s Heritage Register if Council does not issue a Notice of Intention to Designate the property by December 31, 2024. Further,

Council will not be able to re-list the property for five years after this date. Heritage staff received an informal request to designate the property in 2014, and a formal request to designate the property in the fall of 2023.

Regulation 09/06 (see Document 4), 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, staff have determined that former W.C. Edwards and Company building, 290 City Centre Avenue, meets five of the nine criteria. Detailed research and analysis are outlined in the proposed Statement of Cultural Heritage Value attached as Document 1 and the proposed Cultural Heritage Evaluation Report attached as Document 5.

DISCUSSION

Heritage staff have reviewed the Notice of Objection dated February 23, 2024, prepared by Gowling WLG (Canada) LLP and attached as Document 2 to this report. Through this letter the property owner outlined several reasons for their objection to the NOID. The following section provide staff's comment on the objection letter.

1) The property is contaminated

2) Designation will prevent full remediation of the property

The Notice of Objection includes a report dated January 9, 2024, prepared by Arcadis Canada Inc., which identifies contamination of the property. Soil conditions are not a consideration when evaluating a property for designation under Ontario Regulation 9/06. A property may be designated if it meets two or more of the nine criteria. Through research and evaluation, staff have determined that former W.C. Edwards and Company building, 290 City Centre Avenue, meets five of the nine criteria.

Environmental remediation frequently occurs on sites with existing buildings and alternative remediation techniques can be explored. If the environmental remediation on site requires any alterations to the building, including relocation, the owner can submit an Application under the *Ontario Heritage Act* to be considered by Built Heritage Committee and Council. The designation of the building will not prevent remediation work from occurring on the site.

3) The building requires structural repair

Building condition, which does not impact the cultural heritage value of the property, is not a consideration when evaluating a property for designation under Ontario Regulation 9/06. Designation under the *Ontario Heritage Act* will not prohibit restoration or repair of the building. The City has a grant program to assist property owners with costs related to restoration of designated properties. A property of this size would qualify for a matching grant of up to \$25,000 every two years. Newly designated properties are of the highest priority for funding as per the program guidelines.

4) Designation should be contingent on CIP funding

Should the property be redeveloped in the future, the proposal may be eligible for the City's Heritage Community Improvement Plan which offers up to \$500,000 in the form of a tax increment equivalent grant towards restoration of heritage buildings as part of larger developments. Applications for the program are not approved at the time of designation, but rather are processed and approved based on satisfying eligibility requirements associated with a proposed development.

5) Comments on the Statement of Cultural Heritage Value

The objection indicates that the Statement of Cultural Heritage Value and evaluation of the property is flawed for the following reasons:

- a) The statement incorrectly suggests that W.C. Edwards constructed the Subject Building;
- b) The statement does not articulate how the Subject Building is important in supporting the area's historic character; and
- c) The statement inappropriately describes the Subject Building as a "landmark".

Staff have reviewed the specific concerns and have the following responses to these points:

- a) Staff research indicates that in 1925, the building at 290 City Centre was constructed as the main office for the W.C. Edwards and Company. W.C. Edwards and Company conducted business out of this building until 1962. Staff do not indicate it was built by W.C. Edwards, the individual, but rather the company. As indicated in the Cultural Heritage Evaluation Report, W.C. Edwards, himself died in 1924 prior to the construction of the building.

- b) The Cultural Heritage Evaluation Report and the Statement of Cultural Heritage Value both detail the building's role in supporting the area's historic character. The neighbourhoods in West Centretown, including LeBreton Flats, Little Italy, Chinatown, the Glebe Annex, and Chaudière and Victoria Islands, developed around LeBreton Flats as an industrial centre in the mid-1870s. Several sawmills, lumberyards, and railway yards defined the area, around which working class neighbourhoods were established. The early development of Hintonburg, the neighbourhood adjacent to West Centretown, is also tied to the presence of these industries. In the late twentieth century, these areas were deindustrialized and became locations for commercial, recreational, and residential developments. The City Centre complex is an example of a development on former industrial lands. While most of the buildings in the City Centre complex were built in the 1960s, the building at 290 City Centre is the one of the last buildings with ties to the site's industrial past.
- c) Heritage Planning staff determined the property is a landmark. The building at 290 City Centre is visible from the Somerset Street bridge, both by car and as a pedestrian. As it is highly visible and borders central neighbourhoods, it marks the transition from West Centretown to Hintonburg. The building is distinct in its surroundings as the only historic building on the City Centre site, making it a recognizable landmark to people who reside in both neighbourhoods, as well as people traveling through these neighbourhoods.

Through the designation process, staff undertake detailed research and evaluation using extensive resources and historical documentation. Heritage staff's assessment of the property remains unchanged and accordingly staff are of the opinion that the Statement of Cultural Heritage Value appropriately describes the cultural heritage value of the subject property and are not proposing any revisions to the associated documents.

Heritage Impact Assessment

The "Opinion Letter and Scoped HIA", attached as Document 3, identifies that the building at 290 City Centre meets five of the nine criteria under 09/06, however, the author's opinion differs from staff in that it concludes the building does not meet the criteria for being a landmark and that it does meet the criteria illustrating a high degree of craftsmanship. The conclusion of the Scoped HIA reiterates the findings in the Notice of Objection. In general, the Heritage Impact Assessment does not provide substantive

new information related to the designation of 290 City Centre Avenue and Heritage staff's assessment of the property remains unchanged.

Conclusion:

The objection for 290 City Centre does not provide substantive new information related to the designation. Many of the issues identified are outside of the scope of Regulation 09/06, which is used to determine the cultural heritage value of a property. Structural repairs or alterations associated with remediation or redevelopment can be considered through an application under the *Ontario Heritage Act*.

Staff have re-examined the reasons for designation outlined in the Statement of Cultural Heritage Value in light of the specific reasons of objection provided in the Notice of Objection and remain of the opinion, that despite these reasons of objection, the subject property's heritage value meets five of the nine criteria prescribed in O.Reg 9/06 and is appropriately represented in the Statement of Cultural Heritage Value. Therefore, staff maintain the position that the property at 290 City Centre Avenue merits designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value and recommend that Council not withdraw the NOID and proceed with the passage of a By-law to designate this property. The subject property continues to merit designation under section 29, Part IV of the *Ontario Heritage Act*.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation. Pursuant to the Ontario Heritage Act, Council must consider the objection, but then may proceed with issuing the Notice of Intention to Designate, or withdraw said Notice, as it determines appropriate. Should Council proceed with Designation, any person who objects to the designating by-law has a right of appeal to the Tribunal.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councilor is aware of the Notice of Objection.

CONSULTATION

No consultation was undertaken on this objection.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

RURAL IMPLICATIONS

There are no rural implications.

APPLICATION PROCESS TIMELINE STATUS

The statutory timeline for consideration of this objection under the *Ontario Heritage Act* will expire on May 25, 2024.

SUPPORTING DOCUMENTATION

Document 1 Statement of Cultural Heritage Value

Document 2 Notice of Objection

Document 3 “Opinion Letter and Scoped HIA” - John Stewart Commonwealth Historic Resource Management

Document 4 Ontario Regulation 09/06

Document 5 Cultural Heritage Evaluation Report

DISPOSITION

If, after considering the objection to the Notice of Intention to Designate the property at 290 City Centre, Council proceeds with the designation of the property under Part IV of the *Ontario Heritage Act*, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Development and Building Services, is to finalize 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*.

- 2) 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, Development and Building Services to ensure publication of the notice of the By-law according to the requirements of Section 29(8)(4) of the *Ontario Heritage Act*.

If, after considering the Objection to the Notice of Intention to Designate the property known as 290 City Centre, Council decides to withdraw the notice and not proceed with the designation of the property under Part IV of the *Ontario Heritage Act*, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Development and Building Services, is to prepare the notice of withdrawal. 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 withdraw the Notice of Intention to Designate 315 Lisgar Street under Part IV of the *Ontario Heritage Act*.
- 2) Heritage Planning Branch, Planning, Development and Building Services to ensure publication of the notice of withdrawal according to the requirements of Section 29 the *Ontario Heritage Act*.