

Subject: The Designation of 85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue under Part IV of the *Ontario Heritage Act*

File Number: ACS2024-PDB-RHU-0035

Report to Built Heritage Committee on 9 July 2024

and Council 10 July 2024

Submitted on June 26, 2024 by Court Curry, Manager, Right of Way, Heritage and Urban Design Planning, Development and Building Services Department

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Ward: Somerset (14)

Objet : Désignation du 85, avenue Primrose Est, du 755, rue Somerset Ouest et des 90, avenue Primrose Est / 96, avenue Empress, en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*

Dossier : ACS2024-PDB-RHU-0035

Rapport au Comité du patrimoine bâti

le 9 juillet 2024

et au Conseil le 10 juillet 2024

Soumis le 26 juin 2024, 2024 par Court Curry, Gestionnaire, Services des emprises, du patrimoine, et du design urbain, Direction générale des services de la planification, de l'aménagement et du bâtiment

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Quartier : Somerset (14)

RECOMMENDATION(S)

That the Built Heritage Committee recommend that Council:

1. Issue a Notice of Intention to Designate 85 Primrose Avenue East under Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value attached as Document 5.
2. Issue a Notice of Intention to Designate 755 Somerset Street West under Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value included in Document 7.
3. Issue a Notice of Intention to Designate 90 Primrose Avenue East/96 Empress Avenue under Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value included in Document 9.
4. Suspend the notice required under Subsections 29(3) and 34(1) of the Procedure By-law to consider this report at the July 10, 2024 Council meeting in order to complete the legislative process associated with this report within a timely manner.

RECOMMANDATION(S) DU RAPPORT

Que le Comité du patrimoine bâti recommande ce qui suit au Conseil:

1. Publier un avis d'intention de désigner le 85, avenue Primrose Est en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*, conformément à la déclaration de la valeur sur le plan du patrimoine culturel figurant dans le document 5.
2. Publier un avis d'intention de désigner le 755, rue Somerset Ouest en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*, conformément à la déclaration de la valeur sur le plan du patrimoine culturel figurant dans le document 7.
3. Publier un avis d'intention de désigner les 90, avenue Primrose Est / 96, avenue Empress en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*, conformément à la déclaration de la valeur sur le plan du patrimoine culturel figurant dans le document 9.
4. 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 10 juillet 2024 et ainsi de mener à terme, dans les délais prescrits, le processus législatif associé à ce rapport.

Executive Summary

Since 2019, there have been significant changes to the *Ontario Heritage Act* (OHA) and the work of the Heritage Planning Branch. The most significant change to the OHA is related to the City's Register of non-designated listed properties. If Council does not issue a Notice of Intention to Designate under the OHA before December 31, 2026, listed properties must be removed from the Register and cannot be re-listed for five years.

85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue are all properties currently listed on the City's Register and were prioritized for review as a result of legislative changes. Each property meets five or more of the criteria for designation under Regulation 09/06 and therefore staff recommend that Council issue a Notice of Intention to Designate each of these properties. Each property be designated under Part IV of the OHA.

Résumé

Depuis 2019, d'importants changements ont été apportés à la Loi sur le patrimoine de l'Ontario (LPO) et au travail effectué par la Direction de la planification du patrimoine. La modification la plus importante apportée à la LPO concerne le Registre de la Ville des biens répertoriés non désignés. Si le Conseil ne publie pas un avis d'intention de désigner en vertu de la LPO avant le 31 décembre 2026, les biens répertoriés devront être retirés du Registre et ne pourront pas être répertoriés à nouveau pendant une période de cinq ans.

Le 85, avenue Primrose Est, le 755, rue Somerset Ouest et les 90, avenue Primrose Est / 96, avenue Empress sont autant de biens-fonds qui figurent actuellement au Registre de la Ville et qui font l'objet d'un examen prioritaire à la suite de changements législatifs. Chacun de ces biens-fonds satisfait à au moins cinq des critères de désignation en vertu du Règlement de l'Ontario 9/06. Par conséquent, le personnel recommande au Conseil municipal de publier un avis d'intention de désigner chacun de ces biens-fonds en vertu de la partie IV de la LPO.

BACKGROUND

This report has been prepared because designation under Part IV of the *Ontario Heritage Act* (OHA) must be approved by City Council.

The former Our Lady of the Rosary Convent, at 85 Primrose Avenue East was constructed circa 1890 and is a representative example of a 19th century convent with Second Empire influences and Classical ornamentation. The property has associations

with the Grey Nuns of the Cross and the development of women's education in the Ottawa region.

The former École St-Jean-Baptiste, 755 Somerset Street West was constructed circa 1887 and is a representative example of a purpose-built late 19th century stone French language Roman Catholic school with Neo-Classical elements. The property has direct associations with the development of French language education in Ontario through the fight against Regulation 17.

The monastery complex at 90 Primrose Avenue East and 96 Empress Avenue is a rare example of a stone monastery complex in Ottawa from the late 19th and early 20th century. It is associated with the Dominican Order, and more specifically the Pères Dominicains d'Ottawa. Its members, called Dominicans, including friars, nuns, sisters, and lay Dominicans focus on preaching, teaching, and studying, with a strong emphasis on intellectual pursuits and theological scholarship.

These three properties contribute to a greater understanding of the growing Catholic francophone community in the late 19th century in the area surrounding Primrose Hill (an area within West Centretown). They stand as prominent structures overlooking LeBreton Flats and play a role in defining the character of the area. Together they are historically, functionally, and physically linked due to their close proximity, construction dates, and ecclesiastical use.

These properties were listed on the City of Ottawa Heritage Register in 2019 and 2020. Changes to the *Ontario Heritage Act* through Bill 23 and the recently enacted Bill 200 will result in the removal of these properties from the City's Heritage Register if Council does not issue a Notice of Intention to Designate the properties by January 1, 2027. Further, Council will not be able to re-list the properties for five years after this date. Through Heritage staff review of the Register in spring 2023 as a result of Bill 23, these properties were identified as potential candidates for designation.

DISCUSSION

Recommendation 1

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 OHA.

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 OHA 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.

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. Documents 5, 7, and 9 contain the Statements of Cultural Heritage Value for the properties.

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 OHA if it meets two or more of the nine criteria set out in the regulation.

In April 2023, the property owner of 90 Primrose Avenue East and 96 Empress Avenue retained Commonwealth Historic Resource Management to prepare a Cultural Heritage Evaluation Report (CHER). The report, which was submitted to the City for information provides an overview of the design, history and contextual values of the property. The property owner and author of the CHER have given the City permission to use this report in support of the recommended designation. The CHER is attached as Document 8. The information included in the CHER formed the basis of the Statement of Cultural Heritage Value and the O. Reg 09/06 evaluation prepared by staff and attached as

Document 9 of this report. Based on the information in the CHER, staff have determined that the property meets eight of the nine criteria for designation under Regulation 09/06.

While researching and evaluating 90 Primrose Avenue East and 96 Empress Avenue, staff conducted a review of 85 Primrose Avenue East and 755 Somerset Street West and determined that these properties meet six and five of the nine criteria, respectively. Detailed research and analysis of these properties is outlined in the staff prepared Cultural Heritage Evaluation Report (see Documents 4 and 6).

While each property exhibits different characteristics, they meet similar criteria, which can be summarized as follows:

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue are all stone religious institutional buildings constructed in the 19th century.

85 Primrose Avenue East is a representative example of a 19th century convent with Second Empire influences and classical ornamentation, commonly used in the design of early French Catholic institutions. Characteristic of its type, the building features a simple string course, quoins, voussoirs, sills, and gabled dormers in the mansard roof.

755 Somerset Street west is a representative example of a purpose-built 19th century stone Roman Catholic school with Neo-Classical elements. Typical of this style, the building features a balanced façade with projecting bays, pedimented entrance with doric columns, stone sills and lintels, and stone banding above the third storey.

The monastery complex at 90 Primrose Avenue East and 96 Empress Avenue, has design and physical value as a rare example of a stone monastery complex in Ottawa from the late 19th and early 20th century.

The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

Only the monastery complex at 90 Primrose Avenue East/96 Empress Avenue meets this criterion. The stone monastery complex demonstrates a high degree of architectural integrity and craftsmanship, with the majority of the original design and materials intact. The high degree of craftsmanship is displayed in the stonework, the carved floral motif banding, incised limestone, niches, and corbels all demonstrate a high quality of craftsmanship.

The property has historical or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Our Lady of the Rosary Convent at 85 Primrose Avenue is directly associated with the Grey Nuns of the Cross and the development of education in the Ottawa region.

The building was purpose built as a convent for the Grey Nuns of the Cross also known as Les Sœurs de la Charité d'Ottawa, a distinct Roman Catholic religious community of women who provided social ministry to the growing town of Bytown (today Ottawa).

Through its history as a convent, 85 Primrose Avenue East was associated with the education of young French women in the early 20th century Ottawa, including Jeanne Sauvé, Canada's first female Speaker of the House and Governor General and Henriette Bourque, the first female lawyer to work for the federal Department of Justice. These women and others went on to make significant contributions to the changing status of women in the 20th century.

755 Somerset Street West has historical and associative value due to its direct associations with the development of French language education in Ontario through the fight against Regulation 17. This building represents the notorious struggle for the right to teach francophone children in their first language. The school was part of the Institute of Christian Schools and run by the Ontario Christian Brothers, also referred to as De La Salle Brothers. In the 19th and 20th centuries, the Christian Brothers were a significant organization in the community that played a crucial role in the development and expansion of Ontario's publicly funded Catholic separate school system. However, it must also be acknowledged that, since the 1980s, a difficult legacy of harsh discipline, physical and sexual abuse by many members of the order across North America has emerged.

90 Primrose Avenue East/96 Empress Avenue has historical and associative value due to its direct associations with the Dominican Order, and more specifically the Pères Dominicains d'Ottawa. The property was constructed for the Pères Dominicains d'Ottawa and is associated with the Francophone order of priests involved in education.

The Dominican Order is a Catholic religious order founded by the Spanish priest Dominic de Guzmán (Saint Dominic) in the early 13th century. Its members, called Dominicans, including friars, nuns, sisters, and lay Dominicans focus on preaching, teaching, and studying, with a strong emphasis on intellectual pursuits and theological scholarship.

The Dominican Order established its presence in Canada in the late 19th century. Specifically, the Dominican presence on Primrose Hill dates to circa 1887 when the Dominicans constructed Saint Jean Baptiste school (755 Somerset Street) and then in 1894 when Monsignor Duhamel, first Bishop of Ottawa, offered the Dominicans the church property on the condition that they establish a House of Studies.

The Dominicans have owned, preached, and studied on these lands from the time of its construction to its present-day use as the Dominican University College. The property is an illustration of the Dominican's commitment to religious and theological studies. The Dominican Order places a strong emphasis on intellectual pursuit of truth and education, which is reflected in their involvement in educational institutions worldwide. Many Dominicans are educators, serving as teachers and professors. The order has also founded numerous educational institutions like the Dominican University College.

The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.

The properties yield information that contributes to a greater understanding of the Catholic francophone community in the area surrounding Primrose Hill, which developed circa 1872 when a temporary church was constructed in the area. The church was likely constructed to address a need for a French Catholic place of worship on this side of the Ottawa River. The subsequent expansion of the church, and the demand for additional services, reflects a growing Catholic francophone community in this area in the late 19th century.

The property has historical or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

85 Primrose Avenue East, and 90 Primrose Avenue East/96 Empress Avenue demonstrate the work of architects who specialized in ecclesiastical architecture. They both reflect the work of Georges Bouillon, architect for the Ottawa diocese, best known for his Neo-Gothic chapel for the Rideau Street convent in Ottawa (now demolished but reassembled in the National Gallery of Canada). It is also likely that Georges Bouillon was the architect for 755 Somerset Street West but, there is no confirmation that this is true.

90 Primrose Avenue East/96 Empress Avenue also reflects the work of Joseph Larue, official architect for the Roman Catholic Order of the Dominican Fathers in the province of Quebec. Larue was known for his ecclesiastic architecture and designed many

notable religious buildings in Quebec, including churches, seminaries, convents, and schools and often worked in the modern Gothic style.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

As prominent stone buildings located at the top of an escarpment known as Primrose Hill, overlooking LeBreton Flats, and 755 Somerset Street West at the intersection of Somerset Street West and Empress Avenue, these properties are important in defining the character of the area.

The cluster of religious buildings including the monastery complex, school, and convent stand as tangible evidence of this areas earliest educational and religious landscape reflecting the historic French-Canadian character of the area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

The properties are physically, functionally, visually, and historically linked to their surroundings. The properties are part of a cluster of religious buildings including the convent at 85 Primrose Avenue, the monastery complex at 90 Primrose Avenue East/96 Empress Avenue, and school at 755 Somerset Street West, and a Parish Hall at 116 Empress Avenue. Visually, these properties are all large limestone buildings that display and represent stone religious architecture. Together, historically, they are functionally and physically linked due to their close proximity, construction dates, and ecclesiastical use.

The property has contextual value because it is a landmark.

Only the monastery complex at 90 Primrose Avenue East/96 Empress Avenue meets this criterion. It is a landmark, due to its visual prominence and social importance within the community. Its distinctive architecture, including its scale, tall church bell tower, and stone construction, make it a recognizable landmark visible from many vantage points in the city. Its location atop Primrose Hill also stands as a historical and contemporary focal point within the community. The scale of the complex extending along Empress Avenue, enclosed with stone walls, dominates the views in the area.

Conclusion

The properties at 85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue meet at least six of the nine criteria outlined in Ontario Regulation 09/06 for designation under Part IV of the *Ontario Heritage Act*. Staff recommend that Council issue a Notice of Intention to Designate the properties

under 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 recommendations.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management Implications resulting from this report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councilor is aware of the recommendations associated with this report.

CONSULTATION

The property owners of 85 Primrose Avenue and 90 Primrose Avenue/96 Empress Avenue were mailed and/or emailed a letter regarding the proposed designations of their property under Part IV of the *Ontario Heritage Act* on April 2, 2024 and May 28th, 2024.

The property owner of 755 Somerset Street West was mailed a letter regarding the proposed designation of their property under Part IV on May 28th.

The Dalhousie Community Association and Heritage Ottawa have been notified of the proposed designations.

ACCESSIBILITY IMPACTS

The designation of these properties under the *Ontario Heritage Act* does not impact the physical fabric of the buildings. 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.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

RURAL IMPLICATIONS

There are no rural implications.

APPLICATION PROCESS TIMELINE STATUS

There are no application timelines associated with designations under the *Ontario Heritage Act*.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Photos

Document 3 Ontario Regulation 09/06

Document 4 Cultural Heritage Evaluation Report, 85 Primrose Avenue

Document 5 Statement of Cultural Heritage Value, 85 Primrose Avenue

Document 6 Cultural Heritage Evaluation Report, 755 Somerset Street West

Document 7 Statement of Cultural Heritage Value, 755 Somerset Street West

Document 8 Cultural Heritage Evaluation Report, 90 Primrose Avenue and 96 Empress Avenue

Document 9 O. Reg 09/06 Evaluation and Statement of Cultural Heritage Value, 90 Primrose Avenue and 96 Empress Avenue

DISPOSITION




If Council does not approve the recommendations, no further steps are required. If Council proceeds with the issuance of a Notice of Intention to Designate for the properties located at 85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Development and Building Services Department, to prepare the Notices of Intention to Designate. Office of the City Clerk, Council and Committee Services to notify the property owners and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision to issue Notices of Intention to Designate the properties at 85 Primrose Avenue East, 755 Somerset Street West, and 90 Primrose Avenue East/96 Empress Avenue under Part IV of the *Ontario Heritage Act*.
- 2) Heritage Planning Branch, Planning, Development and Building Services Department to ensure publication of the Notices of Intention to Designate according to the requirements of Section 29 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, Development and Building Services 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 Notices of Intention to Designate, or if City Council decides not to withdraw the notices of intention to designate the property after an objection has been served, the Heritage Planning Branch, Planning, Development and Building Services Department, is to prepare the designation by-laws, 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 Notices 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-laws together with a statement explaining the cultural heritage value or interest of the properties and a description of the heritage attributes of the properties, to be served on the owner of the properties and on the Trust according to the requirements of the *Ontario Heritage Act*. Heritage Planning Branch, Planning, Development and Building Services Department to ensure publication of the notices of the by-law in the newspaper according to the requirements Section 29(8)(4) of the *Ontario Heritage Act*.

Document 1- Location Map



		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
D09-01-PRIMROSE85	24-0217-D	 <p>85, 90 av. Primrose Avenue E. 96 av. Empress Avenue 755 rue Somerset Street OW.</p>	
I:\COV2024\Heritage\ Primrose 85_90_Somerset 755			
©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY ©Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE			
REVISION / RÉVISION - 2024 / 02 / 28			

Document 2 – Photos



North façade of 90 Primrose Avenue



Bell tower and three-sided bay at 90 Primrose Avenue and 96 Empress Avenue



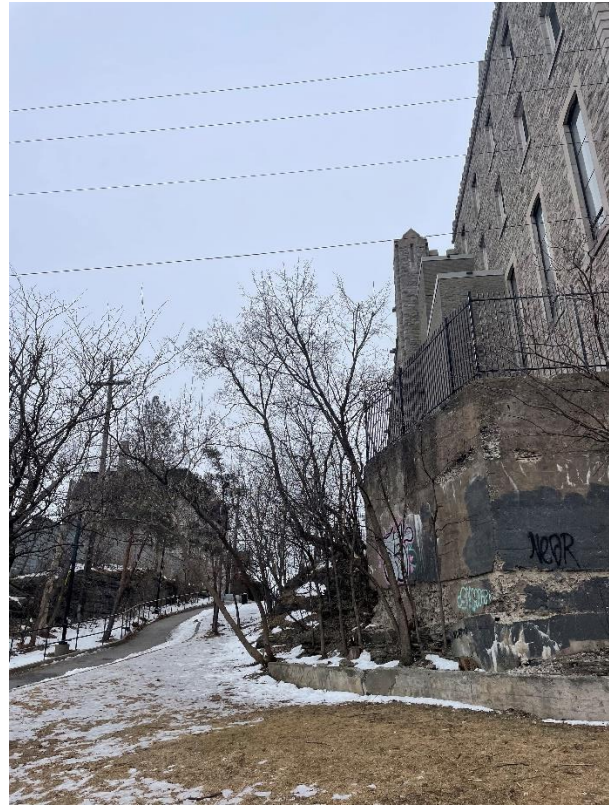
Gabled entry porch at 96 Empress Avenue



Main entranceway of 90 Primrose Avenue



View of 90 Primrose Avenue from Primrose Avenue below



View of 85 and 90 Primrose Avenue from Primrose Avenue below



Stone wall with wrought iron gate from Upper Lorne Avenue



Left: 90 Primrose Avenue, Right: 85 Primrose Avenue



85 Primrose Avenue from bottom of Empress Avenue



South-east corner of 85 Primrose Avenue



East façade at 755 Somerset Street West



South façade of 755 Somerset Street West



South- East corner of 755 Somerset Street West



Empress Avenue looking south at 755 Somerset Street West



Entrance portico on the east façade at 755 Somerset Street West, Ottawa

Document 3 – Ontario Regulation 09/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Consolidation Period: From January 1, 2023 to the e-Laws currency date.

Last amendment: 569/22.

This is the English version of a bilingual regulation.

Criteria, s. 27 (3) (b) of the Act

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 27 (3) (b) of the Act. O. Reg. 569/22, s. 1.

(2) Property that has not been designated under Part IV of the Act may be included in the register referred to in subsection 27 (1) of the Act on and after the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force if the property meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

9. The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.

(3) For clarity, subsection (2) does not apply in respect of a property that has not been designated under Part IV but was included in the register as of the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. O. Reg. 569/22, s. 1.

Criteria, s. 29 (1) (a) of the Act

2. (1) The criteria set out in subsections (2) and (3) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 569/22, s. 1.

(2) Section 1, as it read immediately before the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, continues to apply in respect of a property for which a notice of intention to designate it was given under subsection 29 (1.1) of the Act after January 24, 2006 and before the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. O. Reg. 569/22, s. 1.

(3) In respect of a property for which a notice of intention to designate it is given under subsection 29 (1.1) of the Act on or after the day subsection 3 (2) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, the property may be designated under section 29 of the Act if it meets two or more of the criteria for determining whether it is of cultural heritage value or interest set out in paragraphs 1 to 9 of subsection 1 (2). O. Reg. 569/22, s. 1.

Criteria, s. 41 (1) (b) of the Act

3. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 41 (1) (b) of the Act. O. Reg. 569/22, s. 1.

(2) Subject to subsection (3), in the case of a by-law passed under subsection 41 (1) of the Act on or after the day subsection 5 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force, a municipality or any defined area or areas of it may be designated by such a by-law as a heritage conservation district under subsection 41 (1) of the Act if the municipality or the defined area or areas of it meets the following criteria:

1. At least 25 per cent of the properties within the municipality or defined area or areas satisfy two or more of the following:

- i. The properties have design value or physical value because they are rare, unique, representative or early examples of a style, type, expression, material or construction method.
- ii. The properties have design value or physical value because they display a high degree of craftsmanship or artistic merit.
- iii. The properties have design value or physical value because they demonstrate a high degree of technical or scientific achievement.
- iv. The properties have historical value or associative value because they have a direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.
- v. The properties have historical value or associative value because they yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
- vi. The properties have historical value or associative value because they demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- vii. The properties have contextual value because they define, maintain or support the character of the district.
- viii. The properties have contextual value because they are physically, functionally, visually or historically linked to each other.
- ix. The properties have contextual value because they are defined by, planned around or are themselves a landmark. O. Reg. 569/22, s. 1.

(3) Subsection (2) does not apply in respect of a by-law passed under subsection 41 (1) of the Act on or after the day subsection 5 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force if a notice of a public meeting required to be held for the purposes of the by-law under subsection 41.1 (7) of the Act was given before the day subsection 5 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force. O. Reg. 569/22, s. 1.

(4) For clarity, the requirement set out in subsection 41.1 (5.1) of the Act,

- (a) does not apply in respect of a by-law under subsection 41 (1) of the Act that is passed before the day subsection 5 (1) of Schedule 6 to the *More Homes Built Faster Act, 2022* comes into force; and

(b) does not apply in respect of a by-law under subsection 41.1 (2) of the Act. O.
Reg. 569/22, s. 1.