

**Subject: Consideration of Objection to the Notice of Intention to Designate
149 Rideau Street, under Part IV of the *Ontario Heritage Act***

File Number: ACS2024-PDB-RHU-0064

Report to Built Heritage Committee on 10 September 2024

and Council 18 September 2024

**Submitted on August 27, 2024 by Court Curry, Manager, Right of Way, Heritage,
and Urban Design Services, Planning, Development and Building Services**

Contact Person: MacKenzie Kimm, Heritage Planner III, Heritage Planning Branch

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Ward: Rideau-Vanier (12)

**Objet: Examen de l'opposition à l'avis d'intention de désigner la propriété
située au 149, rue Rideau en vertu de la partie IV de la *Loi sur le
patrimoine de l'Ontario***

Dossier : ACS2024-PDB-RHU-0064

Rapport au Comité du patrimoine bâti

le 10 septembre 2024

et au Conseil le 18 septembre 2024

**Soumis le 27 août 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 : MacKenzie Kimm, Planificatrice de patrimoine III,
Planification du patrimoine**

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Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATION

That the Built Heritage Committee recommend that Council not withdraw the Notice of Intention to Designate 149 Rideau Street and proceed with the designation process under Part IV of the *Ontario Heritage Act*.

RECOMMANDATION DU RAPPORT

Que le Comité du patrimoine bâti recommande au Conseil de ne pas retirer l'avis d'intention de désigner la propriété située au 149, rue Rideau, et de poursuivre le processus de désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.

BACKGROUND

At the June 11, 2024, Built Heritage Committee meeting, staff presented report [ACS2024-PDB-RHU-0048](#) recommending the property at 149 Rideau Street for designation under Part IV of the *Ontario Heritage Act* (OHA). The report concluded that the property had cultural heritage value as it met four 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 3 to this report.

This recommendation was approved by City Council on June 26, 2024. Accordingly, City Council directed staff to issue Notice of Intention to Designate (NOID) under Section 29 (1.1) of the OHA for 149 Rideau Street. In accordance with the *Ontario Heritage Act* Alternative Notice Policy, the NOID was published on the City's website on July 5, 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 *Ontario Heritage Act* (OHA) any person can serve the City with notice of objection to a Notice of Intention to Designate (NOID) within 30 days after its publication. 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 1) related to 149 Rideau Street was received by the City Clerk from the owner on July 23, 2024. The notice was received within the required timeframe set out in the OHA.

Council has until November 2, 2024 to consider these objections and either withdraw the NOID or pass a by-law to designate the property. This report was prepared in response to the objections.

Cultural Heritage Value of the Property

Constructed circa 1875, the building at 149 Rideau Street has design value as a representative example of a late 19th century Italianate commercial building on a main street in Ottawa. The Italianate style was popular from the 1830s until the 1920s in Canada and was frequently used in commercial buildings on main streets. The building at 149 Rideau Street features typical elements of the Italianate style, including its arched window openings and hood mouldings, a large cornice, and decorative brick detailing.

The property was listed on the City's Heritage Register 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 January 1, 2027. Further, Council will not be able to re-list the property for five years after this date.

Regulation 09/06 (see Document 2) 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 149 Rideau Street meets four of the nine criteria. Detailed research and analysis are outlined in the proposed Statement of Cultural Heritage Value attached as Document 3 and the proposed Cultural Heritage Evaluation Report attached as Document 4.

DISCUSSION

Heritage staff have reviewed the notice of objection prepared by the owner attached as Document 1 to this report; the letter expresses the owner's objection to the designation.

The objection does not provide any specific reasons for opposing the designation of 149 Rideau Street or any new information related to the proposed designation. Staff have had no correspondence with the property owner other than that notice of objection. In advance of consideration of the designation by Built Heritage Committee and Council in June 2024, staff sent two letters to the property owner advising them of the proposed designation, providing information about the process and how to participate. These letters also included an offer to meet to discuss any questions or concerns. After receipt of the objection staff once again reached out to the property owner to discuss the reasons for the objection.

Conclusion:

Heritage staff are of the opinion that the objection received does not provide new or substantive information related to the designation of 149 Rideau Street. Staff maintain

the position that the property merits designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value and recommends that Council not withdraw the NOID and proceed with the passage of a by-law to designate the property.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

Having received an objection, Council must consider same and make a decision whether or not to withdraw the Notice of Intent to Designate the property within 90 days. If Council does not withdraw the Notice of Intent to Designate, then it may pass a by-law designating the property within 120 days after the date of the initial publication of the Notice of Intention. Any person who objects to the by-law may appeal to the Ontario Land Tribunal.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Plante is aware of the Notice of Objection to the designation of 149 Rideau Street.

CONSULTATION

No consultation was undertaken on this objection.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

RURAL IMPLICATIONS

There are no rural implications.

APPLICATION PROCESS TIMELINE STATUS

The statutory timeline for consideration of these objections under the *Ontario Heritage Act* will expire on November 2, 2024.

SUPPORTING DOCUMENTATION

Document 1: Objection Letter, 149 Rideau Street

Document 2: Ontario Regulation 9/06

Document 3: Statement of Cultural Heritage Value, 149 Rideau Street

Document 4: Cultural Heritage Evaluation Report, 149 Rideau Street

Disposition

If, after considering the objection to the Notice of Intention to Designate the property known as 149 Rideau Street, 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 Department, 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 statement explaining the cultural heritage value or interest of the property and 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 Department 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 149 Rideau Street, 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 Department, 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 149 Rideau Street under Part IV of the *Ontario Heritage Act*.

- 2) Heritage Planning Branch, Planning, Development and Building Services
Department to ensure publication of the notice of withdrawal according to the
requirements of Section 29 the *Ontario Heritage Act*.

Document 1: Objection Letter, 149 Rideau Street

July 23, 2024

Caitlyn Salter MacDonald
City Clerk
Ottawa City Hall
110 Laurier Avenue West
K1P1J1

Dear Ms. MacDonald,

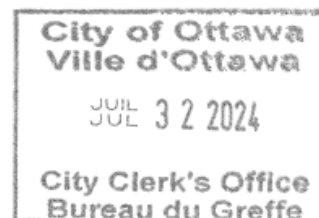
I am writing this letter in regards to File No. ACS2024-PDB-RHU-0048. Please consider this letter to be my notice of objection for "Designation of 149 Rideau Street under Part IV of the *Ontario Heritage Act*."

I am President/Owner of Al-Shabbir Trading Co. Ltd, the company that owns 149 Rideau Street in Ottawa. I fully object to any such designation of this building.

Sincerely,



Mr. Ghulam Hussain
President/Owner Al-Shabbir Trading Co. Ltd.
149 Rideau Street
Ottawa, Ontario, K1N5X4
(613)562-3811



Document 2: 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.