

**Subject: Consideration of Objection to the Notice of Intention to Designate 198 Rideau Street, under Part IV of the *Ontario Heritage Act***

**File Number: ACS2024-PDB-RHU-0066**

**Report to Built Heritage Committee on 10 September 2024**

**and Council 18 September 2024**

**Submitted on August 29, 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 le 198, rue Rideau en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario***

**Dossier : ACS2024-PDB-RHU-0066**

**Rapport au Comité du patrimoine bâti**

**le 10 septembre 2024**

**et au Conseil le 18 septembre 2024**

**Soumis le 29 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 RECOMMENDATIONS

That the Built Heritage Committee recommend that Council:

1. **Not withdraw the Notice of Intention to Designate 198 Rideau Street and proceed with the designation process under Part IV of the *Ontario Heritage Act*; and**
2. **Enact a by-law to designate the property being generally in accordance with the revised Statement of Cultural Heritage Value attached as Document 5, in consideration of the objection received by the City Clerk.**

## RECOMMANDATIONS DU RAPPORT

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

1. **Ne pas retirer l'avis d'intention de désigner la propriété située au 198, rue Rideau et poursuivre le processus de désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*; et**
2. **Promulguer un règlement municipal désignant le bien-fonds conformément, dans son ensemble, à la déclaration révisée de valeur sur le plan du patrimoine culturel, jointe en tant que document 5, compte tenu de l'opposition reçue par la greffière municipale.**

## BACKGROUND

At the June 11, 2024, Built Heritage Committee meeting, staff presented report [ACS2024-PDB-RHU-0048](#) recommending the property at 198 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 three of the nine criteria as 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 (SCHV) (attached as Document 1 to this report).

The 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 198 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 2) related to 198 Rideau Street was provided to the City Clerk from the owner on August 5, 2024. The notice was provided 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 objection.

### **Cultural Heritage Value of the Property**

The building at 198 Rideau Street has physical value as a representative example of a late 19th century commercial building on a main street in Ottawa. The building has typical characteristics of a late 19th century commercial building, including its three-storey massing, flat roof, and brick cladding. In particular, the building's arched windows reflect influences of commercial Italianate architecture or Romanesque Revival styles, as seen in the buildings at 149 and 152 Rideau Street respectively.

The building has contextual value as it supports and maintains Rideau Street's historic commercial function and character and is visually linked to others nearby in terms of form, massing, cladding, and type, with common features such as flat roofs, brick façades, and commercial storefronts at grade.

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 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, staff have determined that 198 Rideau Street meets three of the nine criteria. Detailed research and analysis are outlined in the Cultural Heritage Evaluation Report attached as Document 4.

## DISCUSSION

### Recommendation 1

The owner has submitted a letter of objection to the Notice of Intention to Designate, attached as Document 2 to this report, which outlines their reasons for objecting to the designation.

Heritage staff have considered the owner's reasons for objection. A summary of the reasons together with a response is provided below:

**1. The SCHV incorrectly states that the property has contextual value as expressed through its commercial use.**

The owner's letter outlines concerns that the SCHV inappropriately identifies that the property's cultural heritage value is tied to its commercial use. As noted in the letter, a property's permitted use is regulated through the City's Zoning Bylaw. The *Ontario Heritage Act* does not regulate use; accordingly, there would be no requirement through a designation for a particular use to continue. Finding new uses for historic buildings is often the best way to ensure their conservation through creative and sensitive ways to adapt and modify them.

Constructed circa 1885, in staff's opinion, the building at 198 Rideau Street today is an important remaining example of the type of commercial and mixed-use buildings that were located on Rideau Street in the late 19<sup>th</sup> and early 20<sup>th</sup> century. It retains many of its characteristic features (e.g ground floor storefronts, residential-looking rectangular windows on the upper floors, flat roof, brick cladding and details etc.), which are shared by other nearby properties that front on Rideau Street from the same early period. In staff's view, the SCHV captures the expression of the building's historic function rather than seeking to regulate its use.

**2. The SCHV incorrectly states that the property has historically significant context.**

The objection also notes that since there are no other buildings in the immediate block of heritage value, 198 Rideau Street has no historically significant context. In this case, staff are of the opinion that the property's context is broader than the immediate or adjacent blocks, given that Rideau Street runs through the Lowertown area. The building shares many of the same characteristics of the other designated commercial buildings to the west, constructed during the same early period, and which front on Rideau Street. Despite the introduction of new and taller buildings in their surroundings, more than 100 years later, the late 19<sup>th</sup> and early 20<sup>th</sup> century buildings that remain continue to reflect Rideau Street's important role as the area's

commercial main street, that influenced how the Lowertown neighbourhood developed at the core of the city.

Staff have reviewed the SCHV and are of the opinion that it appropriately captures the contextual value of the property.

**3. The list of attributes should not reference the east (side) and south (rear) façades of the building.**

The objection letter notes concerns with the list of attributes that reference the building's side and rear façades as they have been altered or are too simple. In staff's opinion, given the location of the building at the corner of Waller and Rideau Street, it is important to capture the building's three-dimensional form as whole through the SCHV, particularly if the property were to be redeveloped in the future. Through discussion with the owner, staff have made recommended revisions to the list of attributes to better speak to the building's overall characteristic features (i.e brick cladding, the rectangular windows, brick and stone details), rather than specifically on each visible façade, except where they are distinct. In staff's opinion, this modification continues to recognize the building's form, while still allowing for redevelopment or the potential for an addition at the rear in the future.

**Recommendation 2**

Should Committee and Council agree with the recommended changes to the SCHV and that the designation should proceed, the next step in the designation process is for Council to pass a designation by-law. Recommendation 2 has been included to expressly note that the by-law should include the revised SCHV.

**Conclusion:**

Heritage 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. In consideration of the reasons for objection, staff have worked with the owner to revise the SCHV as described in this report to resolve their concerns. Should Committee and Council agree with the revisions, a designation by-law should be passed reflecting the revised SCHV attached as Document 5.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications

**FINANCIAL IMPLICATIONS**

There are no financial implications.

## **LEGAL IMPLICATIONS**

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

## **COMMENTS BY THE WARD COUNCILLOR(S)**

Councillor Plante is aware of the Notice of Objection to the designation of 198 Rideau Street.

## **CONSULTATION**

Heritage staff have consulted with the owner and their agent and have worked to resolve their concerns.

## **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 Original Statement of Cultural Heritage Value, 198 Rideau Street  
(with tracked changes)

Document 2 Objection Letter, 198 Rideau Street

Document 3 Ontario Regulation 9/06

Document 4 Cultural Heritage Evaluation Report, 198 Rideau Street

Document 5 Recommended Revised Statement of Cultural Heritage Value, 198  
Rideau Street

## Disposition

If, after considering the objection to the Notice of Intention to Designate the property known as 198 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 198 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 198 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– Original Statement of Cultural Heritage Value, 198 Rideau Street (with tracked changes)**

Note that **Bold underline** indicates new addition, ~~strikeout~~ indicates removal.

### **Description of Property – 198 Rideau Street**

198 Rideau Street is a mixed-use, three-storey building constructed circa 1885 and located on the south side of Rideau Street, on the corner of Rideau and Waller Streets.

### **Statement of Cultural Heritage Value or Interest**

The building at 198 Rideau Street has physical value as a representative example of a late 19<sup>th</sup> century commercial building on a main street in Ottawa. The building has typical characteristics of a late 19<sup>th</sup> century commercial building, including its three-storey massing, flat roof, and brick cladding. In particular, the building's arched windows reflect influences of commercial Italianate architecture or Romanesque Revival styles, as seen in the buildings at 149 and 152 Rideau Street respectively.

198 Rideau Street has contextual value as it is important in supporting and maintaining the character of Rideau Street— which has functioned as a commercial main street in Ottawa since the nineteenth century. Throughout the twentieth century, most of Rideau Street between Sussex Drive and Cumberland Street was occupied by commercial and mixed use spaces. The building at 198 Rideau Street housed several typical main street businesses, including the T.W. Currier & Co. furniture store, which operated out of the building from 1886 to 1918. Today, the 198 Rideau Street continues to reflect Rideau Street's history as a commercial main street in Ottawa.

The building at 198 Rideau Street is historically, functionally, and visually linked to the surrounding commercial area. This building, together with others, including 149, 152, and 156-158 Rideau Street, have historically functioned as part of a commercial corridor in Lowertown since their construction in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. These buildings are visually linked to each other in terms of form, massing, cladding, and type, with common features such as flat roofs, brick facades, and commercial space at grade. Today, this building continues to support retail and commercial activity on one of Ottawa's historic main streets.

### **Description of Heritage Attributes**

Key exterior attributes that contribute to the cultural heritage value of 198 Rideau Street as an early commercial building on Rideau Street include:

- Three-storey massing
- Presence of a ground level storefront with display windows
- Flat roof
- **Brick cladding with** subtle brick stringcourses
- **Rectangular window openings and rusticated stone lintels and**

**subtle brick voussoirs**

- A balanced north façade with:
  - Segmentally arched windows with continuous brick voussoirs and a central brick keystone above
  - Brick pilasters extending beyond the roofline
  - ~~Rectangular window openings and rusticated stone lintels and subtle brick voussoirs~~
  -
- ~~South and East façades~~ featuring:
  - A rounded arched window on the second storey with continuous brick voussoirs and a central brick keystone above
  - ~~Rectangular window openings and rusticated stone lintels and subtle brick voussoirs~~

Key attributes that demonstrate 198 Rideau Street's contextual value are:

- The property's location on the corner of Rideau and Waller Streets

The designation also excludes the interior of the building and the two-storey addition at the rear.

## 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.

## **Document 5 – Recommended Revised Statement of Cultural Heritage Value, 198 Rideau Street**

### **Description of Property – 198 Rideau Street**

198 Rideau Street is a mixed-use, three-storey building constructed circa 1885 and located on the south side of Rideau Street, on the corner of Rideau and Waller Streets.

### **Statement of Cultural Heritage Value or Interest**

The building at 198 Rideau Street has physical value as a representative example of a late 19<sup>th</sup> century commercial building on a main street in Ottawa. The building has typical characteristics of a late 19<sup>th</sup> century commercial building, including its three-storey massing, flat roof, and brick cladding. In particular, the building's arched windows reflect influences of commercial Italianate architecture or Romanesque Revival styles, as seen in the buildings at 149 and 152 Rideau Street respectively.

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### **Description of Heritage Attributes**

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- Brick cladding with subtle brick stringcourses
- Rectangular window openings and rusticated stone lintels and subtle brick voussoirs
- A balanced north façade with:
  - Segmentally arched windows with continuous brick voussoirs and a central brick keystone above
  - Brick pillasters extending beyond the roofline
- East façade featuring:

A rounded arched window on the second storey with continuous brick voussoirs and a central brick keystone above

Key attributes that demonstrate 198 Rideau Street's contextual value are:

- The property's location on the corner of Rideau and Waller Streets

The designation also excludes the interior of the building and the two-storey addition at the rear.