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Dear Ms Collins:

Thank you for providing an opportunity to the Lowertown Community Association (LCA) to submit comments for inclusion in the staff report for the Heritage Permit applications under the *Ontario Heritage Act* regarding the demolition of the properties located at 227-229, 231-233 and 235-237 St. Patrick Street, within the Lowertown West Heritage Conservation District (HCD).

As you know, for some time, the LCA has watched with concern the deterioration of these three buildings, which more than one of our Heritage Committee members has described as “the poster children for demolition by neglect.” All three buildings are contributing heritage buildings within the Lowertown West HCD and, with dates of construction ranging between 1851 and 1878, are among the oldest in the district with compelling histories. (See recent Lowertown *Echo* articles on: [227-229 St. Patrick Street](#) and [231-233 St. Patrick Street](#)). We noted that the Capacity Engineering Limited (CEL) reports executed for the City of Ottawa observed that the state of the three structures at the time of the 1990 heritage evaluation was “excellent.” Yet sadly, thirty some years later, CEL’s detailed condition assessments of all three building conclude that the retention of these building is not feasible and their current condition warrants demolition!

227-229 St. Patrick



231-233 St. Patrick



235-237 St. Patrick



We do not contest CEL’s conclusions, nor its further observation that “Such structures require the early and aggressive intervention of owners **and Authorities** [our emphasis] having jurisdiction so as to prevent their loss.” But, that we are now facing the demolition of three

significant buildings, can only mean that interventions by owners and City of Ottawa authorities have been woefully inadequate resulting in another egregious example of demolition by neglect.

In fact, the CEL portrays a process of cumulative neglect for all three buildings. For example, it attributes the condition of 235-237 St. Patrick to “the ‘Do Nothing’ approach to maintenance, upkeep, occupancy and use [which] has been adopted continually for an extended period of time” – a description that could be applied to all three properties, and which appears to have greatly accelerated their deterioration under recent ownership.

Clearly, interventions by the Authorities having jurisdiction (i.e., the City of Ottawa) were not sufficiently aggressive nor effective. There is even some question as to whether any of these three properties even appeared on the city’s Heritage Watch List. There is no doubt, however, that Bylaw enforcement has been woefully inadequate and ineffective in preserving these valuable heritage properties. This may be partly attributable to the fact that Bylaw officers usually only observe the exterior condition of heritage buildings.

Sadly, the result – the likely demolition of not one, but three, contributing heritage buildings – continues a decades-long process of neglect and destruction of Lowertown’s built-heritage. It is no exaggeration to conclude that the loss of three more buildings through demolition by neglect in the very heart of the Lowertown West HCD raises questions about the district’s long-term viability.

On a case-by-case basis, some Built Heritage Committee (BHC) members may not see these demolitions as a great loss, but these cases come up every year. When visitors come to Ottawa, they’re looking to experience the history of this place. Unfortunately, more and more of that history is disappearing because of the inadequacy of the means, will, and effort to preserve it. From the perspective of those living in Lowertown, these losses are the result of a relentless and insidious pressure by some property owners and developers to demolish Lowertown’s built-heritage for profit. Year after year, we experience a steady erosion of the historic character of our neighbourhood – the original By Town.

While other jurisdictions, like the *French Quarter* of New Orleans or the *Art Deco District* of Miami, take heritage conservation seriously, both the City of Ottawa and Province of Ontario don’t. This is short-sighted, because with the loss of heritage areas, comes the loss of the economic and commercial value which otherwise flows from properly-managed and intact heritage conservation districts.

The demolition of these three heritage buildings should be a wake-up call to the city’s Built Heritage Committee. They point strongly to the need for significant and urgent changes to the use of City authority to prevent similar outcomes for other heritage structures now in danger. Actually, this is *more* than just a wake-up call for the BHC. Other neglectful property owners and would-be developers are no doubt looking on with considerable interest at how the city will

address this situation. Many other buildings in Lowertown are in various stages of disrepair, with owners (mostly non-resident) ready to encourage further deterioration to achieve the same outcome.

These property owners must not continue to be allowed to neglect heritage structures until they have to be demolished. To discourage this, there must be consequences for such behaviour, as well as more effective measures to encourage owners to address ongoing neglect. The BHC needs to consider better carrots and better sticks.

Heritage Ottawa has proposed a number of options over the years. In 2007, for example, it proposed that the City establish an emergency heritage preservation Protocol to facilitate rapid response and cooperation among relevant City officials and departments, as well as community involvement. It also proposed the City establish a roster of qualified heritage consultants who could develop workable preservation options, along with a new budget item to enable the City to undertake emergency studies, protection and stabilization. Heritage Ottawa also recommended that when owners are unwilling or unable to comply with the city's work orders, the city should have the legal ability to do the work and charge the cost back as a lien on the property, making these interventions revenue neutral. Moreover, the threat of having a lien or easement on the property for recouping the cost of such work would also act as a deterrent to property owners who allow their properties to deteriorate.

In 2013, Heritage Ottawa also advanced a strategy for the monitoring and enforcement of property standards for vacant heritage buildings, and a now-disbanded Mayor's Heritage Matters Task Force to issue work orders when necessary<sup>1</sup>. This Task Force experiment showed that exterior Bylaw inspections must be more diligent and that interior inspections should also be undertaken. Also recommended was that that funding should be increased for the over-subscribed Heritage Grant Program for Building Restoration, and that a more flexible heritage property tax relief program than the current *Community Improvement Plan* could provide an important tax incentive for owners to invest in their heritage properties.

One other novel approach which we urge the BHC to consider, while obviously not preferable to adequate conservation, is establishing stringent requirements for the new buildings to replace those demolished by neglect. At a minimum, these new buildings should be designed to reflect the characteristics of the original, allowing for appropriate intensification within an HCD. For example, requiring roughly the same square footage, setbacks, height, materials and window placements.



Even better, would be a requirement to reconstruct replicas of demolished heritage buildings (or at least their façades) within any new redevelopment. One recent example where this was done was 52-54 Bolton Street. Complete reconstructions were also successfully implemented by

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<sup>1</sup> Unfortunately, unlike the Mayor's Task Force, the Built Heritage Committee so far hasn't shown itself to be an effective watchdog in providing a timely response for dealing with deteriorating buildings. This shortcoming should be addressed.

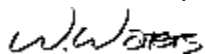
the NCC along portions of Sussex Drive, and at least maintain the heritage streetscape. This would at least provide a somewhat satisfactory replacement building in the HCD, and owners would learn that negligence doesn't pay.

Such requirements could be established in the Heritage Impact Assessment (HIA), which we assume will be required in this instance: "The HIA must assess alternative development options and mitigation measures in order to avoid or limit the adverse impact on the heritage value of cultural heritage resources..." including "alternative development approaches that result in compatible development and limit adverse impacts." Such an approach also seems to be favoured by the CEL report on 235/237 St. Patrick, which while finding rehabilitation is "likely possible," but "prohibitively difficult," appears to recommend instead "a sensitive and heritage complementary reuse of the façade element within a new structure."

If property owners allow their properties to rot to the point of no return, then, why not require them to reconstruct or replicate the demolished structure in any new development? By taking such an approach, the City of Ottawa would send a clear message to other property owners and developers who may also be tempted to seek demolition through neglect as a means to more profitable new development. Such action could help ensure the long-term viability of the Lowertown HCD and prevent the inexorable and permanent disappearance of this vital cultural and historic district over the next few decades.

Finally, we would like to draw attention to what appears to be a bureaucratic failing in the Heritage Permit process. The CEL report indicates that the firm – Gadiant Engineering – hired by the developers failed "to suitably address the context of the structure[s] ... cannot be relied upon as a basis of a recommendation to demolish." We find it problematic that the City had to hire another civil engineering firm at taxpayer expense to re-do an inadequate analysis by the developer before Heritage Permit applications to demolish could proceed. Couldn't this duplication have been avoided? For example, couldn't the developer have been provided with a list of reputable civil engineering firms and an outline of the type of analysis required for a proper condition assessment report at the very start of this process? We would also encourage the BHC to look into this apparent deficiency.

Yours sincerely,



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For  
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