

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

File Number: ACS2024-PDB-RHU-0068

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, Planner III, Heritage Planning Branch

(613)-580-2424 ext.15203, mackenzie.kimm@ottawa.ca

Ward: Rideau-Vanier (12)

**Objet: Examen de l'opposition à l'avis d'intention de désigner la propriété
située au 217, rue Rideau en vertu de la partie IV de la *Loi sur le
patrimoine de l'Ontario***

Dossier : ACS2024-PDB-RHU-0068

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, Gestionnaire, 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, Urbaniste III, Planification du patrimoine

(613)-580-2424 ext. 15203, mackenzie.kimm@ottawa.ca

Quartier: Rideau-Vanier (12)

REPORT RECOMMENDATION

That the Built Heritage Committee recommend that Council not withdraw the Notice of Intention to Designate 217 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 217, rue Rideau, et 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 217 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 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 3 to this report.

These recommendations were 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 217 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 217 Rideau Street was received by the City Clerk from the owner on August 2, 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.

The property at 217 Rideau Street 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 217 Rideau Street meets five 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 dated August 1, 2024 prepared by the owner. This Notice of Objection is attached as Document 1 to this report; the letter expresses the owner's objection to the designation.

The following sections provide staff's comment on each component of the objection letter.

1. The property has no cultural heritage value.

As indicated in the proposed Statement of Cultural Heritage Value (see Document 3) and the proposed Cultural Heritage Evaluation Report (see Document 4), staff have determined that the property at 217 Rideau Street has cultural heritage value for its design, associative and contextual value. The building was originally constructed circa 1876 and underwent façade alterations in the mid-twentieth century to reflect the Beaux-Arts architectural style. The architectural features of the building which are characteristic of the Beaux-Arts style include its classical detailing, such as its shallow pilasters with decorative capitals, ornate spandrel panels, and a roofline featuring a parapet and balustrades. The property at 217 Rideau Street also has design value because it displays a high degree of craftsmanship for a commercial building on Rideau Street.

The property at 217 Rideau Street has historical value as it is directly associated with the George E. Preston and Sons tailor shop. The George E. Preston and Sons tailor shop was a well-known men's tailor and suit retailer in Ottawa, established in 1870. The shop operated out of the building at 217 Rideau from 1884 until 1959. Throughout the business' long history, it was frequently patronized by prime ministers and other notable

politicians.

The subject property 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 the buildings on Rideau Street between Sussex Drive and Cumberland Street were occupied by a variety of commercial tenants. Today, the building at 217 Rideau Street continues to reflect Rideau Street's history as a commercial main street in Ottawa.

The building at 217 Rideau Street is historically, functionally, and visually linked to the surrounding commercial area. This building, together with others nearby, have historically functioned as part of a commercial corridor on a main street in Lowertown since their construction in the late nineteenth and early twentieth centuries. These buildings are visually linked to each other in terms of form, massing, cladding, and type, with common features such as flat roofs, masonry façades, and commercial space at grade. Today, the building continues to support retail and commercial activity on one of Ottawa's historic main streets.

The objection does not provide any new or substantive information regarding the property's cultural heritage value.

2. The property was not designated upon purchase.

A property can be designated by City Council under the *Ontario Heritage Act* at any point in time if supported by appropriate research and evaluation, according to the requirements of the *Ontario Heritage Act*. Staff have followed and exceeded the requirements of the *Ontario Heritage Act* in terms of owner notification. In advance of the June Built Heritage Committee, Heritage Planning staff sent two letters to the property owner outlining the proposed designation and how to participate in the process. Staff have had no correspondence with the property owner until the receipt of the objection.

Upon receipt of the notice of objection, staff reached out again to the property owner to offer to meet and discuss the designation process and answer any questions.

3. The potential impact designation will have on property value.

Financial implications and impacts on property value 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. The Statement of Cultural Heritage Value (Document 3) issued as part of the NOID notes that the property meets five of the nine criteria. The Notice of Objection does not present any arguments related to the City's evaluation of the cultural heritage value of the property.

While financial impacts of designation are not a consideration in evaluating a property for designation, the City of Ottawa offers a Heritage Grant for Building Restoration 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.

The City of Ottawa also offers the Community Improvement Plan (CIP) which encourages the restoration and adaptive reuse of designated buildings as part of redevelopment proposals. The CIP offers Tax Increment Equivalent Grants for eligible projects of up to \$500,000 over a period of up to 10 years.

While potential financial impacts are not a consideration in the evaluation of properties under Part IV of the *Ontario Heritage Act*, they may be a consideration in staff's evaluation of applications to alter designated properties under Section 33 of the Ontario Heritage Act. In instances where the maintenance of the heritage attributes of a property become a financial challenge for a property owner, staff work with owners towards creative solutions to conserve the heritage value and attributes of designated properties while working within a property owner's means.

Conclusion:

Heritage staff are of the opinion that the objection received does not provide new or substantive information related to the designation of 217 Rideau Street. Staff maintain the position that the property merits designation under Part IV of the *Ontario Heritage Act* for their cultural heritage value and recommend that Council not withdraw the NOID and proceed with a passage of by-law to designate this property.

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.

ASSET MANAGEMENT IMPLICATION

There are no asset management implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Plante is aware of the Notice of Objection to the designation of 217 Rideau Street.

CONSULTATION

No consultation was undertaken on this objection.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this objection.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

RURAL IMPLICATIONS

There are no rural implications.

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for consideration of this objection under the *Ontario Heritage Act* will expire on November 2, 2024

SUPPORTING DOCUMENTATION

Document 1 - Objection Letter, 217 Rideau Street

Document 2 - Ontario Regulation 9/06

Document 3 - Statement of Cultural Heritage Value, 217 Rideau Street

Document 4 - Cultural Heritage Evaluation Report, 217 Rideau Street

DISPOSITION

If, after considering the objection to the Notice of Intention to Designate the property known as 217 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 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 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 217 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 217 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, 217 Rideau Street

2228325 Ontario Ltd.
6048 Vineyard Drive.
Ottawa, ON K1C 2M5

August 1, 2024

To: City of Ottawa
Office of the City Clerk

File No. ACS2024-PDB-RHU-0048

Re: Decision to designate 217 Rideau Street under Part IV of the Ontario heritage Act.

Please be advised that we object and appeal this decision for the following reasons:

- 1 - We believe this building has no heritage value.
- 2 - We wouldn't have bought the building if it was classified as a heritage building when we bought it
- 3- Negative financial impact on our investment.

Truly,

H. Awada
For 2228325 Ontario Ltd.



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.