

Subject: Application for new construction at 35 MacKay Street, a property designated under Part V of the *Ontario Heritage Act*, located in the New Edinburgh Heritage Conservation

File Number: ACS2025-PDB-RHU-0003

**Report to Built Heritage Committee on 11 February 2025
and Planning and Housing Committee on 19 February 2025
and Council 26 February 2025**

Submitted on January 31, 2025 by Court Curry, Manager, Right of Way, Heritage, and Urban Design Services, Planning, Development and Building Services

Contact Person: Taylor Quibell, Planner II, Heritage Planning Branch

613-580-2424 x 74708 taylor.quibell@ottawa.ca

Ward: Rideau-Rockcliffe (13)

Objet : Demande de construction au 35, rue MacKay, un bien-fonds désigné en vertu de la partie V de la *Loi sur le patrimoine de l'Ontario* et située dans le district de conservation du patrimoine de New Edinburgh

Dossier : ACS2025-PDB-RHU-0003

Rapport au Comité du patrimoine bâti

le 11 février 2025

et Comité de la planification et du logement 19 février 2025

et au Conseil le 26 février 2025

Soumis le 31 janvier 2025 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 : Taylor Quibell, Urbaniste du patrimoine, Direction générale des services de la planification, de l'aménagement et du bâtiment

613-580-2424 x 74708 taylor.quibell@ottawa.ca

Quartier : Rideau-Rockcliffe (13)

REPORT RECOMMENDATIONS

That the Built Heritage Committee and Planning and Housing Committee recommend that Council:

- 1. Approve the application for new construction at 35 MacKay Street according to plans by Ardington and Associates Designs dated November 7, 2024 and September 3, 2024 received on December 3, 2024, conditional upon:**
 - a. The applicant providing a copy of the building permit plans to heritage staff at the time of the submission of the building permit application. The submission shall clearly identify any changes from the approved heritage permit and include a list and explanation of proposed changes.**
 - b. The applicant providing samples of all final exterior materials for approval by heritage staff at the time of the submission of the building permit application.**
 - c. The applicant providing heritage staff with updated municipal addressing for the severed and retained portions of the subject property.**
- 2. Delegate authority for minor design changes to the Program Manager, Heritage Planning Branch, Planning, Development and Building Services Department.**
- 3. Approve the issuance of the heritage permit with a two-year expiry date from the issuance unless otherwise extended by Council.**

RECOMMANDATIONS DU RAPPORT

Que le Comité du patrimoine bâti et le Comité de la planification et du logement recommandent ce qui suit au Conseil :

- 1. Approuver la demande de construction visant le 35, rue MacKay, conformément aux plans exécutés par Ardington and Associates Designs, datés du 7 novembre 2024 et du 3 septembre 2024, et reçus le 3 décembre 2024, sous réserve des conditions suivantes :**
 - a. Que le requérant fournisse au personnel chargé du patrimoine, au moment de présenter sa demande de permis de construire, un exemplaire des plans associés au permis de construire; la demande**

doit indiquer clairement tout changement par rapport au permis patrimonial approuvé et comprendre une liste et une explication des modifications proposées;

- b. Que le requérant soumette des échantillons de tous les matériaux de revêtement extérieur à l’approbation du personnel chargé du patrimoine, au moment de présenter sa demande de permis de construire;**
 - c. Que le requérant fournisse au personnel chargé du patrimoine l’adressage municipal à jour des parties morcelée et conservée du bien-fonds visé.**
- 2. Déléguer au gestionnaire de programme, Planification du patrimoine, Direction générale des services de la planification, de l’aménagement et du bâtiment, le pouvoir d’apporter de légères modifications au plan de conception.**
 - 3. Approuver la délivrance d’un permis patrimonial, dont la date d’expiration est fixée à deux ans après la date de délivrance, sauf si la validité en est prolongée par le Conseil municipal.**

BACKGROUND

The property at 35 MacKay Street is designated under Parts IV and V of the *Ontario Heritage Act*, located in the New Edinburgh Heritage Conservation District (HCD). The property is situated on the south side of MacKay Street across from Rideau Hall at the corner of Thomas and MacKay Streets. As an early building in the district, positioned on a corner lot, the property includes a large rear yard (see Document 1 – Location Map).

The two and a half storey stone house at 35 MacKay Street (sometimes referred to as the Allen House) was erected circa 1864-65 and is an early dwelling from the mill village of New Edinburgh. The house features a symmetrical façade with stone quoins, and scalloped bargeboard. The house was subdivided into two dwellings in the 1870s and was occupied by white collar employees of the Thomas MacKay’s mills. In the 1920s the delicate porches, pillars, and some interior details were added. The property also included a cinderblock detached garage that was approved for demolition under the *Ontario Heritage Act* through a permit issued by staff under the Delegation of Authority By-law in late 2024. The property was designated under Part IV of the *Ontario Heritage Act* (Bylaw 271-78) in the late 1970s (see Document 3 – Statement of Reasons for the Designation).

The property is also located within the New Edinburgh HCD, which was designated

under Part V of the *Ontario Heritage Act* in 2001 (Bylaw 2001-44). The New Edinburgh HCD Plan (By-law 2016-95) was adopted by Council in 2016. As part of the original HCD study, an inventory evaluated each property for their contribution to the cultural heritage value of the HCD. At that time, 35 MacKay Street was identified as a Category 1 property in the HCD (see Document 4 – Heritage Survey and Evaluation Form). In the 2016 Plan, all Category 1-3 properties were deemed to be “contributing” properties in the HCD.

While this property is designated under both Parts IV and V of the *Ontario Heritage Act* (OHA), the *Act* says that under certain conditions, an application to alter is subject to Section 41 of the OHA. The provisions of the *Act* under Section 41(2.3) have been adhered to; therefore this application is being processed under Section 42. Staff had regard for the Part IV designating bylaw when looking at impacts to the physical attributes, but primarily used the policies and guidelines in the New Edinburgh HCD Plan.

The New Edinburgh HCD was designated for its cultural heritage value as a significant example of a small nineteenth century village located within the urban area of the City of Ottawa and for its association with Thomas MacKay – a Scottish entrepreneur who was instrumental in the construction of the Ottawa-section of the Rideau Canal. New Edinburgh was a self-sufficient residential community in the late eighteenth and early nineteenth centuries. The HCD features a high level of architectural integrity with a diverse mix of architectural styles and types. Its primary architectural character is made up of late nineteenth and early twentieth century residential buildings, making this property unique to the area. This report has been prepared because applications for alterations and new construction to properties designated under Parts IV and V of the *Ontario Heritage Act* require the approval of City Council after consultation with the Built Heritage Committee.

DISCUSSION

Project Description

The heritage permit application is for the construction of a new detached dwelling behind the existing building, oriented towards Thomas Street. The new house will be constructed on a vacant portion of the lot which will be severed from 35 MacKay Street. The proposed new building is two and a half storeys, clad in light-coloured brick and features a three-step entrance and an integrated single-car garage. The proposed windows are aluminum clad, and the roof is asphalt. No trees are to be removed or impacted by the development and a new tree will be planted on the north side of the front yard on Thomas Street and a cedar hedge at the fence line. The site plan and

renderings of the proposed development are attached to this report as Documents 4-6.

The proposal will also require the Lifting of Part Lot Control as per the *Planning Act* to legally divide lots, and a Minor Zoning By-law Amendment to permit the reduction of minimum lot size for the new property for a detached dwelling, and to reduce the minimum required driveway width. Given that new lots are created by processes under the *Planning Act*, a heritage permit is not required to divide the lots. The division of lots, however, will necessitate the addition of two new single lane driveways to provide parking for 71 Thomas and 35 MacKay Streets.

The subject applications are accompanied by a Heritage Impact Assessment (HIA), attached as Document 7, that assesses the impact of the proposed alteration on the heritage attributes of the designated property.

New Edinburgh HCD Plan

Any application for new construction within the New Edinburgh HCD Plan is reviewed for consistency with the Plan's Statement of Objectives, the Statement of Cultural Heritage Value, and the identified heritage attributes. All proposed new construction alterations must meet the policies and guidelines established in the plan.

- Section 7.3 Objectives for New Development
- Section 8.5.4 Guidelines for New Buildings

Recommendation 1 –Application for new construction

This proposal has been reviewed against the policies and guidelines for New Construction in the New Edinburgh HCD Plan. Heritage staff have determined that the proposal is compliant and consistent with the policies and guidelines of the HCD Plan for the following reasons:

- The height and massing of the new building is compatible with the surrounding properties and contributes to the cultural heritage landscape. The existing building on 35 MacKay Street and its neighbour at 67 Thomas Street are two and a half storeys, typical of building forms within the district. The newly constructed building is also two and a half storeys, and is three steps above, grade, which is consistent with others in the district.
- The proposed cladding material is brick and will extend along all façades. The proposed materials are modern but are consistent with cladding materials in the district.
- The new building includes an integrated garage. While integrated garages are

not consistent with the character of New Edinburgh, the proposed garage's colour, sunken design, and location within the narrow parcel is compatible with the district. The lot pattern here is different than in the rest of the district, which is primarily comprised of residential through lots, laneways, and detached garages. Therefore, an integrated garage is the only feasible option. To minimize the garage's visual impact on the streetscape, a lighter colour scheme for the roof, trim, and garage door is proposed.

- The lifting of Part Lot Control to legally divide lots will also include the addition of three driveways, two servicing the existing semi-detached house, and one to service the new dwelling. This is because the existing parking will be lost through this application. This change will increase the amount of hard surfacing and disrupt the visual continuity of green space. To mitigate the impact of the additional driveways, permeable pavers are proposed.
- The New Edinburgh HCD contemplates severing lots provided it meets the Official Plan and Zoning By-law and if the property is not on a through lot. This property is not a through lot and the lot pattern here is different than in the rest of the district.

Heritage staff also determined that the overall cultural heritage value of 35 MacKay Street and its attributes described in the Statement of Cultural Heritage Value (Document 3) are being conserved through this application. The heritage attributes of the 35 MacKay Street will not be impacted. The new construction has been sensitively sited to ensure the historic building remains a local landmark in New Edinburgh. Minor exterior alterations such as window and door modifications are expected to be proposed to the principal building. These changes will be evaluated against the HCD Plan and could be processed by staff through the Delegation of Authority By-law.

Conditions – Recommendation 1

Heritage staff recommend three conditions of approval for this permit. First, to expedite the building permit process and assist heritage staff in identifying changes that may arise after the heritage approval, heritage staff recommend a condition requiring the applicant to provide a digital copy of building permit plans directly to heritage staff at or before the time of submission of a building permit application. The submission must include a list of changes from the original approval and clearly identify them on the plans. Minor changes often emerge during the detailed building permit phase of a project and Council has delegated authority to approve minor changes to staff. It is incumbent on the applicant to ensure that the Heritage Planning Branch is made aware of any changes to the approved plans that arise through the detailed design phase of a

project. The submission must include a list of changes from the original approval and clearly identify them on the plans. This recommendation also ensures that the authority delegated to the Program Manager, Heritage Planning Branch for minor design changes is exercised and documented appropriately.

The second condition is that the applicant must provide final exterior samples for review prior to the issuance of a building permit to ensure that the selected materials are consistent with the HCD Plan.

Third, to ensure accuracy in how and where the heritage permit applies to the subject property, heritage staff recommend a condition requiring the applicant provide updated municipal addressing for the severed and retained portions of the subject property when available. This recommendation ensures that the heritage permit can be updated to reflect changes in municipal addresses and avoid any conflict between the heritage permit and building permit.

Recommendation 2 – Minor Design Changes

Delegate authority for minor design changes to the Program Manager, Heritage Planning, Planning, Development and Building Services Department.

Minor design changes may emerge during the working drawing phase of a project. This recommendation is included to allow the Heritage Planning Branch to approve these changes should they arise.

Recommendation 3 – Permit Expiry

Issue the heritage permit with a two-year expiry date from the date of issuance.

The *Ontario Heritage Act* does not provide any timelines for the expiry of heritage permits. A two-year expiry date is recommended to ensure that the project is completed in a timely fashion.

Heritage Impact Assessment

Section 4.5.2 (2) of the Official Plan requires that a Heritage Impact Assessment (HIA) be submitted where a proposal has the potential to adversely impact the heritage resource. The applicant submitted an HIA to facilitate the *Planning Act* and *Ontario Heritage Act* applications and to consider the impacts of these on the heritage resource. The HIA was prepared by Commonwealth Historic Resource Management and is attached as Document 7.

Heritage staff have reviewed the HIA and determined that it meets the requirements of the City's Terms of Reference for HIAs. The HIA concludes that the new building is well

designed and respects the surrounding cultural landscape, conforming to the HCD guidelines. In terms of the *Planning Act* application, the new construction on the divided lot will have no impact on the heritage attributes identified in the HCD.

Heritage staff generally concur with the findings and conclusions of the HIA.

Standards and Guidelines for the Conservation of Historic Places in Canada

City Council adopted Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada ("Standards and Guidelines") in 2008. This document establishes a consistent set of conservation principles and guidelines for projects involving heritage resources. The New Edinburgh Plan was based on the principles included in the Standards and Guidelines. As such, applications in the HCD are reviewed using the policies and guidelines in the HCD Plan which are more contextually specific than the Standards and Guidelines.

Provincial Planning Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Planning Statement, 2024.

Conclusion

Staff have reviewed the application for new construction at 35 MacKay Street in accordance with the objectives, policies and guidelines of the New Edinburgh Heritage Conservation District and the Standards and Guidelines and have no objections to its approval.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendations.

COMMENTS BY THE WARD COUNCILLOR

The Councillor is aware of the application related to this report.

CONSULTATION

Plans and other material related to the proposal were posted on the City's Development Application website on January 7th, 2024.

Heritage Ottawa was notified of this application and offered the opportunity to provide comments/provided comments.

The New Edinburgh Community Alliance (NECA) participated in a pre-application consultation meeting with the applicant on August 23, 2024. The community association provided written comments to staff and the applicant, dated September 19, 2024. The applicant revised the plans as per NECA's feedback, after which the community agreed to support the proposed infill.

Neighbours within 30 metres of the property were notified of this application and offered an opportunity to comment at the Built Heritage Committee meeting.

ACCESSIBILITY IMPACTS

There are no direct accessibility implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on April 6, 2025

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Site Photos

Document 3 Statement of Reasons for the Designation

Document 4 Heritage Survey Form

Document 5 Proposed Site Plan

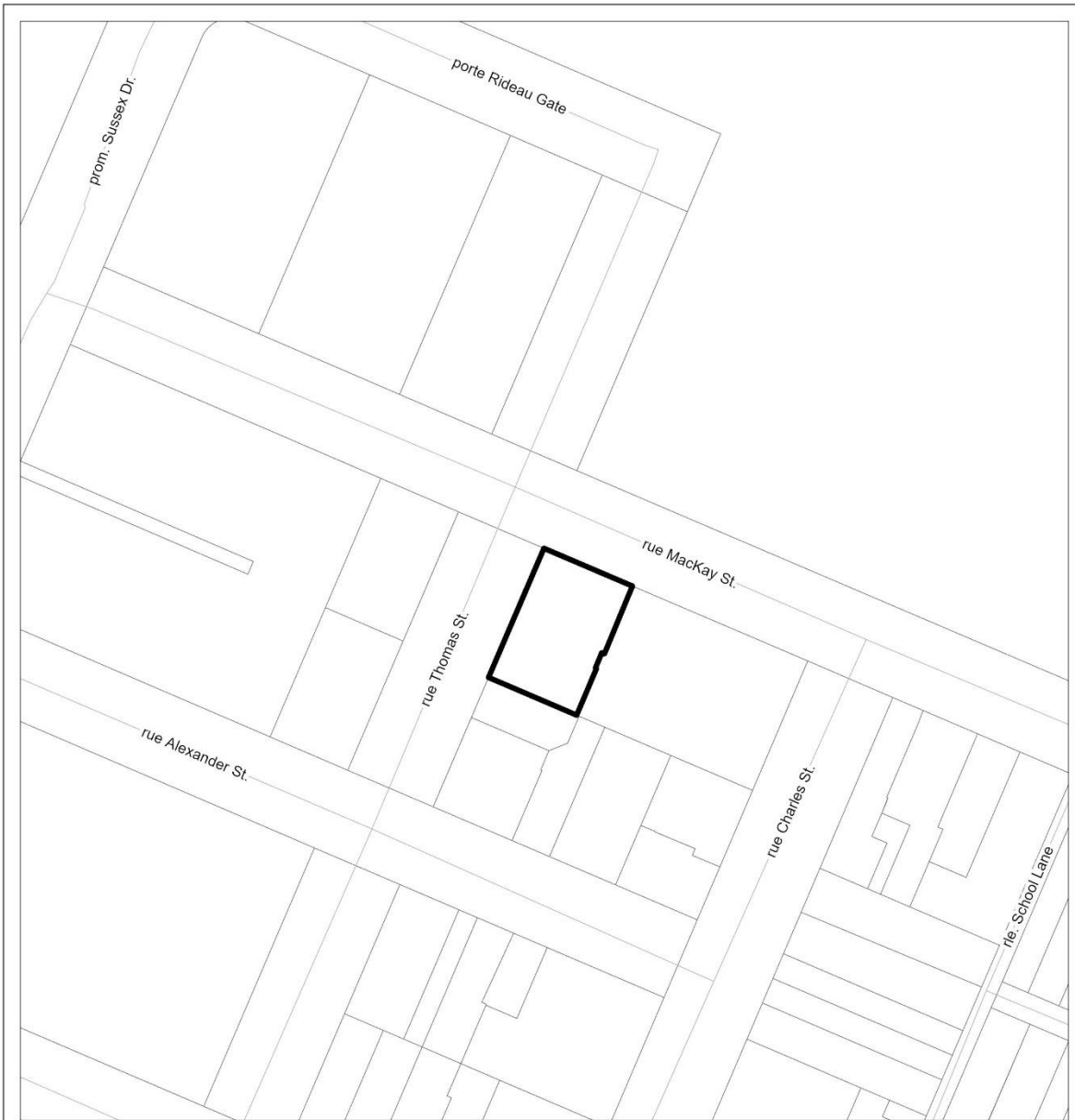
Document 6 Proposed Renderings and Elevations




Document 7 Heritage Impact Assessment

DISPOSITION

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.

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
D09-01-MACK35	24-1438-E	 35 rue MacKay St.	
I:\CO\2024\Heritage\MacKay_35			
<small>©Parcel data is owned by Terranel Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartiennent à Terranel Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2024 / 12 / 20		 <small>NOT TO SCALE</small>	

Document 2 – Site Photos



Rear and Thomas Street facades, City of Ottawa 2024



Corner of MacKay and Thomas Streets
City of Ottawa 2024



71 Thomas Street Entrance
City of Ottawa 2024



Front façade of 35 MacKay Street, Google Streetview October 2024



Context photograph of 35 MacKay Street showing the garage to be demolished, Google Streetview

Document 3 – Statement of Reasons for the Designation

By-law Number 271-78

The two and one-half storey stone house at 35 MacKay Street is recommended for designation as being of architectural and historical value. Erected probably in 1864-65, the house is an outstanding early dwelling surviving from what was first the mill village of New Edinburgh, later to become Ottawa's first suburb. The house is a vernacular stone building of Classical character, with a central doorway, rectangular transom and side lights, a symmetrical façade with quoins, and scalloped barge boards. The house was subdivided into two dwellings in the 1970s and long occupied by tenants and white-collar employees of the mills. In the 1920s the delicate porches, pillars and some interior details were added.

Document 4 – Heritage Survey Form



HERITAGE SURVEY AND EVALUATION FORM

MUNICIPAL ADDRESS: 35 MacKay Street (71 Thomas)	BUILDING NAME: Allen House		
LEGAL DESCRIPTION: MacKay S	LOT: 14	BLOCK: 916	PLAN: 15
DATE OF CONSTRUCTION: c.1864-1865	ADDITIONS:		
ORIGINAL USE: Double Residence	PRESENT USE: Double Residence		
ORIGINAL OWNER: James Allen	PRESENT OWNER: John & Justin Boguc		



VIEW: South
 SOURCE: M. Benson
 DATE: Summer 1997
 NEGATIVE NO:

PHASE ONE EVALUATION

POTENTIAL SIGNIFICANCE	CONSIDERABLE	SOME	LIMITED	NONE
History				
Architecture				
Environment (landmark or design compatibility)				
Phase One Score /9	Heritage Building: Bylaw 271-78		Potential Heritage District Yes/No	
Phase Two Classification	Group (i) 2 3 4			

HISTORY*Prepared By: M. Benson**Date: Summer 97***DATE OF CONSTRUCTION (Factual/Estimated)**

c.1864-1865

TRENDS

Constructed prior to 1870s building boom in neighbourhood.
 Converted to double residence shortly after built.

EVENTS

None known.

PERSONS/INSTITUTIONS

The first owner of this house was well-known local merchant James Allen. Later it was occupied by Allan Keefer, a prominent Ottawa architect.

SUMMARY/COMMENTS ON HISTORICAL SIGNIFICANCE

The oldest surviving residence on MacKay Street.

HISTORICAL SOURCES

OHD 4300 File; C.J. Bond, *City on the Ottawa*; Fire Insurance Plans 1888, 1901 and 1922.

ARCHITECTURE*Prepared By: M. Benson**Date: Summer 1997***ARCHITECTURAL DESIGN (Plan, Storeys, Roof, Windows, Material, Details, etc.)**

Two- and-a-half storey double residence is rectangular in plan with side-gabled, medium-pitched roof with gabled dormers. Classically symmetrical, Georgian-inspired facade constructed of square-cut ashlar, set in regular courses and complemented by rusticated corner quoins. Windows are six-over-six, double hung with thin wood muntin bars. Pedimented entry porticos on east and north facades feature elegant turned support posts; masonry foundation.

ARCHITECTURAL STYLE

Vernacular British classicism.

DESIGNER/BUILDER/ARCHITECT

Alan Keefer, prominent Ottawa architect designed changes to entrances in 1920s.

ARCHITECTURAL INTEGRITY

Good: entrance porches added by architect Allan Keefer in 1925.

OTHER

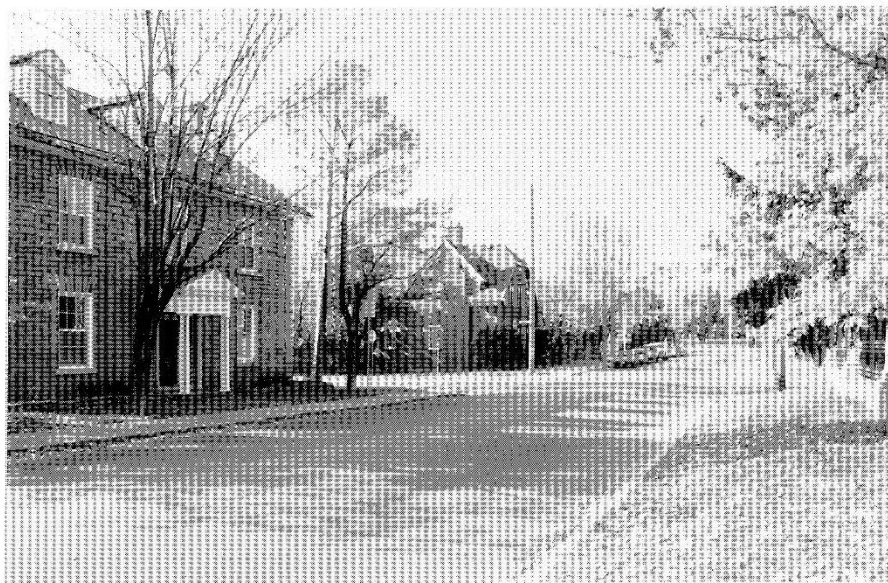
Divided into two units in 1870s with plan remaining unchanged since; one storey double garage added by Mrs. Justin Bogue, owner, in 1950.

SUMMARY/COMMENTS ON ARCHITECTURAL SIGNIFICANCE

Rare vernacular example of British classicism.

ENVIRONMENT*Prepared By: M. Benson**Date: Summer 1997*

HERITAGE CONSERVATION DISTRICT NAME (if any): New Edinburgh



VIEW: Facing north west
SOURCE: R. Lalonde, Corporate Services
DATE: 1998
NEGATIVE NO: 98H-111, 6.13

COMPATIBILITY WITH HERITAGE ENVIRONS

Very compatible with heritage environment.

COMMUNITY CONTEXT/LANDMARK STATUS

Moderately visible from MacKay and Thomas Streets.

SUMMARY/COMMENTS ON ENVIRONMENTAL SIGNIFICANCE

Reinforces the heritage residential character of New Edinburgh.

PHASE TWO EVALUATION

DATE OF CONSTRUCTION	EXCELLENT	GOOD	FAIR	POOR
	Pre-1879	1880 to 1914	1915 to 1939	After 1939

HISTORY	E	G	F	P	SCORE
1. Date of construction					39/40
2. Trends					30/45
3. Events					0/5
4. Persons					8/10
History Total					77/100
ARCHITECTURE	E	G	F	P	SCORE
1. Design					33/35
2. Style					34/35
3. Designer/Builder					2/5
4. Architectural Integrity					22/25
Architectural Total					91 /100
ENVIRONMENT	E	G	F	P	SCORE
1. Design Compatibility					48/50
2. Landmark					33/50
3. Community Context					/
Environmental Total					81 /100

Category	Phase Two Score, Potential Heritage District	Phase Two Score, Potential Heritage Building
History	77 x 20% = 15.4	x 40% =
Architecture	91 x 35% = 31.85	x 40% =
Environment	81 x 45% = 36.45	x 20% =
Phase Two Total Score	83.7 /100	/100

PHASE TWO EVALUATION SUMMARY				
Phase Two Score	Above	to	to	Below
Group				