

**Subject: Repeal of By-Law Designating 6295 Fourth Line Road under Part IV of
the *Ontario Heritage Act***

File Number: ACS2025-PDB-RHU-0019

**Report to Built Heritage Committee on 11 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: Sara Wehbi, Planner I, Heritage Planning Branch

613-580-2424 x 21589, sara.wehbi@ottawa.ca

Ward: Rideau-Jock (21)

**Objet : Abrogation du règlement désignant le 6295, chemin Fourth Line en
vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario***

Dossier : ACS2025-PDB-RHU-0019

Rapport au Comité du patrimoine bâti

le 11 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 : Sara Wehbi, Urbaniste I, Planification du patrimoine

613-580-2424 x 21589, sara.wehbi@ottawa.ca

Quartier : Rideau-Jock (21)

REPORT RECOMMENDATION

That the Built Heritage Committee recommend that Council repeal the by-law designating 6295 Fourth Line Road under Part IV of the *Ontario Heritage Act*.

RECOMMANDATION DU RAPPORT

Que le Comité du patrimoine bâti recommande au Conseil municipal d'abroger le règlement désignant le 6295, chemin Fourth Line en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.

BACKGROUND

6295 Fourth Line Road is a rural property located in North Gower, in Ward 21, between Pollock Road and Phelan Road West. The property was designated under Part IV of the *Ontario Heritage Act* on October 4, 1983, by the Township of Rideau. The property contained a one-and-a-half storey wood frame farmhouse constructed circa 1870-77, known as the Presley House, which was destroyed in a fire on December 12, 2021. A map showing the property's location is included in Document 1 and property photos are included in Document 2. A fire summary report is attached as Document 3.

The property was designated for its cultural heritage value as a well-detailed Classic Revival style wood frame farmhouse with features of Gothic Revival design. The heritage attributes of the Presley House included the moulded eaves, corner boards, front entrance with rectangular transom, and sidelights surmounted by a double gable window. The Presley House burnt to the foundation and the heritage attributes listed above were unsalvageable.

In November 2024, the City received an application for a building permit to construct a detached dwelling on the property. Given the heritage status of the property, this permit application was circulated to Heritage Planning staff who were subsequently made aware of the fire and the loss of the heritage building by the property owner.

The Presley House, described in By-Law 80-83, has been unfortunately completely lost to fire and as such staff recommend that Council repeal the by-law designating this property under the *Ontario Heritage Act*. The designating by-law (By-Law No. 80-83) is attached as Document 4.

This report has been prepared because the repeal of a by-law designating a property under Part IV of the *Ontario Heritage Act* requires Council approval after consultation with the municipal heritage committee.

DISCUSSION

Repeal of Designation By-Law Under the *Ontario Heritage Act*

The process for the repeal of a designating by-law under the legislation has been outlined briefly below for information.

Section 31 of the *Ontario Heritage Act* outlines the process for repealing a designation by-law through Council's initiative. The process requires the following steps:

1. Consultation with the municipal heritage committee.
2. Notifying the owner of the property and the Ontario Heritage Trust of the intention to repeal the designating by-law.
3. Publication by the City of notice of the intention to repeal the designating by-law in a newspaper, including a description of the property, a statement of the reason for the proposed repealing by-law, and instructions on how any member of the public may object to the repealing by-law within 30 days of the notice publication date.
4. Publication by the City of the repealing by-law in a newspaper, including instructions on how any member of the public may object to the repealing by-law within 30 days of the date of publication.
5. If a notice of objection is filed within 30 days of the notice publication date, Council must decide on whether to refuse or consent to the notice of intention within 90 days after the end of the objection period. If no notice of objection is filed within 30 days of the notice publication date, Council may pass a by-law repealing the designation by-law.

Per By-law 2002-522, as amended, the notice of intention to repeal the designating by-law will be published online on the City's website in both official languages.

Given that the Presley House at 6295 Fourth Line Road was destroyed by fire and no heritage attributes described in the designating by-law remain, staff recommend that Built Heritage Committee recommend that Council initiate the process described above and pass a by-law to repeal the designating By-Law No. 80/83.

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(S)

The Ward Councillor is aware of this report.

CONSULTATION

Heritage Planning staff have discussed the designating by-law repeal process with the property owner. The property owner was notified of staff's recommendation to repeal the designating by-law on December 20, 2024.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

RURAL IMPLICATIONS

6295 Fourth Line Road is a rural property and the loss of this property to fire is a loss of a part of the City's rural history.

TERM OF COUNCIL PRIORITIES

There are no impacts to the 2023-2026 Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Property Photos

Document 3 Fire Summary

Document 4 By-Law No. 80-83

DISPOSITION

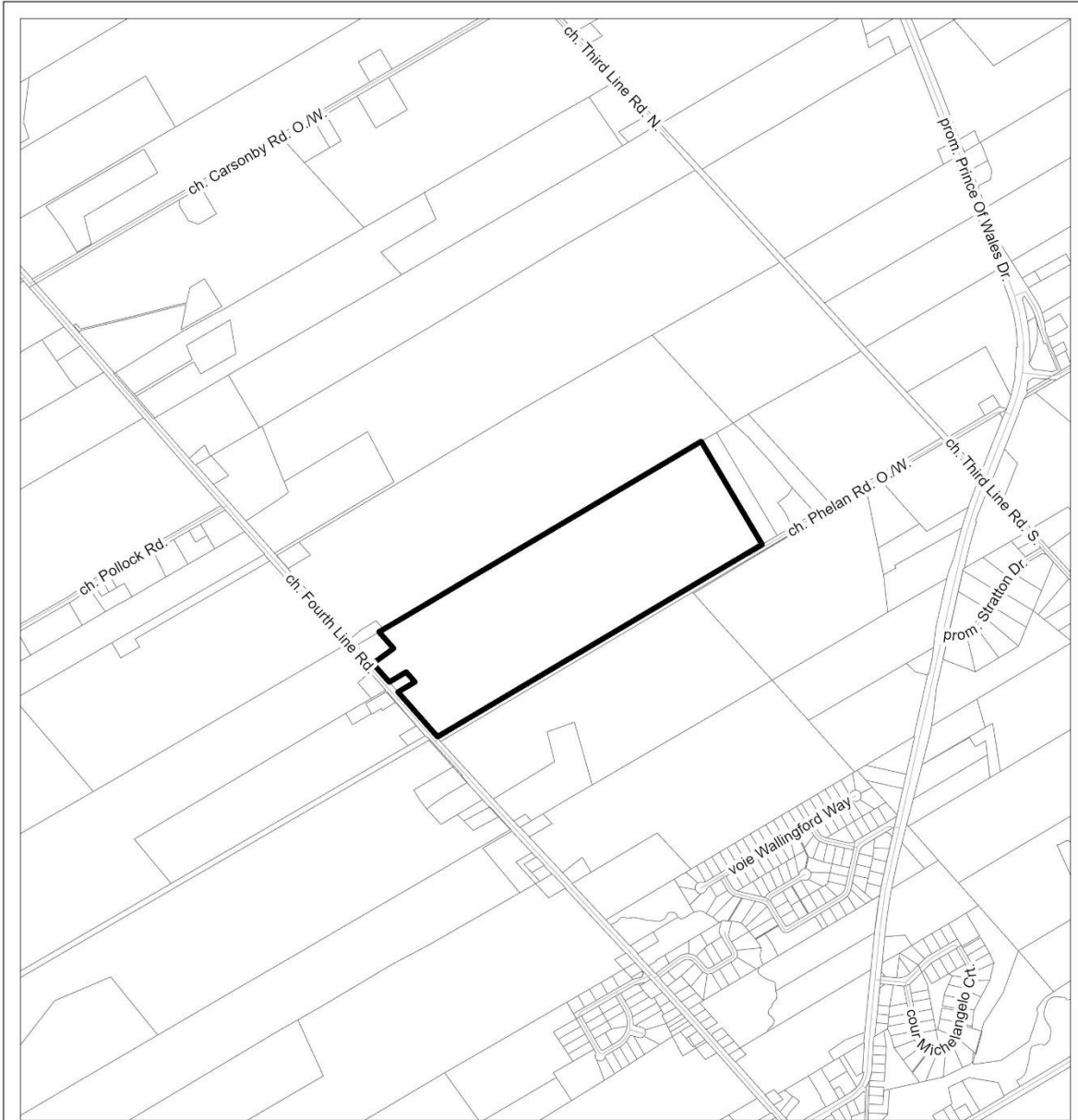
If Council does not carry the recommendation, no further steps are required. If Council proceeds with the repeal of the designating By-Law No. 80/83 for the property located at 6295 Fourth Line Road, several actions must be taken:


1. Heritage Planning Branch, Planning Development and Building Services Department, to prepare the notice of intention to repeal the by-law. 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 issue a notice of intention to repeal the by-law designating 6295 Fourth Line Road 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 intention according to the requirements of Section 31(3) the *Ontario Heritage Act*.
3. If the City Clerk receives a Notice of Objection under Section 31(5) of the *Ontario Heritage Act* within thirty days of the publication of the notice of intention, the Heritage Planning Branch, Planning, Development and Building Services Department is to prepare a report regarding the objection for consideration by Council within 90 days after conclusion of the objection period, according to Section 31(6) of the *Ontario Heritage Act*.
4. If Council decides to withdraw the notice of intention, the Office of the City Clerk, Council and Committee Services is to serve notice of the withdrawal on the owner of the property, on anyone who objected under Section 31(5), and on the Ontario Heritage Trust, and the Heritage Planning Branch, Planning Development and Building Services Department is to ensure publication of the withdrawal according to the requirements of Section 31(7) of the *Ontario Heritage Act*.
5. If the City Clerk does not receive any Notice of Objection under Section 31(5) of the *Ontario Heritage Act* within thirty days of the publication of the notice, or if City Council decides not to withdraw the notice of intention to repeal the designating by-law after an objection has been served, Council may pass a by-law repealing the designating by-law. To do so, the following actions must be taken:
 - a. The Office of the City Clerk, Council and Committee Services is to serve on the owner of the property, on anyone who objected under Section 31(5), and on the Ontario Heritage Trust a copy of the repealing by-law and serve notice that any person who objects to the repealing by-law may appeal to the Ontario Land Tribunal within 30 days after the date of publication.
 - b. The Heritage Planning Branch, Planning Development and Building Services Department to publish notice of the repealing by-law according to

the requirements of Section 31(8) of the *Ontario Heritage Act*.

6. If the City Clerk and Tribunal receive a Notice of Objection to the repealing by-law within 30 days after the date of publication of the notice, the Tribunal shall hold a hearing according to the requirements of Section 31(11).
7. If the City Clerk and Tribunal do not receive a Notice of Objection to the repealing by-law within 30 days after the date of publication of the notice, the repealing by-law comes into force on the day following the last day of the objection period. The City Clerk is to ensure the repealing by-law is registered according to Section 31(10) of the *Ontario Heritage Act*.
8. Heritage Planning Branch on behalf of the City Clerk to delete any references to the property from the municipal Heritage Register.

Document 1 – Location Map



	
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REVISION / RÉVISION - 2025 / 01 / 08	

LOCATION MAP / PLAN DE LOCALISATION
HERITAGE / PATRIMOINE



6295 ch. Fourth Line Rd.



NOT TO SCALE

Document 2 – Property Photos



The subject property before the fire. Undated image. Source: City of Ottawa.



The subject property before the fire, with the location of the Presley House outlined. Source: Google Earth, June 2, 2018.



The subject property after the fire, with the location outlined where the Presley House stood before the fire. Source: Google Earth, March 30, 2024.



The property during the fire on December 21, 2021. Source: The Ottawa Citizen, December 13, 2021.



The property during the fire on December 12, 2021. Source: The Ottawa Citizen, December 13, 2021.



The property during the fire on December 12, 2021. Source: The Ottawa Citizen, December 13, 2021.

Document 4 - By-Law No. 80-83

Please refer to our file no. 170-1

Township of Rideau Box 310, North Gower, Ont. KOA 2T0 (489-3314)

4th October, 1983.

The Ontario Heritage Foundation,
7th Floor,
77 Bloor St., W.,
Toronto, Ont.
M7A 2R9

Dear Sirs:

re: Heritage Designation By-laws.

Enclosed are certified copies of the By-laws
Nos. 79/83, 80/83, 81/83, 82/83 and 83/83, along with
formal notification of the passing of the by-laws under
Part IV of the Ontario Heritage Act.

Yours sincerely,

Handwritten signature of J. David Ball in blue ink.

J. David Ball,
Deputy Clerk.

JDB:bar
Encls.



TOWNSHIP OF RIDEAU

In the matter of the
Ontario Heritage Act,
R.S.O. 1980, Chapter
337

NOTICE OF PASSING OF BY-LAWS

Take notice that the Council of the Corporation of the Township of Rideau has passed the following by-laws, being by-laws to designate certain properties as properties of architectural and historical value and interest under Part IV of the Ontario Heritage Act, R.S.O., 1980, Chapter 337.

✓ By-law No. 79/83 - designates the lands and premises known as "the Weatherhead House" situate on Part of Lot 8, Concession 4 of the former Township of Marlborough, now in the Township of Rideau.

By-law No. 80/83 designates the lands and premises known as "the Presley House" situate on the West Part of Lot 15, Concession 3 of the former Township of North Gower, now in the Township of Rideau.

✓ By-law No. 81/83 designates the lands and premises known as "the McFadden House" situate at 55 Main Street, in the Village of Manotick, in the Township of Rideau.

✓ By-law No. 82/83 designates the lands and premises known as "the Fry House" situate on Part of Lot 22, Concession Broken Front, of the former Township of Marlborough, now in the Township of Rideau.

✓ By-law No. 83/83 designates the lands and premises known as "the Dibb House" situate on Part of Lot 8, Concession Broken Front of the former Township of Marlborough, now in the Township of Rideau.

Dated at the Township of Rideau, this 4th day of October, 1983.

J. David Ball,
Deputy Clerk,
Township of Rideau,
Box 310,
North Gower, Ont.
K0A 2T0

THE CORPORATION OF THE TOWNSHIP OF RIDEAU

BY-LAW NO. 80/83

Being a by-law to designate the property known as "the Presley House" as being a property of architectural and historical value and interest.

WHEREAS the Ontario Heritage Act, R.S.O. 1980, Chapter 337, authorizes municipal councils to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

AND WHEREAS the Council of The Corporation of the Township of Rideau has served notice of its intention to designate the property known as "the Presley House" situate on the West part of Lot 15, Concession 3 of the former Township of North Gower, now in the Township of Rideau, as being a property of architectural and historical value and interest, on the owner of the property, the Ontario Heritage Foundation and has caused such notice to be published in newspapers having general circulation in the municipality for three consecutive weeks;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the Township;

THEREFORE COUNCIL ENACTS AS FOLLOWS:

1. The lands and premises known as "the Presley House" situate on the West part of Lot 15, Concession 3 of the Township of Rideau, more particularly described in Appendix 'A' of this by-law, are hereby designated as being of architectural and historical value and interest.
2. The Township's solicitor is hereby authorized to cause a copy of this by-law to be registered against the subject property in the proper land registry office.
3. The Clerk is hereby authorized to cause a copy of this by-law to be served on the Ontario Heritage Foundation, the owner of the subject lands and to cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

By-law read a first, second and third time and passed this 3rd day of October, 1983.

"D.W. Bartlett"

Mayor

"G.K. Heggart"

Clerk

Certified True Copy

J. David Ball

J. David Ball,
Deputy Clerk.

APPENDIX 'A'
to
BY-LAW NO. 80/83

Property Designated

By-law No. /83 applies to the lands described
as:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Rideau (formerly Township of North Gower) in the Regional Municipality of Ottawa-Carleton (formerly County of Carleton) and Province of Ontario, being composed of: FIRSTLY, a part of Lot Number Fifteen (15) in the Third Concession of the said Township of Rideau, (formerly Township of North Gower), containing by admeasurement ninety-five acres be the same more or less, butted and bounded and described as follows, that is to say:

COMMENCING at the South West angle of said Lot; from thence Easterly along the Northern limit of the allowance for road between said Lot and Lot Number Sixteen in said Concession to the distance of One hundred and seventy Rods, more or less; thence Northerly parallel to the Concession Lines of said Lot, forty rods more or less to the centre line between the North and South halves of said Lot; thence Easterly along the said last mentioned line forty Rods; thence northerly parallel to the Concession Lines of said Lot forty Rods more or less to the boundary line between said Lot Number Fifteen and Fourteen in said Concession; thence Westerly along said boundary line two hundred and ten rods more or less to the Concession Line in rear of said Concession; thence Southerly along said Concession Line Eighty Rods more or less to the place of beginning.

REASONS FOR DESIGNATION

THE PRESLEY HOUSE

This is an extraordinarily well detailed wood frame farmhouse in Classic Revival Style enhanced by features of Gothic Revival design. Accordingly, it is considered to be of architectural interest. Constructed circa 1870-77, this outstanding 1½ storey residence is distinguished by its handsome moulded eaves, cornerboards and by its front entrance with rectangular transom and sidelights surmounted by a double gable window.