

Subject: Consideration of Objection to the Notice of Intention to Designate 251 Besserer Street, under Part IV of the *Ontario Heritage Act*

File Number: ACS2025-PDB-RHU-0036

**Report to Built Heritage Committee on 6 October 2025
and Council 8 October 2025**

Submitted on October 1, 2025 by Court Curry, Director, Right of Way, Heritage, and Urban Design Services, Planning, Real Estate and Economic Development

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Ward: Rideau-Vanier (12)

Objet : Examen de l'opposition à l'avis d'intention de désigner la propriété située au 251, rue Besserer, en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*

Dossier : ACS2025-PDB-RHU-0036

Rapport au Comité du patrimoine bâti

le 6 octobre 2025

et au Conseil le 8 octobre 2025

Soumis le 1er octobre 2025 par Court Curry, Directeur, Services des emprises, du patrimoine, et du design urbain, Services de la planification, des biens immobiliers et du développement économique

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REPORT RECOMMENDATION(S)

That the Built Heritage Committee recommend that Council:

1. **Withdraw the Notice of Intention to Designate 251 Besserer Street and not proceed with the designation process under Part IV of the *Ontario Heritage Act* at this time; and**
2. **Direct staff to continue consultation with the property owner, with the assistance of Global Affairs Canada, with the goal of resolving their concerns around the impacts of designation on the property.**
3. **Direct that the report be submitted to Council for consideration at its meeting of October 8, 2024, pursuant to Subsection 35(7) of the Procedure By-law.**

RECOMMANDATIONS DU RAPPORT

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

1. **Retirer l'avis d'intention de désigner la propriété située au 251, rue Besserer et ne pas poursuivre, pour le moment, le processus de désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*; et**
2. **Enjoindre au personnel de poursuivre les consultations avec le propriétaire, avec l'aide d'Affaires mondiales Canada, en vue de répondre à ses préoccupations concernant les répercussions de la désignation de la propriété.**
3. **Demander que le rapport soit soumis à l'examen du Conseil à sa réunion du 8 octobre 2025, conformément au paragraphe 35(7) du *Règlement de procédure*.**

BACKGROUND

At the May 13, 2025 Built Heritage Committee meeting, staff presented a report ([ACS2025-PDB-RHU-0015](#)) recommending the property at 251 Besserer 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 1 to this report.

This recommendation was approved by City Council on May 28, 2025. Accordingly, City Council directed staff to issue a Notice of Intention to Designate (NOID) under Section 29 (1.1) of the OHA for 251 Besserer Street. In accordance with the *Ontario Heritage Act* Alternative Notice Policy, the NOIDs were published on the City's website on June 11, 2025. In accordance with the OHA, the NOIDs were 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 related to 251 Besserer Street was received by the City Clerk from the owner on July 7, 2025; The notice was received within the required timeframe set out in the OHA.

Council has until October 9, 2025 to consider the objection and either withdraw the NOID or pass a by-law to designate the properties. This report was prepared in response to the objections.

The property at 251 Besserer Street is owned by the People's Republic of China (PRC) and functions as an office for the mission. Heritage Staff have confirmed with Global Affairs Canada that the subject property currently enjoys diplomatic status.

Cultural Heritage Value of the Property

The Rideau Exchange, 251 Besserer Street is a two-storey red brick building, located at the corner of Besserer Street and King Edward Avenue. Built in the Beaux-Arts style, the building features a symmetrical façade with seven bays of windows. Purpose-built in 1912, 251 Besserer Street was the second Bell Telephone Company switchboard operated exchange in Ottawa. The Rideau Exchange is one of three properties which represent a cluster of Bell Telephone Exchange Buildings located across the urban core of the city. The history of these buildings tells the story of the growth of the city during the early 20th

century and the history of telecommunications in Ottawa. The Bell Telephone Company was established in 1877 and the first telephone exchange in Canada was built in 1878 in Hamilton, Ontario. Telephone exchanges were locations where employees operated switchboards with cables and jacks to connect callers, and where the power source for telephones was located. The Bell Telephone Company of Canada exclusively hired women for this work and the buildings are associated the growth of employment opportunities for women in early 20th century Canada. The Rideau Exchange provided service to their surrounding neighbourhood in the early 20th century until their closures in the 1940s.

The property was listed on the City's Heritage Register in 2015 as a result of the Sandy Hill Heritage Study (ACS2015-PAI-PGM-0088). Changes to the *Ontario Heritage Act* through Bill 23 and Bill 200 (2024) 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. Heritage staff completed a review of all non-designated properties listed on the City's Heritage Register in response to Bill 23 in Spring 2023 and this property was identified as a potential candidate for designation.

Regulation 09/06 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. As outlined in report [ACS2025-PDB-RHU-0015](#), through research and evaluation, staff have determined that 251 Besserer Street meets five (5) of the nine (9) criteria. Detailed research and analysis are outlined in the Cultural Heritage Evaluation Report and proposed Statement of Cultural Heritage Value attached to that report as Documents 4 and 5; the criteria are included as Document 3.

DISCUSSION

Heritage staff have reviewed the Notice of Objection received. The notice outlines the reasons for the objection to the NOID, which are primarily that:

- since the property enjoys diplomatic status under the Vienna Convention, any determination on or alteration of its status must be approved by the Chinese government.

- the Embassy disagrees with the determination of the property's significance, raising questions and arguments related to staff's evaluation against the criteria outlined in Regulation 09/06.

Given the property's diplomatic status, the letter raises concerns regarding the potential impact of the designation on the Embassy's ability to adequately secure the building and avoid potential damage. Finally, the letter also outlines concerns related to insufficient consultation.

The following provides staff's comment on each component raised in the objection letter:

Designation of Properties with Diplomatic Status, Impacts and Consultation

The Embassy is objecting to the designation in part because the property has diplomatic status. The owner is of the opinion that since the property enjoys diplomatic status under the [Vienna Convention on Diplomatic Relations](#), any determination on or alteration of its status must be approved by the Chinese government.

Properties may be established as diplomatic missions if requested by a foreign government and that request is approved by the Government of Canada, as provided by the [Vienna Convention on Diplomatic Relations](#). When a property has diplomatic status, the Vienna Convention provides certain immunities such as those related to search and prosecution.

Staff have confirmed with Global Affairs Canada that the property at 251 Besserer does enjoy diplomatic status. In consultation with Legal staff, the Heritage Planning Branch does not agree that approval of the Embassy is required to designate the property. Currently in Ottawa there are more than 65 embassies, high commissions and official residences that are designated under Part IV and/or Part V of the OHA. Based on staff research and analysis, the designation of properties that enjoy diplomatic status is common practice internationally. For instance, Canada House, the Canadian Embassy in London, UK is a Grade II Listed Property. Typically, the owner or their agent follows the usual process for making applications and seeking approval under the OHA.

In consultation with Legal Services, staff have confirmed the Vienna Convention does not prevent the designation of properties with diplomatic status. There are however, limitations on the ability of the City to enforce the requirements of the OHA if a foreign government is non-compliant. There are also added

complexities for the designation of diplomatic properties such as requirements to liaise not only with the foreign government's local representatives, but also with decision-makers in the home country, as well as language considerations to ensure the impacts of the designation and obligations of the owner are clear and understood. It is also often necessary for staff to communicate with Global Affairs Canada as well as colleagues in the Office of the City Clerk as it relates to protocol matters to ensure appropriate sensitivities are being taken into account.

These additional requirements can extend typical timelines for resolving concerns. Although staff have been meeting with owner to discuss the implications of designation, with the offer by Global Affairs Canada to assist in guiding further dialogue, staff are recommending that Council withdraw the Notice of Intention to designate to allow for additional time for further discussion. The Ontario Heritage Act does not include the ability to extend the 120 day timeline related to the passage of a designation by-law when a Notice of Objection has been submitted so it is staff's opinion that withdrawing the Notice of Intention to Designate is the best solution to allow further dialogue. Withdrawing the Notice of Intention to designate does not preclude Council from issuing a new notice at a later time.

Concerns related to the property's cultural heritage value

The owner's letter outlines several concerns related to staff's determination of the property's cultural heritage value. Staff disagree with most of these other concerns raised and maintain that the property merits designation under Part IV of the OHA. Through further discussions with the owner, staff will seek to provide further explanation of the assessment and if necessary, bring forward any clarifications to the Statement of Cultural Heritage Value if staff recommend the issuance of a new Notice of Intention to Designate in the future.

Conclusion:

Staff maintain the position that the property merits designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value. However, given the complexities associated with the designation of diplomatic properties, and the timeline limitations imposed by the OHA, staff recommend that Council withdraw the NOID at this time to allow for further discussion with the owner and Global Affairs Canada.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report. If however Council determines to proceed with the Part IV designation, the Disposition sets forth the steps that need to be followed.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Plante is aware of the Notice of Objection to the designation of 251 Besserer Street.

CONSULTATION

No consultation was undertaken on this objection.

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 October 9, 2025.

DISPOSITION

If Council passes the recommendations in this report, Heritage Planning staff will re-engage in discussions with representatives of the embassy in Ottawa and the Protocol Office at Global Affairs Canada with the goal of resolving concerns in advance of the December 31, 2026 deadline under the Ontario Heritage Act.

If, after considering the objections to the Notices of Intention to Designate the property known as 251 Besserer 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-laws, 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 Notices 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 statements explaining the cultural heritage value or interest of the property and descriptions of the heritage attributes of the property, to be served on the owners of the properties 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 251 Besserer 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 251 Besserer 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*.