

EXTRACT OF DRAFT MINUTES 41  
PLANNING COMMITTEE  
11 APRIL 2017

EXTRAIT DE L'ÉBAUCHE DU  
PROCÈS-VERBAL 41  
COMITÉ DE L'URBANISME  
LE 11 AVRIL 2017

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## POSTPONEMENTS, DEFERRALS AND REFERRALS

### BUILT HERITAGE SUB-COMMITTEE

APPLICATION TO DEMOLISH 234 O'CONNOR STREET, A PROPERTY DESIGNATED UNDER PART V OF THE *ONTARIO HERITAGE ACT* AND LOCATED IN THE CENTRETOWN HERITAGE CONSERVATION DISTRICT

ACS2016-PIE-PGM-0157

SOMERSET (14)

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*Referred from the Planning Committee Meeting of 8 November 2016*

### BUILT HERITAGE SUB-COMMITTEE RECOMMENDATIONS

That Planning Committee recommend that Council:

1. refuse the application to demolish 234 O'Connor Street, a property located in the Centretown Heritage Conservation District, designated under Part V of the *Ontario Heritage Act* submitted on August 4, 2016; and
2. refuse the application to construct a temporary park at 234 O'Connor Street in the Centretown Heritage Conservation District, designated under Part V of the *Ontario Heritage Act* submitted on August 4, 2016.

(Note: The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* was extended and will expire on April 30, 2017.)

(Note: Approval to alter this property under the *Ontario Heritage Act* must not be construed to meet the requirements for the issuance of a building

permit.)

**Motion - Planning Committee, 25 October 2016**

Moved by Councillor T. Tierney

**WHEREAS** Report ACS2016-PIE-PGM-0157 recommends refusal of an application to demolish 234 O'Connor Street, a property located in the Centretown Heritage Conservation District and designated under Part V of the *Ontario Heritage Act*; and

**WHEREAS** the statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on November 6, 2016; and

**WHEREAS**, on October 17, 2016, the applicant agreed to extend the statutory 90-day timeline to November 30, 2016, in order to allow them time for further discussion;

**BE IT RESOLVED** that Report ACS2016-PIE-PGM-0157 (Application to Demolish 234 O'Connor Street, A Property Designated Under Part IV of the *Ontario Heritage Act* and Located in the Centretown Heritage Conservation District) be postponed for consideration at the Planning Committee meeting of November 8, 2016.

CARRIED

**Motion – Planning Committee, 8 November 2016**

Moved by Councillor T. Tierney

**WHEREAS** the application to demolish 234 O'Connor Street (Report ACS2016-PIE-PGM-0157) was recommended for refusal by the Built Heritage Sub-Committee (BHSC) at its meeting of October 13, 2016;

**WHEREAS** on November 3, 2016 the Building Code Services Branch and the Owner reviewed the state of the building in the interest of public safety and heritage;

**WHEREAS** Building Code Services Branch and the Owner have agreed that only sufficient work to maintain the building and address any public safety concerns is required until such time as a decision is made on the

application;

**WHEREAS the Owner has agreed to structurally secure the building through the winter months while they consider further redevelopment options; and**

**WHEREAS staff have received a letter from the Owner dated November 7, 2016 agreeing to an extension of the statutory 90-day timeline prescribed by the *Ontario Heritage Act* to April 30, 2017;**

**THEREFORE BE IT RESOLVED that Building Code Services be directed to continue to monitor the building to verify that it remains structurally sound; and**

**BE IT FURTHER RESOLVED that Planning Committee refer this item to staff for further review and consideration for a future Planning Committee on or prior to April 11, 2017 and in such time as to permit consideration by Council on or prior to April 26, 2017.**

CARRIED

Planning Committee, 11 April 2017

Vice-chair Tierney introduced a motion he would be moving to replace the staff recommendation, which recommended approval of the application subject to certain conditions (see motion PLC 42/1 below).

The committee then heard two delegations on this matter:

- Mr. David Jeanes, President, Heritage Ottawa, spoke in support of staff's recommendation to refuse the application for demolition and construction of a temporary park. He indicated Heritage Ottawa would not support the motion being proposed to approve the application, noting this is a category 2 building that contributes significantly to the heritage conservation district, and that a park is not a valuable replacement for a heritage structure. A copy of Heritage Ottawa's submission is held on file.
- Mr. Miguel Tremblay, FOTENN Consultants (applicant) indicated the property owner, Gemstone Corporation, is comfortable with and accepting of the proposed motion. He provided some of the history of the property and the current application, noting it was originally Gemstone's intent to

develop the property into office space before studies showed that was not a feasible option.

Note: In addition to the correspondence noted above, the delegations that had registered to speak on this item at previous committee meetings, and the correspondence previously received, have been recorded in the Minutes of the Built Heritage Sub-committee meeting of 13 October 2016, and the Planning Committee Minutes of 25 October and 8 November 2016.

The following staff responded to questions on the matter at this Planning Committee meeting: Ms. Anne Fitzpatrick, Planner, and Mr. Court Curry, Manager, Right of Way, Heritage and Urban Design Services, Planning, Infrastructure and Economic Development Department.

**Motion N° PLC 42/1**

Moved by Councillor T. Tierney

**WHEREAS Staff recommended refusal of the application to demolish 234 O'Connor, a property designated under Part V of the *Ontario Heritage Act*; and the issuance of a heritage permit under the *Act*;**

**THEREFORE BE IT RESOLVED that Planning Committee recommend Council approve the application to demolish 234 O'Connor, subject to the following conditions:**

1. **At their sole expense, the Owner shall design, construct and maintain a privately owned public park space at the property known municipally as 234 O'Connor Street;**
2. **The design and construction of the park shall be finalized in collaboration with staff, and shall be built to City standards and specifications, including any required environmental site remediation, all to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department;**
3. **The Owner shall pay one hundred percent securities to the City for the value of the design and construction of the park, with the securities to be released once these works are completed;**
4. **That park space shall be publically accessible until such time that a**

building permit has been issued for the new construction on the site;

5. The Owner agrees that to the discretion of the General Manager, Planning, Infrastructure and Economic Development Department, a replacement building must be substantially completed within five years from the date of this approval and in default thereof, the City Clerk shall enter on the collector's roll the sum of \$5,000 for the residential dwelling to be demolished;
6. The registered Owner shall enter into an agreement with the City of Ottawa to include the foregoing conditions, to the satisfaction of the City Clerk and Solicitor, and pay all costs associated with the registration of said agreement. At such time as a building permit is issued to redevelop the site and the replacement building is in place, the Agreement will become null and void and will be released upon request of the Owner. The Owner shall pay all costs associated with the release of the agreement;
7. The Owner agrees that a demolition permit will not be issued, and the building cannot be demolished, until such time that the agreement referenced herein has been executed and registered on title;
8. This approval is considered null and void if the agreement is not executed within six months of Council's approval.

CARRIED with Councillors J. Leiper and T. Nussbaum dissenting