

**EXTRACT OF DRAFT
BUILT HERITAGE SUB-COMMITTEE
MINUTES 13
9 JUNE 2016**

**EXTRAIT DE L'ÉBAUCHE
DU PROCÈS-VERBAL 13
SOUS-COMITÉ DU
PATRIMOINE BÂTI
LE 9 JUIN 2016**

APPLICATION FOR DEMOLITION AND NEW CONSTRUCTION AT 565 AND 575
OLD PROSPECT ROAD, PROPERTIES DESIGNATED UNDER PART V OF THE
ONTARIO HERITAGE ACT AND LOCATED IN THE ROCKCLIFFE PARK HERITAGE
CONSERVATION DISTRICT

ACS2016-PAI-PGM-0106

RIDEAU-ROCKCLIFFE (13)

REPORT RECOMMENDATIONS

**That the Built Heritage Sub-Committee recommend that Planning Committee
recommend that Council:**

- 1. Approve the application for demolition of the existing house at 575 Old Prospect Road;**
- 2. Approve the application for new construction at 575 Old Prospect Road according to plans prepared by Barry J. Hobin & Associates Architects submitted on May 9, 2016 and attached as Document 3 and 4;**
- 3. Approve the application for new construction at 565 Old Prospect Road according to plans prepared by Barry J. Hobin & Associates Architects submitted on May 9, 2016, and attached as Document 3 and 4;**
- 4. Issue the heritage permit with a two-year expiry date from the date of the resolution of the proceedings in relation to Ontario Municipal Board Case Number PL141486; and**
- 5. Delegate authority for minor design changes to the General Manager, Planning and Growth Management department.**

(Note: The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on August 7, 2016.)

(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.)

The following submissions in opposition to the staff recommendations were received and copies are held on file with the City Clerk:

- a. Anne Christie-Teeter and Michael Teeter email dated 7 June
- b. Rockcliffe Park Residents Association letter dated 9 June

At the outset, the Chair advised that the Vice Chair would introduce a motion that would replace the staff recommendations in the report. The Vice Chair read out the replacement motion for the information of committee as well as for the members of the public in attendance.

The following delegations spoke in opposition to the staff report:

Martha Edmond, Heritage Committee, Rockcliffe Park Residents Association (RPRA)

Jane Dobell, RPRA

Alex Macklin, Past President, RPRA

John Edmond

Susan d'Aquino* was seeking deferral of the application so the community could properly prepare and obtain legal counsel to address this application.

Brian Casagrande, FOTENN Consultants, appeared on behalf of the applicant in support of the staff report.

[**Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions are held on file with the City Clerk.*]

Tim Marc, Senior Legal Counsel and Lesley Collins, Planner, Heritage Services, responded to questions and points of clarification for Committee members, with regards to the applicants' response to the conditions imposed by the Ontario Municipal Board for the revised landscape plan.

The Committee then considered the replacement motion as follows:

MOTION BHC 13/2

Moved by Vice Chair B. Padolsky

WHEREAS City Council approved the application for demolition and new construction at 565 and 575 Old Prospect Road, a property designated under Part V of the *Ontario Heritage Act*, on July 9, 2014, and issued a heritage permit with a two-year validity period; and

WHEREAS the Committee of Adjustment approved a subsequent application for severance and minor variances on November 19, 2014 in relation to the subject properties; and

WHEREAS the decision of the Committee of Adjustment was appealed to the Ontario Municipal Board by a third party; and

WHEREAS the Ontario Municipal Board heard the appeal in September of 2015 and issued a decision on January 28, 2016 giving provisional consent for the severance and authorizing the requested variances subject to the conditions enumerated by the Committee of Adjustment and one additional condition; and

WHEREAS the decision of the Ontario Municipal Board was then subject to a request for review under Section 43 of the *Ontario Municipal Board Act* and subsequently dismissed; and

WHEREAS the City's legal staff has advised that Council does not have the authority to extend the validity period of the existing Council-issued heritage permit providing approval for demolition and new construction at 565 and 575 Old Prospect Road in the Rockcliffe Park Heritage Conservation District; and

WHEREAS a new application for a heritage permit for the relevant properties has been submitted in light of the pending expiry of the previously Council-authorized heritage permit; and

WHEREAS subjecting the application to a de novo review would be procedurally and legally problematic in light of the fact that the application is the same as the one previously authorized by City Council and the Committee of Adjustment and as decided by the Ontario Municipal Board;

THEREFORE BE IT RESOLVED THAT:

The Built Heritage Sub-Committee recommend that Planning Committee recommend that Council:

- 1. Approve the application for demolition of the existing house at 575 Old Prospect Road;**
- 2. Approve the application for new construction at 575 Old Prospect Road according to plans prepared by Barry J. Hobin & Associates Architects submitted on May 9, 2016 and attached as Document 3 and 4;**
- 3. Approve the application for new construction at 565 Old Prospect Road according to plans prepared by Barry J. Hobin & Associates Architects submitted on May 9, 2016, and attached as Document 3 and 4;**
- 4. Issue the heritage permit with an expiry date of either:**
 - a) Two years from the date of issuance; or**
 - b) Two years from the date that decisions under the *Planning Act* and other applicable legislation are final and binding, whichever is later; and**
- 5. Delegate authority for minor design changes to the General Manager, Planning and Growth Management Department.**

CARRIED