

**HERITAGE DESIGNATION BY-LAW AMENDMENTS – LEGAL
DESCRIPTIONS**

**MODIFICATIONS AUX RÈGLEMENTS SUR LA DÉSIGNATION
PATRIMONIALE – DESCRIPTIONS OFFICIELLES**

SUB-COMMITTEE RECOMMENDATION

That the Built Heritage Sub-Committee recommend that Council amend the heritage designation by-laws for the properties below to reflect their correct legal descriptions, as described in Document 2:

- **187 Billings Avenue (Ward 18);**
- **135 Barrette Street (Ward 12);**
- **593 Laurier Avenue (Ward 14);**
- **269 Pinhey's Point Road (Ward 5);**
- **478 Albert Street (Ward 14);**
- **590 Broadview Avenue (Ward 15);**
- **1993 Robertson Road (Ward 8);**
- **7 Bayview Station Road (Ward 15);**
- **17 Myrand Avenue (Ward 12); and**
- **66 Lisgar Street (Ward 14).**

RECOMMANDATION DU SOUS-COMITÉ

Que le Sous-comité du patrimoine bâti recommande au Conseil de modifier les règlements sur la désignation patrimoniale visant les propriétés suivantes, afin de tenir compte de leurs descriptions officielles correctes, comme le mentionne le document 2 :

- **187, avenue Billings (quartier 18);**
- **135, rue Barrette (quartier 12);**
- **593, avenue Laurier (quartier 14);**
- **269, chemin Pinhey's Point (quartier 5);**
- **478, rue Albert (quartier 14);**
- **590, avenue Broadview (quartier 15);**
- **1993, chemin Robertson (quartier 8);**
- **7, chemin Bayview Station (quartier 15);**
- **17, avenue Myrand (quartier 12); et**
- **66, rue Lisgar (quartier 14).**

Documentation/Documentation

1. Manager's report, Right of Way, Heritage and Urban Design Services, Planning, Infrastructure and Economic Development Department, dated 30 September 2019 (ACS2019-PIE-RHU-0018)

Rapport du Gestionnaire, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 30 septembre 2019 (ACS2019-PIE-RHU-0018)

2. Extract of draft Minutes, Built Heritage Sub-Committee, 21 October 2019.

Extrait de l'ébauche du procès-verbal, Sous-comité du patrimoine bâti, le 21 octobre 2019.

**BUILT HERITAGE SUB-COMMITTEE
REPORT
NOVEMBER 6, 2019**

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**SOUS-COMITÉ DU PATRIMOINE BÂTI
RAPPORT 6
LE 6 NOVEMBRE 2019**

**Report to
Rapport au:**

**Built Heritage Sub-Committee / Sous-comité du patrimoine bâti
October 21, 2019 / 21 octobre 2019**

and / et

**Council / et au Conseil
November 6, 2019 / 6 novembre 2019**

**Submitted on September 30, 2019
Soumis le 30 septembre 2019**

Submitted by

Soumis par:

Court Curry,

Manager / Gestionnaire,

**Right of Way, Heritage and Urban Design Services / Services des emprises, du
patrimoine et du design urbain**

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'Infrastructure et du développement économique**

Contact Person

Personne ressource:

**MacKenzie Kimm, Planner / Urbaniste, Development Review Services / Services
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Services du Patrimoine**

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**Ward: WEST CARLETON-MARCH (5)
COLLEGE (8) / COLLÈGE (8)
RIDEAU-VANIER (12)**

**SOMERSET (14): KITCHISSIPPI
(15) ALTA VISTA (18)**

File Number: ACS2019-PIE-RHU-0018

SUBJECT: Heritage Designation By-law Amendments – Legal Descriptions

OBJET: Modifications aux Règlements sur la désignation patrimoniale – descriptions officielles

REPORT RECOMMENDATION

That the Built Heritage Sub-Committee recommend that Council amend the heritage designation by-laws for the properties below to reflect their correct legal descriptions, as described in Document 2:

- **187 Billings Avenue (Ward 18);**
- **135 Barrette Street (Ward 12);**
- **593 Laurier Avenue (Ward 14);**
- **269 Pinhey's Point Road (Ward 5);**
- **478 Albert Street (Ward 14);**
- **590 Broadview Avenue (Ward 15);**
- **1993 Robertson Road (Ward 8);**
- **7 Bayview Station Road (Ward 15);**
- **17 Myrand Avenue (Ward 12); and**
- **66 Lisgar Street (Ward 14).**

RECOMMANDATIONS DU RAPPORT

Que le Sous-comité du patrimoine bâti recommande au Conseil de modifier les règlements sur la désignation patrimoniale visant les propriétés suivantes, afin de tenir compte de leurs descriptions officielles correctes, comme le mentionne le document 2 :

- **187, avenue Billings (quartier 18);**
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- **590, avenue Broadview (quartier 15);**
- **1993, chemin Robertson (quartier 8);**
- **7, chemin Bayview Station (quartier 15);**
- **17, avenue Myrand (quartier 12); et**
- **66, rue Lisgar (quartier 14).**

BACKGROUND

Between 2014 and 2015, City Council approved the issuance of Notices of Intention to designate 10 properties under Part IV of the *Ontario Heritage Act* (photos of each attached in Document 1). No objections were received, and Council passed designation by-laws for each of the properties. As required by the *Ontario Heritage Act*, the by-laws were to be registered on title with the Land Registry Office.

As per the *Ontario Heritage Act*, designation applies to real property and any buildings or structures thereon. Accordingly, the by-law must be registered on the title of the property. In order to register by-laws on title, specific information must be contained in the legal description in order to readily ascertain the property to which the by-law will apply. In consultation with the Land Registry Office, the information included in the legal descriptions as part of the 10 original by-laws has been determined to be insufficient, making it impossible to register the by-laws on title. Staff have compiled the necessary information required for registering the by-laws and are proposing that the affected designation by-laws be amended to reflect the correct descriptions, as required by the Land Registry Office.

This report has been prepared as amendments to designation by-laws require consideration by the Built Heritage Sub-committee and approval of City Council.

DISCUSSION

Recommendation 1

The *Ontario Heritage Act* contemplates that Council may need to update heritage designation by-laws for a number of reasons. These may include:

- Changes that have been made to the property or if new information has become available that impacts or affects the Statement of Cultural Heritage Value of Interest, or the Description of Heritage Attributes;
- The legal description has changed or needs to be corrected; or
- The information in the original by-law does not provide enough detail to guide and manage alterations to the property.

For the properties identified in Document 2, it has been determined that the legal descriptions included as part of the original by-laws require correction. In these cases, certain information in the original descriptions was either missing or the information provided was in a format that was not acceptable to the Land Registry Office for registration. Additionally, the municipal street name has changed for the Property #8 in Document 2, from Bayview Road to Bayview Station Road and thus requires updating.

In order to comply with the *Ontario Heritage Act*, the by-laws must be registered on title. Registration ensures that current and subsequent owners of designated properties are aware of the designation and the obligations of owning a designated property; when designation by-laws are not noted on title, there is a risk that owners may undertake alterations or demolitions without a permit, which could impact heritage value and attributes of the designated cultural heritage resource.

Process for making amendments

Section 30.1 of the *Ontario Heritage Act* outlines the process to be used for amendments to by-laws passed under Section 29 of the OHA. For minor amendments to designation by-laws, municipalities can utilize an abbreviated process that does not require public notice.

Generally, the process is as follows:

1. Council consults with its municipal heritage committee (the Built Heritage Sub-committee).
2. Council decides whether to proceed with the amendment.
3. Notice is sent to the property owner.
4. Property owners have 30 days to object to the amendment (objections are referred to the Conservation Review Board (CRB) for a hearing and the non-binding report of the CRB is sent back to Council for its consideration before making a decision on the amendment).
5. Council amends the designation by-law (or chooses not to).

Given that corrections to legal descriptions and corrections to municipal street names are minor and administrative in nature, the minor amendment process can be used to update the affected designation by-laws. Staff recommend that the heritage designation by-laws identified in this report and outlined in Document 2, be amended to reflect their correct legal descriptions. There will be no changes to any of the Statements of Cultural Heritage Value or their Description of Heritage Attributes.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

As required by the *Ontario Heritage Act*, owners of each of the affected properties were notified of Council's Notice of Intention to Designate and of the passing of the original designation by-laws.

As per the requirements of the *Ontario Heritage Act* Section 30.1 (3) and (5), heritage staff will notify the owners of affected properties, after having consulted with the Built Heritage Sub-committee, and should Council approve the amended descriptions.

COMMENTS BY THE WARD COUNCILLORS

The relevant Ward Councillors are aware of this report.

LEGAL IMPLICATIONS

There are no legal implications with respect to implementing the recommendation within this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- HC4- Support Arts, Heritage and Culture

SUPPORTING DOCUMENTATION

Document 1 Photos of Affected Properties

Document 2 Table of Affected Properties with Correct Legal Descriptions

DISPOSITION

Heritage Services Unit, Planning Infrastructure and Economic Development Department to prepare the notices of proposed amendments. Office of the City Clerk, Legislative Services to notify the property owners of the proposed amendments for each of the affected designation by-laws under Part IV of the *Ontario Heritage Act*, as per Section 30.1 (4).

If the City Clerk does not receive any Notice of Objection within thirty (30) days of the notice provided to owners, Heritage Services Unit, Planning, Infrastructure and Economic Development Department , to prepare the amending designation by-laws, under the authority of the approval of this report and Legal Services to submit to City Council for enactment. Office of the City Clerk, Legislative Services to cause a copy of the amending by-law to be served on the owner of the affected properties and to the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3).

Legal Services to cause a copy of the amending by-law to be registered against the properties affected in the proper land registry office.

Document 1 – Photos of Affected Properties

187 Billings Avenue



135 Barrette Street



593 Laurier Avenue West



269 Pinhey's Point Road



478 Albert Street



590 Broadview Avenue



1993 Robertson Road



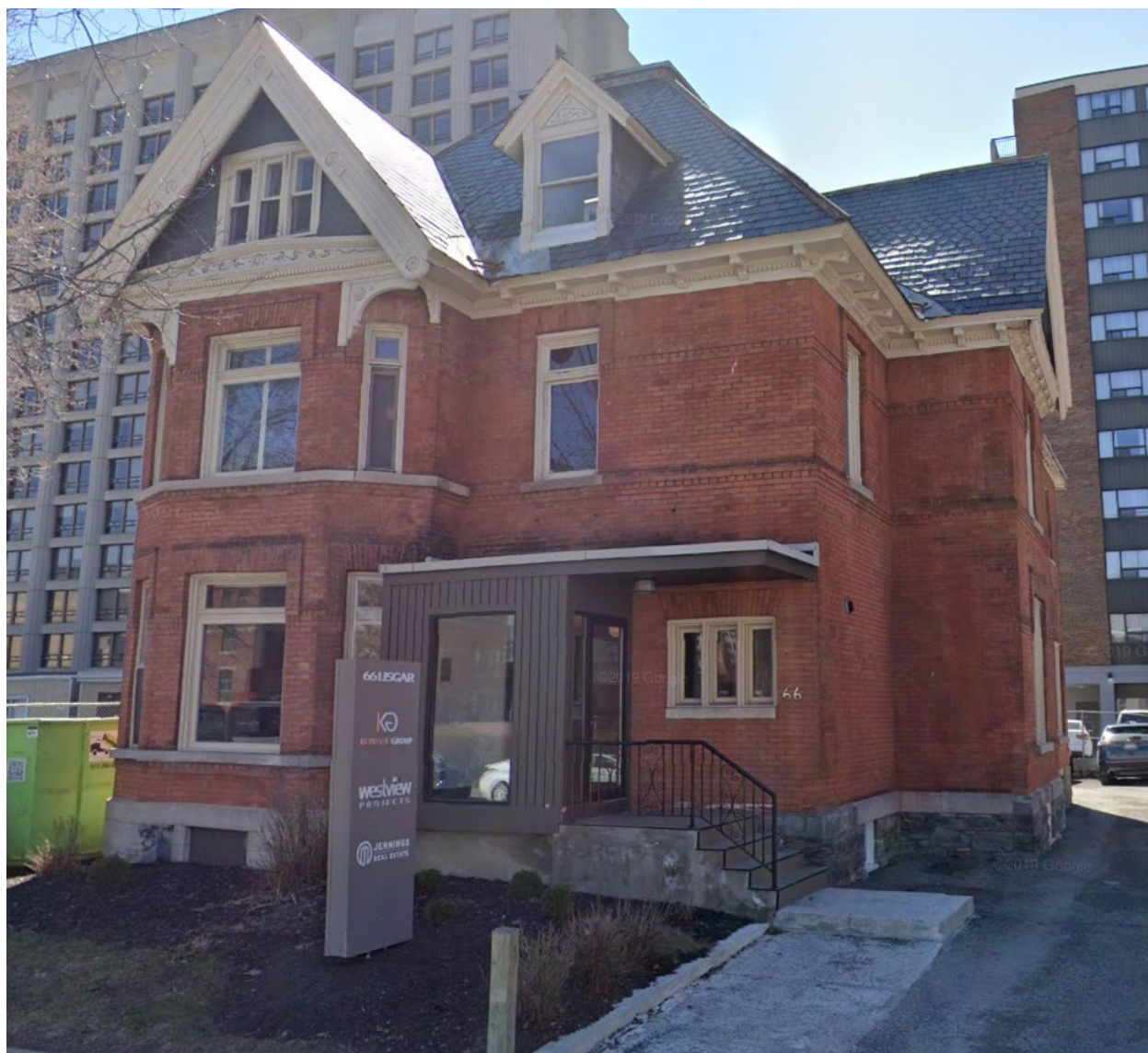
7 Bayview Station Road



17 Myrand Avenue



66 Lisgar Street



Document 2 – Table of Affected Properties with Correct Legal Descriptions

Number	Address	Ward	Building Name	Designation By-law Number	Existing legal description	Correct legal description
1	187 Billings Avenue	Ward 18	Charles Billings House	2014-142	JG TWP PT LOT 16 PLAN 600 PT LOT 1	PT LT 16, CON JG, GLOUCESTER, BEING PART 1 ON PLAN 4R-28282
2.	135 Barrette Street	Ward 12	St. Charles Church	2014-143	PLAN 92 PT BLOCK 27 RP 5R12594 PARTS 1 3 AND 5	PT BLK 27 PL 92 BEING PTS 1-5 PL 4R-31278
3.	593 Laurier Avenue W	Ward 14	Alexander Fleck House	2014-144	PIN 4111-0260	PT LT 40, CON A (OF) AS IN CR231415, CR259616 EXCEPT PT 1 ON N287620; OTTAWA/NEPEAN
4.	269 Pinhey's Point Road	Ward 5	Ruins and Cemetery, Old St. Mary's Church	2014-145	PIN 45280051, CONCESSION 7, LOT 23	PT LT 23 CON 7 MARCH AS IN MH5979

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5.	478 Albert Street	Ward 14	The Union Mission for Men	2015-245	PLAN 3922 LOT 4 ALBERT S	LT 4, PL 3922, S/S ALBERT ST
6.	590 Broadview Ave	Ward 15	Broadview Public School	2015-246	PLAN 374 LTS 341-354 384-397; 431-439 & 473-482 BRD VW W &; PARTS OF CLOSED STREETS	LTS 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 431, 432, 433, 434, 435, 436, 437, 438, 439, 473, 474, 475, 476, 477, 478, 479, 480 & 481, PL 374; PT IVY AVE, PL 374, AS CLOSED BY ORDER NP40859; PT HILLCREST AVE, PL 374, AS CLOSED BY ORDER NP36093, NP40859, NP57541 NP57542 ALL AS IN NP64452, EXCEPT PARTS 1 & 2, PLAN 4R29091
7.	1993 Robertson Road	Ward 8	The Hartin Hotel	2015-247	CON 2 OF PT LOT 11 PLAN M65;BLK B	BLK B, PLAN M65, BEING PT OF ORIGINAL LT 11 CON 2 (O.F.), NEPEAN

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8.	7 Bayview Station Road ** note that the street name has been changed from Bayview Road.	Ward 15	City of Ottawa Workshops	2015-248	CON A of PT LOTS 37 AND 38; PT BED OTTAWA RIVER AND PLAN; 60 PT BLKS C TO F PLAN 74; BLKS G AND H PT BLK J RPS; 5R9963 PTS 2 TO 4 AND 7 TO 9	Road PT BLK D, PL 60, PART 2, 5R9963; PT BLK D, PL 60, PT BLK E, PL 60, PART 3, 5R9963; PT BLKS D, E & F, PL 60, PT BLK J & BLKS G & H, PL 74, PT MASON ST, PL 60, PT MASON ST, PL 74, PT MASON PROPERTY, PL 74, PART 4, 5R9963, (PT MASON ST CLOSED BY BYLAW CR206991); PT BLK D, PL 60, PART 7, 5R9963, PT BLK J, PL 74, PART 8, 5R9963; PT BLK E, PL 60; PT BED OF _OTTAWA RIVER_LYING, IN FRONT OF LTS 37 & 38, CON 'A' (OF) NP; PT 9 5R9963; OTTAWA
9.	17 Myrand Avenue	Ward 12	St. Anne's Rectory	2015-249	PLAN 43586 PT LOTS 2 3 4 RP; 5R6187 PT 2	PT LTS 2, 3 & 4, PL 43586, N/S MYRAND AV, BEING PART 2, 5R6187
10.	66 Lisgar Street	Ward 14	Snowdon House	2015-250	PLAN 14350 LOT 68	LT 68, PL 14350, S/S LISGAR ST