



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Manager of Heritage Planning

DATE: February 16, 2024

REPORT NO.: PD-2024-018

SUBJECT: Objection to a Notice of Intention to Designate under Part IV,
Section 29 of the OHA – 116 Main St S

RECOMMENDATION:

THAT Report No. PD-2024-018 dated February 16, 2024 regarding Objection to a Notice of Intention to Designate under Part IV, Section 29 of the OHA – 116 Main St S be received;

AND FURTHER THAT Council direct staff to issue a Notice of Withdrawal of the Notice of Intention to Designate the property at 116 Main Street South (Knox Presbyterian Church) which was issued on October 19, 2023;

AND FURTHER THAT in accordance with Council's prior decision, a second Notice of Intention to Designate be issued for the property at 116 Main Street South no later than May 31, 2024;

AND FURTHER THAT should a further objection to the second Notice of Intention to Designate the property at 116 Main Street South be received, staff be directed to report to Council at the earliest opportunity.

KEY POINTS:

The following are key points for consideration with respect to this report:

- On October 10, 2023, Council adopted staff's recommendations to issue a Notice of Intention to Designate (NOID) for the property at 116 Main Street South in Georgetown (Knox Presbyterian Church); at that time, it was understood by staff and Heritage Halton Hills that the designation process was supported by the church.

- Trustees from Knox Presbyterian Church served a written notice of objection on November 16, 2023, to the Notice of Intention to Designate the property at 116 Main Street South, Georgetown, requesting that the Town allow for discussions to take place amongst the congregation and Presbytery.
- Staff are recommending that a Notice of Withdrawal be published on the Town's website in accordance with Policy PLCY-2024-001 regarding notices under the *Ontario Heritage Act*.
- Staff are also recommending that a second Notice of Intention to Designate be issued no later than May 31, 2024, to allow for continued internal church conversations to conclude while ensuring consistency with Council's adoption of Report PD-2023-067 and the intention to designate the property at 116 Main Street South.

BACKGROUND AND DISCUSSION:

Designation Background

The property at 116 Main Street South was originally listed on the Town's Heritage Register during Phase 2 of the Town's Heritage Register process (2011). In 2023, the property at 116 Main Street South, Georgetown was researched and evaluated by staff as part of the Town's Council-approved Heritage Register prioritization strategy to respond to *Bill 23, More Homes, Built Faster Act, 2022*¹. On September 13, 2023, Heritage Halton Hills considered the Research & Evaluation Report for Knox Presbyterian Church at 116 Main Street South; representatives from the church attended the meeting and expressed support for the designation of the property.

On October 10, 2023, Council considered Report PD-2023-067 entitled "Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 116 Main Street South" and adopted staff's recommendations to issue a Notice of Intention to Designate the property.

Notice of Intention to Designate (NOID) was provided to the owner and publicly through the *Toronto Star* on October 19, 2023, indicating that any person had 30 days from the date of notice to serve written notice of objection to the proposed designation.

On November 16, 2023, a representative of the Trustees for Knox Presbyterian Church contacted staff requesting that the process be delayed. The representative then indicated that there had been internal miscommunication between the individuals who attended Heritage Halton Hills at its meeting of September 13, 2023, on behalf of the church and the church Trustees.

Staff requested clarification from the representative on November 16, 2023; November 27, 2023; and January 3, 2024, however staff did not receive a response until January 4, 2024. At that time, the representative indicated that committees of the church would

¹ Bill 23 stipulates that municipalities have a two-year window to determine whether properties on the Heritage Register warrant designation under the Ontario Heritage Act. If not so designated after two years, properties must be removed from the Heritage Register.

be meeting on January 9, 2024, and that they would provide further information at that time. On January 12, 2024, the representative indicated that conversations would be ongoing and that they would appreciate a delay of the designation.

On February 1, 2024, the representative indicated that the church would be meeting with their Presbytery on February 25, 2024 to discuss its future and potential amalgamation with another congregation; the representative also requested that the written notice of November 16, 2023 be considered a formal objection, allowing Council to consider the objection before the legislated timeline expires (90 days from the written notice of objection, or March 16, 2024).

Staff responded to the representative on February 1, 2024, indicating that a report would need to be brought forward on the March 4, 2024, agenda of Council in order to deal with their request.

Alternatives and Recommended Next Steps

Section 29(6) of the *Ontario Heritage Act* indicates that “If a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day period under subsection (5). 2019, c. 9, Sched. 11, s. 7 (6).”

If Council chose not to withdraw the Notice of Intention to Designate the property, Council would be required to pass a by-law formally designating the property. Following a Notice of Passage of a Designating By-law, the only recourse for Knox Presbyterian Church would be to appeal to the Ontario Land Tribunal.

In light of the ongoing conversations between the church congregation and Presbytery, before a formal appeal is required, staff are recommending that Council withdraw the Notice of Intention to Designate. This will entail issuing a formal Notice of Withdrawal that will be posted on the Town’s website in accordance with the recently adopted policy, PLCY-2024-001 Ontario Heritage Act – Alternate Notice Policy. Should Council adopt staff’s recommendations, this notice will include details regarding the intention to issue a second NOID for the property by no later than May 31, 2024.

Following a Notice of Withdrawal, staff recommend that the second NOID for the property at 116 Main Street South under Part IV, Section 29 of the *Ontario Heritage Act* be issued no later than May 31, 2024, and provided to the church representatives as well as posted publicly on the Town’s website. Should the representatives of Knox Presbyterian Church object during the 30-day notice period following the issuance of the second NOID, staff will bring the matter back to Council for additional discussion and decision in a timely manner.

STRATEGIC PLAN ALIGNMENT:

This report identifies natural areas and heritage as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

Heritage Halton Hills was consulted in the preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer