



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Caylee MacPherson, Planner – Development Review & Heritage

DATE: Laura Loney, Manager of Heritage Planning
February 14, 2025

REPORT NO.: PD-2025-002

SUBJECT: Objection to a Notice of Intention Designate under Part IV,
Section 29 of the OHA – 2 Guelph Street, Georgetown

RECOMMENDATION:

THAT Report No. PD-2025-002 dated February 14, 2025, regarding “Objection to a Notice of Intention to Designate under Part IV, Section 29 of the OHA – 2 Guelph Street, Georgetown” be received;

AND FURTHER THAT Council decline the request to withdraw the Notice of Intention to Designate for the property at 2 Guelph Street, Georgetown, as attached in Appendix D;

AND FURTHER THAT the By-law to designate the subject property at 2 Guelph Street, Georgetown, as attached in Appendix F, be passed;

AND FURTHER THAT, in the event of an appeal, Council authorize the Town Solicitor and staff to defend the Town’s position before the Ontario Land Tribunal.

KEY POINTS:

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

- On October 30, 2024, Council adopted staff’s recommendations to issue a Notice of Intention to Designate (NOID) for the property at 2 Guelph Street, Georgetown, through Report PD-2024-082 (Appendix A).
- A NOID for the property was issued by staff on November 7, 2024; Notice of Objection to the NOID was received by staff, within the legislated 30-day period,

on December 3, 2024 (Appendix D) stating the owner's objection to the designation process.

- Council has 90 days from the end of a 30-day NOID period to decide whether to withdraw the NOID or to pass a by-law to designate the subject property. As such, a decision is required by Council on this matter before March 7, 2025.
- Staff have reviewed the reasons for objection to the NOID and are of the opinion that the designation should move forward as previously determined by Council.
- Given the rebuttal included in the Notice of Objection, staff re-evaluated the findings in the original version of the Research and Evaluation Report (Appendix B) and have determined additional support for designation. As such, the existing Research and Evaluation Report has been revised to reflect staff's additional findings (Appendix C).
- After receiving the Objection to the NOID, staff met with the Owner and individual Councillors on January 30, 2025, to discuss the concerns and issues outlined in the Notice of Objection.
- Staff recommend that Council pass the By-law to designate the subject property in accordance with the draft by-law in Appendix F, ensuring consistency with the adoption of Report PD-2024-082 and the Town's intention to designate the property at 2 Guelph Street, Georgetown.

BACKGROUND AND DISCUSSION:

1. Context

The property at 2 Guelph Street is located along the southeast corner of the Guelph Street and Main Street South intersection in the community of Georgetown and features a two-storey red brick dwelling with a hipped roof, projecting brick and stone plinth foundation, and one-storey attached sunroom. The property was listed on the Town's Heritage Register during Phase 4 of the Town's Heritage Register process (2018) and was identified as a representative example of an Edwardian Classicism style building (Appendix E).

In 2024, the property at 2 Guelph Street, Georgetown, was researched and evaluated by staff as part of the Town Council-approved Heritage Register prioritization strategy to respond to *Bill 23, More Homes, Built Faster Act, 2022*¹. This research and evaluation process gave staff a more fulsome understanding of the property's cultural heritage value.

On June 5, 2024, the current property owners were mailed a designation information package with covering letter from staff, identifying that this work was being undertaken and encouraging them to contact staff to discuss further. An additional notice was

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. On June 6, 2024, Bill 200 (the *Homeowner Protection Act*) received Royal Assent, extending the 2-year timeline prescribed by Bill 23, giving municipalities, including the Town of Halton Hills, until January 1, 2027, to either issue a NOID for a listed property or to remove it from the Heritage Register.

delivered via mail on September 25, 2024, advising the owners that the Research and Evaluation Report for the subject property would be reviewed at the October 16, 2024, meeting of Heritage Halton Hills. The Owner did not contact staff prior to this meeting.

Heritage Halton Hills reviewed the final Research & Evaluation Report for the property at its meeting of October 16, 2024, and recommended that the property be designated. On October 28, 2024, Council considered Report PD-2024-082 entitled “Intention to Designate under Part IV, Section 29 of the OHA – 2 Guelph Street, Georgetown” (Appendix A) 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 Town’s website on November 7, 2024, indicating that any person had 30 days from the date of notice to serve written notice of objection to the proposed designation. As of the issuance of the NOID, the Owner had not responded to the prior notifications provided by staff.

On December 3, 2024, staff received Notice of Objection to the NOID for the subject property from the Owner via email (Appendix D). After receiving the Notice of Objection, staff met with the Owner and several members of Council on January 30, 2025, to discuss the issues outlined in the Notice of Objection and provide further information regarding designation.

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).”

2. Summary of Identified Issues in the NOID

The Notice of Objection received for the NOID (Appendix D) outlines several reasons for objection, including disputing the cultural heritage value of the property and concerns regarding associated maintenance costs. The Notice of Objection also notes that the property has since changed uses from “residential” to “commercial” and no longer has contextual value as a residential building along Main Street and Guelph Street. Additionally, the letter states the building has been significantly altered, and that there is limited physical cultural heritage value remaining due to numerous alterations. Concerns were also raised regarding the formal processes and financial implications associated with the maintenance of a designated property.

3. Analysis and Findings

Staff maintain the opinion that the property possesses significant cultural heritage value. The property is associated with former owners who contributed to the social and economic growth of Georgetown. Additionally, after conducting further research, staff have also identified that the building was designed by local architect J.B. Mackenzie.

Despite the modern interventions and alterations identified within staff's report, the building retains many features original to its construction and typical of the Edwardian architectural style, including the hipped roof, smooth brick façade and two tall brick chimneys, multiple flatheaded window openings, portico encasing the front entryway, dormer along the side, and stone lintels and sills. While currently used for commercial purposes, the building maintains its original residential massing and design and remains a representative example of an early-twentieth century residential building. It is the opinion of staff that the evaluation of the subject property remains appropriate.

The Owner has also been provided with background information identifying the Town's financial incentive programs for designated property owners, including the Heritage Property Tax Refund Program² and Heritage Property Grant Program³ which both provide assistance to designated property owners with maintenance, conservation, and restoration of heritage elements.

4. Next Steps

In light of the above, staff remain of the opinion that the property at 2 Guelph Street warrants designation under the *Ontario Heritage Act* to ensure its long-term conservation as one of the Town's valuable cultural heritage resources.

Should Council adopt staff's recommendations in line with Report PD-2024-082, the By-law for the subject property, as presented in Appendix F, should be passed to designate the property at 2 Guelph Street.

Any person who objects to the by-law has 30 days from the date of the notice given for the passage of this by-law to appeal to the Ontario Land Tribunal. Should no objection be received, the by-law will come into force and be registered on title for the subject property.

Should Council not adopt staff's recommendations, the subject property will be removed from the Town's Heritage Register. Once removed, Council cannot relist the subject property for a period of 5 years.

STRATEGIC PLAN ALIGNMENT:

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

² The Heritage Property Tax Refund Program offers an annual refund of 20% of the local, school board, and regional taxes for properties designated under Part IV or Part V of the *Ontario Heritage Act*.

³ Properties designated under Part IV or Part V of the *Ontario Heritage Act* are eligible for a matching grant of up to \$3,000 through the Heritage Property Grant Program to assist with the conservation of a property's identified heritage attributes

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 will be funded through an existing approved budget source.

However, should Council adopt staff's recommendations and pass a by-law to designate the property under Part IV, Section 29 of the *Ontario Heritage Act*, and should an objection to the by-law be received within 30 days after the date of publication of that notice, this objection would result in a (likely one-day) hearing at the Ontario Land Tribunal (OLT) which would be funded from the Operating Budget for OLT matters.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer