



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Caylee MacPherson, Planner – Development Review & Heritage

DATE: Laura Loney, Manager of Heritage Planning
March 7, 2025

REPORT NO.: PD-2025-012

SUBJECT: Objection to a Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 8 Albert Street, Georgetown

RECOMMENDATION:

THAT Report No. PD-2025-012 dated March 7, 2025, regarding “Objection to a Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 8 Albert Street, Georgetown” be received;

AND FURTHER THAT Council decline the request to withdraw the Notice of Intention to Designate for the property at 8 Albert Street, Georgetown, as attached in Appendix C;

AND FURTHER THAT the By-law to designate the subject property at 8 Albert Street, Georgetown, as attached in Appendix E, 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 December 9, 2024, Council adopted staff’s recommendations to issue a Notice of Intention to Designate (NOID) for the property at 8 Albert Street, Georgetown, through Report PD-2024-078 (Appendix A).
- A NOID for the property was issued by staff on December 13, 2024; Notice of Objection to the NOID was received by staff, within the legislated 30-day period,

on January 7, 2024 (Appendix C) 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 April 12, 2025.
- After receiving the Objection to the NOID, staff met with the property owners on February 25, 2025, to discuss their concerns listed in the Notice of Objection and answer questions regarding designation.
- 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.
- Staff recommend that Council pass the By-law to designate the subject property in accordance with the draft by-law in Appendix E, ensuring consistency with the adoption of Report PD-2024-078 and the Town's intention to designate the property at 8 Albert Street, Georgetown.

BACKGROUND AND DISCUSSION:

1. Context

The property at 8 Albert Street is located along the southeast side of Albert Street in the community of Georgetown and features a two-storey, red brick dwelling with a hipped roof, stone foundation, dormer, and covered wooden porch. The property was listed on the Town's Heritage Register during Phase 2 of the Town's Heritage Register process (2010) and was identified as a representative example of an Edwardian-style building (Appendix D).

In 2024, the property at 8 Albert 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 follow-up notice was delivered via mail on October 9, 2024, advising the owners that staff were undertaking a review of the property. On November 6, 2024, staff mailed a notice that the Research and Evaluation Report for the subject property would be reviewed at the November 20, 2024, meeting of Heritage Halton Hills. The Owner did not contact staff prior to this meeting.

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.

Heritage Halton Hills reviewed the final Research & Evaluation Report for the property at its meeting of November 20, 2024, and recommended that the property be designated. On December 9, 2024, Council considered Report PD-2024-078 entitled “Objection to a Notice of Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 8 Albert 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 December 13, 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 Owners had not responded to the prior notifications provided by staff.

On January 7, 2025, staff received Notice of Objection to the NOID for the subject property from the Owners via email (Appendix C). Staff subsequently invited the Owners to meet to discuss their concerns and to provide additional information regarding the designation process. Staff met with the Owners on February 25, 2025, however, the Owners remain unsupportive of 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 C) outlines several reasons for objection, including disputing the contextual significance. The Notice of Objection also states that the Owners feel 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 the financial implications associated with a decrease in property value due to designation.

3. Analysis and Findings

Following a review of the Notice of Objection, staff maintain the opinion that the property possesses significant cultural heritage value. The property is located in a concentration of early-twentieth century buildings along Albert Street and is located adjacent to 6 properties listed on the Town’s Heritage Register, and 2 properties designated under Part IV of the *Ontario Heritage Act*. As such, the dwelling remains contextually, historically, physically, and visually linked to its surroundings as an early-twentieth century residential building.

Additionally, 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, tall brick

chimneys, front dormer, front porch, as well as stone lintels and sills. It is the opinion of staff that the evaluation of the subject property remains appropriate.

Further, although property value impacts are not an issue considered by the Ontario Land Tribunal, staff have reviewed available studies regarding the financial impact on the sale values of designated properties in the context of Southern Ontario. Relevant studies indicate that heritage designation does not negatively impact property values and may even increase them; according to a recent study out of Hamilton, Ontario, which identifies that designated properties often sell at an equal or even greater rate than other properties in their respective communities².

4. Next Steps

In light of the above, staff remain of the opinion that the property at 8 Albert 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-2024-078, the By-law for the subject property, as presented in Appendix E, should be passed to designate the property at 8 Albert 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.

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.

² McMaster University (2023). "Investigating the Impact of Heritage Property Designation on Real Estate Value" (<http://hdl.handle.net/11375/28406>)

Robert Shipley (2001). "Heritage Designation and Property Values: Is there an Effect?". ([10.1080/135272500363760](http://hdl.handle.net/10.1080/135272500363760))

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