



Town of Erin

Corporate Report

Department: Building, Planning & Development	Report Number: PD2024-16
Business Unit: Planning & Development	Meeting Date: 11/28/2024
Presented/ Prepared By: David Waters, Manager of Planning & Development	

Subject

Recommendation Report for Delisting and Initiating the Heritage Designation of Seven Properties – Village of Hillsburgh

Recommendation

That Council hereby receives report number PD2024-16 “Recommendation Report for Delisting and Initiating the Heritage Designation of Seven Properties – Village of Hillsburgh” for information;

And that the following properties be removed from the Town of Erin’s Heritage Registry: 3 Station Street, 12 Orangeville Street, 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road, 93 Trafalgar Road and 114 Trafalgar Road;

And that Town staff consult with the Town of Erin Heritage Committee (TEHC) to initiate the designation of the following properties: 3 Station Street, 12 Orangeville Street, 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road, 93 Trafalgar Road and 114 Trafalgar Road prior to issuing the Notice of Intention to Designate in accordance with Part IV, Section 29 of the Ontario Heritage Act.

Highlights

In September 2023, the Town initiated the heritage designation process for the remaining seven listed heritage properties in the Village of Hillsburgh by issuing a non-statutory Advisory Letter to property owners. In March 2024, Town staff received direction from Council to publish the Notice of Intention to Designate (NOID) for the seven (7) properties located in the Village of Hillsburgh.

Within the 120-day period prescribed by the Ontario Heritage Act following the issuing of the NOIDs, Council did not pass the heritage designation by-laws for the seven properties. As a result, these properties are automatically delisted from the Town’s Heritage Registry and cannot be relisted for a period of 5 years.

The Ontario Heritage Act enables the Town to start the heritage designation process for the seven properties following consultation with the TEHC even if an objection was received by the Town from any of the seven owners.

Municipalities in Ontario now have until January 1, 2027, to issue a NOID to designate listed properties before these properties are removed from the Heritage Registry and cannot be relisted for a period of 5 years.

Background

In September 2023, the Town initiated the heritage designation process for the remaining seven listed heritage properties in the Village of Hillsburgh by issuing a non-statutory Advisory Letter to property owners. Designating a property under section 29 of the OHA is essentially a five-step process:

- 1) Identifying the property
- 2) Researching and evaluating the property
- 3) Serving Notice of Intention to Designate
- 4) Passing and registering the heritage designation by-law
- 5) Listing the property on the municipal Heritage Register

The Town retained Archaeological Research Associates Ltd. (ARA) to prepare heritage evaluation reports for the seven properties to determine whether they contain sufficient cultural heritage value or interest to merit designation under Part IV, Section 29 of the OHA, satisfying several criteria under the Ontario Regulation 9/06 as amended by Ontario Regulation 569/22.

The seven properties are: 3 Station Street, 12 Orangeville Street, 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road, 93 Trafalgar Road and 114 Trafalgar Road.

In March 2024, Town staff received direction from Council to publish the Notice of Intention to Designate (NOID) for the seven (7) properties located in the Village of Hillsburgh.

Within the 120-day period prescribed by the Ontario Heritage Act following the issuing of the NOIDs, Council did not pass the heritage designation by-laws for the seven properties. As a result, these properties are automatically delisted from the Town's Heritage Registry and cannot be relisted for a period of 5 years, but the Town is not prohibited from restarting the designation process for these properties.

Town staff are seeking direction to begin the heritage designation process again for each of the seven properties, consulting with the TEHC before issuing a new NOID and presenting the designation by-laws to Council for adoption.

Discussion

Municipalities are required to remove a listed property from their Heritage Register if Council issues a NOID and does not pass a designation by-law within the timeframe

prescribed by the OHA (120 days). Council directed Town staff to issue the NOIDs for the above noted seven Hillsburgh properties which were issued to each owner in April 2024.

Within the 30-day objection period following the Town issuing the NOIDs, a formal objection was received from the owner of 12 Orangeville Street and an email opposing the designation was submitted by the owner of 3 Station Street.

It has come to the attention of Town staff that the heritage designation by-laws for the properties were not presented to Council within the 90-day period following the issuance of the NOID. According to the OHA, failure to pass the designation by-laws within the 90 day period results in the properties automatically becoming delisted from the Town's Heritage Register. However, the Ontario Heritage Act does not prohibit Council, following consultation with the TEHC, issuing a new NOID to each of the seven property owners including the owners of 3 Station Street and 12 Orangeville Street who opposed the designation.

Given the above, staff are recommending to Council that the following properties located in the Village of Hillsburgh be removed from the Town's Heritage Register: 3 Station Street, 12 Orangeville Street, 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road, 93 Trafalgar Road and 114 Trafalgar Road. A summary of the heritage attributes of each property is attached hereto as Appendix A.

In addition, Town staff are seeking direction to begin the heritage designation process again for each of the seven properties, consulting with the TEHC before issuing a new NOID and presenting the designation by-laws to Council for adoption.

Strategic Pillar

Healthy Lifestyle & Vibrant Community

Financial Impact

For designating a property under the OHA, associated costs include placing notices in the local newspaper (Notice Intention to Designate) and registering the designation by-law on title for the property.

Each heritage designation report has a cost to the Town of approximately \$2,100. The Town also pays \$350 to register the By-law on title to the property. The funds to pay for the heritage evaluation reports comes from the Operating Budget of Planning and Building.

Conclusion

It has come to the attention of Town staff that the heritage designation by-laws for seven listed heritage properties in the Village of Hillsburgh were not presented to Council within the 90-day period following the issuance of the NOID. This results in those properties becoming automatically delisted from the Town's Heritage Registry and

not eligible to be relisted for 5 years. However, the Ontario Heritage Act does not prohibit Council, following consultation with the TEHC, issuing a new NOID for each property and presenting the designation by-laws to Council for adoption.

Attachments

Appendix A – Summary of Heritage Attributes

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Rob Adams

Chief Administrative Officer