Town of Erin
Corporate Report

Department:	Planning & Development	**Report Number:** PD2025-05
Business Unit:	Planning & Development	
Presented/ Prepared By:	David Waters, Manager of Planning & Development	**Meeting Date:** 2/27/2025

Subject
Adoption of Heritage Designation By-laws – Hillsburgh Village

Recommendation
That Council receives report number PD2025-05 "Adoption of Heritage Designation By-laws – Hillsburgh Village" for information;

And that Council adopts By-laws 25-18, 25-19, 25-20, and 25-21, to designate 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road and 114 Trafalgar Road respectively in accordance with Part IV, Section 29 of the Ontario Heritage Act, as listed on the February 27, 2025, agenda;

And that Council directs staff to carry out the remaining requirements for each property as prescribed under the Ontario Heritage Act, following the adoption of the by-laws.

Highlights
The purpose of this report is to request that Council adopt Heritage Designation By-laws for 18 Anne Street, 21 Trafalgar Road, 81 Trafalgar Road and 114 Trafalgar Road, as listed on the February 27, 2025, agenda, in accordance with Part IV of the Ontario Heritage Act.

In November 2024, Council supported the staff recommendation to re-issue seven Notices of Intent to Designate (NOID) for 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. In addition to serving notice to each property owner, staff published the seven NOIDs in the *Wellington Advertiser* and posted them on the Town's website.

During the 30-day objection period, the Town received objection letters from 93 Trafalgar Road, 3 Station Street and 12 Orangeville Street. The objections to the NOIDs will be the subject of a future report to Council.

Following the passing of the four heritage designation by-laws, staff will carry out all remaining responsibilities for each property in accordance with the Ontario Heritage Act.

Background
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 HIllsburgh Village.

Within the 120-day period prescribed by the Ontario Heritage Act following the issuing of the NOIDs, the heritage designation by-laws for the properties not subject to an objection were not presented to Council for enactment. As a result, these properties become automatically delisted from the Town's Heritage Registry and cannot be relisted for a period of five years. However, the Town is not prohibited from restarting the designation process for these properties.

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

In November 2024, Council supported staff's recommendation to re-issue the Notice of Intention to Designate for all seven properties as per report PD2024-16 following consultation with the Town of Erin Heritage Committee which took place in December 2024.

During the 30-day objection period, the Town received three objection letters. The objections to the NOIDs will be the subject of a future report to Council.

Discussion
According to the Ontario Heritage Act, failure to pass the designation by-laws within 120 days following the publishing of the NOID 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 Heritage Committee, to re-issue a NOID for each of the seven properties including the three owners who initially opposed the designation.

With regards to next steps, Section 29(8) of the Ontario Heritage Act requires a municipality to pass its designation by-laws within 120 days after the date of the publication of the Notice of Intention to Designate. For the seven properties, designating by-laws for each property were required to be passed by Council before April 23, 2025.

Each designating by-law includes a description of the property, a statement of cultural heritage value or interest and each property's respective cultural heritage attributes.

The Ontario Heritage Act prescribes the following next steps to ensure the designation of each property:

- A copy of each of the registered by-law is served on the property owner and the Ontario Heritage Trust in accordance with Section 28(8).
- The Clerk must ensure that a copy of each of the by-laws that come into force are registered against the properties affected in the appropriate Land Registry Office in accordance with Section 29(19).
- Staff must ensure that a Notice of Passing of each by-law be published in a newspaper having general circulation in the municipality in accordance with Section 29(8).

Staff recommend Council pass the four each designation by-laws not subject to an objection and direct staff to carry out all remaining responsibilities for each property in accordance with the Ontario Heritage Act.

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Financial Impact
There is a cost to the Town of $350.00, per property, to register a By-law on title for each property. There is also a charge to publish the Notice of Passage in the *Wellington Advertiser*, the cost depends on the number and size of the notice. The average cost is $1,000 per notice.

Conclusion
In accordance with Council direction, Town staff re-issued Notices of Intention to Designate for seven properties as per the requirements of the Ontario Heritage Act. Three objections letters were submitted to the Town and will be addressed in a future report to Council.

Staff recommend that Council pass the designation by-laws listed in the February 27, 2025, agenda for the properties not subject to an objection and direct staff to carry out all remaining responsibilities for the designation of each property, in accordance with the Ontario Heritage Act.

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