

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-55

Date of Report: March 1, 2023

Date of Meeting: March 6, 2023

Subject: Impacts of Bill 23 on the City of Oshawa Register of Properties
of Cultural Heritage Value or Interest

Ward: Wards 3 and 4

File: 12-04

1.0 Purpose

In October 2022, the Provincial government introduced the More Homes Built Faster Act, 2022 under Bill 23, which included amendments to the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended (the “Heritage Act”). These Bill 23 amendments to the Heritage Act came into effect on January 1, 2023.

One of these amendments was to limit the duration for which a property may remain a “listed, non-designated property” on the City’s Register of Properties of Cultural Heritage Value or Interest (the “Register”) to two (2) years. Under this new legislative requirement, any property currently on the Register as a “listed, non-designated property”, must either be designated under Part IV of the Heritage Act by December 31, 2024, or be removed from the Register entirely.

Additionally, in the event a property is removed from the Register, the Bill 23 amendments also mandate that the property may not be re-added to the Register for a further five (5) years, during which time they would have no protection under the Heritage Act from demolition or alteration.

There are currently four (4) listed, non-designated properties on the Register, three (3) of which are City-owned, as follows:

- Union Cemetery at 760 King Street West (“Union Cemetery”);
- The Robert McLaughlin Gallery site at 65 Queen Street (“R.M.G.”);
- Memorial Park at 110 Simcoe Street South (“Memorial Park”); and,
- The former Harmony Road Public School at 149 Harmony Road South (“149 Harmony Road South”), which is privately-owned.

These properties must be either designated by December 31, 2024, or removed from the Register entirely.

The purpose of this Report is to inform the Economic and Development Services Committee and Council of the impact of the Bill 23 amendments to the Heritage Act, and seek direction from Committee and Council concerning the aforementioned four (4) properties.

Attachment 1 is an aerial photo of Union Cemetery at 760 King Street West showing key site features.

Attachment 2 is an aerial photo of the Robert McLaughlin Gallery site at 65 Queen Street showing key site features.

Attachment 3 is an aerial photo of Memorial Park at 110 Simcoe Street South showing key site features.

Attachment 4 is an aerial photo of the former Harmony Road Public School at 149 Harmony Road South showing key site features.

Attachment 5 is a copy of the Heritage Research Report for 149 Harmony Road South. Owing to its length, this Heritage Research Report is not attached but can be found at the following link: https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_149-Harmony-Rd-S.pdf.

Attachment 6 is a copy of the Heritage Research Report for Memorial Park. Owing to its length, this Heritage Research Report is not attached but can be found at the following link: https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_110-Simcoe-St-S_Memorial-Park.pdf.

Attachment 7 is a copy of Report DS-19-139 dated September 4, 2019, entitled "Proposed Designation Pursuant to Heritage Act: 149 Harmony Road South (Former Harmony Public School)." Owing to its length, this Report is not attached but can be found at the following link: http://app.oshawa.ca/agendas/development_services/2019/09-09/REPORT_DS-19-139.pdf.

Attachment 8 is a copy of email correspondence from Lauren Gould, Chief Executive Officer (C.E.O.) of the R.M.G., dated January 30, 2023, concerning the potential for heritage designation and research being completed for the R.M.G.

Attachment 9 is a draft flow chart released by the Provincial government illustrating the process to designate a property under Section 29 (Part IV) of the Heritage Act.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-23-55 dated March 1, 2023, the Economic and Development Services Committee select Option 1 or Option 2 from each of Sections 5.8 through 5.11 of Report ED-23-55.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Community and Operations Services
- Commissioner, Corporate and Finance Services
- City Solicitor
- C.E.O., R.M.G.

4.1 Consultation with Robert McLaughlin Gallery

In anticipation of this Report, staff reached out to the C.E.O. of the R.M.G. seeking a position with respect to the designation of the R.M.G. under Part IV of the Heritage Act. Attachment 8 is a copy of e-mail correspondence from Lauren Gould, C.E.O. of the R.M.G., dated January 30, 2023, concerning the potential for heritage designation and research being completed for the R.M.G.

Ms. Gould advised the R.M.G. would support more research being done on the historical significance of the building, in particular what features would be considered heritage attributes. She stated that their goal is to ensure flexibility and opportunities for growth. She noted that recent additions (i.e. the Douglas Coupland artwork, backyard improvements) appear to have not been hindered by the current listed, non-designated status.

Lastly, Ms. Gould noted that once there is more information available to help guide their position on whether or not to support designation (i.e. a Heritage Research Report), she will provide a briefing to the R.M.G.'s Board of Directors and provide City staff with their recommendation.

4.2 Previous Consultation with Owner of 149 Harmony Road South

On September 27, 2018, Heritage Oshawa recommended that 149 Harmony Road South be designated under Part IV of the Heritage Act. After notice of Heritage Oshawa's motion to designate 149 Harmony Road South was issued to the property owner (Colony Real Estate Development Limited), correspondence dated May 27, 2019 was received by staff from Monica Chen representing Colony Real Estate Development Ltd. (affixed as

Attachment 5 to Report DS-19-139 attached to this Report as Attachment 7). Additional correspondence dated May 29, 2019 from Michael J. Fry of D. G. Biddle and Associates Ltd. on behalf of Colony Real Estate Development Ltd., was subsequently received by staff (affixed as Attachment 6 to Report DS-19-139 attached to this Report as Attachment 7).

Through this correspondence, staff were informed that the property owner did not support the designation of 149 Harmony Road South on the basis that it would restrict the future development potential of the property and does not take into account the intent of the infill and intensification policies of the Regional Official Plan and the City of Oshawa Official Plan.

Staff subsequently received a Cultural Heritage Evaluation and Options Analysis dated May 30, 2019, prepared by Golder Associates Ltd. (“Golder”) for the property owner (affixed as Attachment 7 to Report DS-19-139 attached to this Report as Attachment 7). Golder concluded that the school building can be partially demolished (i.e. the north single-storey wing and the later 1957 addition, which is not identified as a heritage attribute) and compatibly incorporated into the proposed development without substantially losing its integrity, cultural heritage significance, or importance to the local community.

While demolishing the north wing and the 1957 addition and reconstituting the structure as a two-storey hall with a single-storey south wing would enable development and safe vehicle access, and retain the building for community use, it would result in an asymmetrical structure and present an “unbalanced” street facing façade. To guide these structural changes and adaptive re-use of the building, Golder recommends conducting a heritage conservation plan for the rehabilitation of the building in a new configuration and use.

To confirm the position of the property owner in view of Golder’s recommendation, staff contacted Michael J. Fry of D. G. Biddle and Associates Limited (the Owner’s consultant). Email correspondence dated August 13, 2019 was received from Michael J. Fry confirming that the property owner does not support designation of the property including any part of the former school building, notwithstanding Golder’s recommendation (affixed as Attachment 8 to Report DS-19-139 attached to this Report as Attachment 7).

5.0 Analysis

5.1 The City of Oshawa Register of Properties of Cultural Heritage Value or Interest

The Register is the list of properties from the Inventory that have been formally recognized by Council, pursuant to Section 27 of the Heritage Act, as being properties within the City of Oshawa having cultural heritage value or interest.

The Register includes “designated” and “listed, non-designated” properties.

A property is automatically added to the Register as a designated property once it is designated in accordance with the process established in the Heritage Act.

A property is added to the Register as a listed, non-designated property by resolution of Council.

Any alteration to the identified heritage attributes, or demolition of a structure containing heritage attributes of a designated property, must be considered by Council in consultation with Heritage Oshawa. Only the owner of the property can appeal Council's decision on a request to alter or demolish heritage attributes of a designated property.

A listed, non-designated property is protected under the Heritage Act to the extent that a municipality can withhold a demolition permit for up to 60 days after receiving an application from the property owner to demolish or remove the building or structure. This 60-day period enables municipal councils, if they so choose, to designate the property by by-law as a property of cultural heritage value or interest, and thereby seek to prevent demolition.

There are no legislated obligations regarding proposed alterations to a listed, non-designated property. However, the City's standard practice is for Heritage Oshawa to review and comment on alteration proposals for listed, non-designated properties.

All four (4) subject properties are listed in the City's Register as listed, non-designated properties.

5.2 Bill 23

On October 25, 2022, the Ministry of Municipal Affairs and Housing released a bulletin on the Environmental Registry of Ontario's website entitled "Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan, 2022-2023". The bulletin can be viewed at the following link: <https://ero.ontario.ca/notice/019-6162>.

The More Homes Built Faster: Ontario's Housing Supply Action Plan, 2022-2023 (the "Action Plan") is intended to advance the Province's plans to address the housing crisis by setting a goal to build 1.5 million new homes in Ontario over the next ten years. To support the Action Plan, the government introduced the More Homes Built Faster Act, 2022 under Bill 23 which attempts to address the housing crisis by reducing government fees and fixing development approval delays that slow housing construction and increase costs.

City Council, at their November 21, 2022 meeting, endorsed City staff comments on Bill 23 pursuant to Report CNCL-22-80, dated November 16, 2022 and directed staff to further review and comment on the proposed legislation and report back to Committee and Council. A copy of CNCL-22-80 can be viewed at the following link: <https://calendar.oshawa.ca/meetings/Detail/2022-11-21-0930-City-CouncilMeeting/81dee1af-533d-4788-becb-af4f01580fa7>.

City Council, at their December 12, 2022 meeting, endorsed staff's subsequent Report ED-22-217, concerning City comments on proposed changes to the Greenbelt Plan, Greenbelt Area Boundary Regulation and Oak Ridges Moraine Conservation Plan. ED-22-217 can be viewed at the following link: <https://pub-oshawa.escribemeetings.com/filestream.ashx?DocumentId=10205>

Bill 23 received Royal Assent on November 28, 2022.

The Bill 23 amendments to the Heritage Act came into force on January 1, 2023, including but not limited to:

- Changes to the process and requirements around removal and inclusion of listed, non-designated properties on Municipal Registers.
- Changes to Ontario Regulation 9/06, “Criteria for Determining Cultural Heritage Value or Interest” (“O. Reg. 9/06”) to establish that listed, non-designated properties included on a Municipal Register must meet one or more of the criteria outlined in the regulation.
- A requirement for municipalities to make their Municipal Registers available on a publicly accessible website.
- Limiting the ability to issue a Notice of Intention to Designate on a property subject to a prescribed event to only those properties included on a Municipal Register. It is staff’s understanding from the Province that a “prescribed event” refers to an application for Plan of Subdivision, Official Plan Amendment, or Zoning By-law Amendment.
- Establishing that a property must meet two or more criteria under O. Reg. 9/06 in order to be designated under Part IV of the Heritage Act.
- Establishing that at least 25 percent of the properties within a Heritage Conservation District (“H.C.D.”) must meet two or more criteria in the regulation in order to be designated.

Most notably among these amendments in the context of this Report, is the amendment to limit the duration for which a property may remain a “listed, non-designated property” on the City’s Register to two (2) years.

Under this new legislative requirement, any property currently on the City’s Register as a listed, non-designated property must either be designated by December 31, 2024 or be removed from the Register entirely.

Additionally, in the event a property is removed from the Register, the Bill 23 amendments also mandate that the property may not be re-added to the Register for a further five (5) years, during which time they would have no protection under the Heritage Act from demolition or alteration.

With respect to the requirement for municipalities to make their Municipal Registers available on a publicly accessible website, staff note that this change was made in January 2023, in consultation with Heritage Oshawa. An up-to-date Register, as well as an up-to-date Heritage Oshawa Inventory, is posted on the City’s website at the following link: <https://www.oshawa.ca/en/parks-recreation-and-culture/heritage-properties.aspx>.

5.3 Heritage Research Reports

A Heritage Research Report, prepared by a qualified heritage consultant, provides the requisite information in order to inform the designation by-law and Designation Statement and Description for the subject property.

This required information includes:

- Evidence that the subject property meets one or more of the criteria for designation under the Heritage Act in relation to the following three categories:
 - Design or physical value;
 - Historical/associative value;
 - Contextual value;
- A Statement of Cultural Heritage Interest or Value; and,
- A listing of heritage attributes at a level of detail which identifies individual features of the subject property.

To date, no research has been completed by Heritage Oshawa or the City for Union Cemetery or the R.M.G. To advance designation of either of these properties, staff would be required to retain a qualified heritage consultant to prepare a Heritage Research Report.

Heritage Research Reports for 149 Harmony Road South and Memorial Park, dated September 2012 and August 2016, respectively, have been prepared by Melissa Cole, a local heritage consultant, and form Attachments 5 and 6 of this Report. However, it is noted that:

- A supplemental Heritage Research Report would be required to advance designation of 149 Harmony Road South; and,
- Either a supplemental Heritage Research Report, or addendum to the Heritage Research Report for Memorial Park, would be required to advance designation of Memorial Park. Staff would consult with qualified heritage consultants in order to determine which document would be required to advance designation in this circumstance.

Staff estimate that each supplemental Heritage Research Report would cost up to \$6,000. An addendum to the Memorial Park Heritage Research Report would cost up to \$3,000.

5.4 Historical Significance

The Heritage Research Report dated September 2012 and prepared by Melissa Cole for 149 Harmony Road South (see Attachment 5) generally summarizes the cultural heritage value or interest of the property as follows:

1. The school building located at 149 Harmony Road South has design and physical value because the building is an example of a school that was built in the 1920s representative of the Classic Revival architectural style.
2. This property has associative value because:
 - Harmony Public School has direct association with the Farewell family. The land on which the school sits was donated by Akeus Farewell. The Farewells were one of the first families to settle in the Village of Harmony. They came to the area in circa 1804.
 - Harmony Public School is historically linked to the City of Oshawa as it is representative of the Village of Harmony that now lies within the City of Oshawa. That is where the name of the school originates.
3. This property has contextual value because Harmony Public School is a landmark in the City of Oshawa; approximately 0.5 km to the north is located Farewell Cemetery which represents another landmark in a community that was once known as the Village of Harmony.

The Heritage Research Report dated August 2016 prepared by Melissa Cole for Memorial Park (see Attachment 6) generally summarizes the cultural heritage value or interest of the property as follows:

“The associative value of Memorial Park is linked to its role in contributing to an understanding of the development of the neighbourhood that surrounds the park and the City of Oshawa, from it being the site of the Pedlar People Limited and then its use as a memorial to the City’s war-dead. It is a prominent meeting place and cultural hub located in downtown Oshawa. Its location within the context of several public buildings including the Oshawa Masonic temple, Oshawa City Hall, Oshawa Public Libraries, Oshawa Seniors Citizen Centre, Simcoe Street United Church, Canadian Automotive Museum and St. George’s Memorial Church. It is a nexus in the Oshawa community.

Memorial Park’s cultural heritage value also lies in two significant architectural features: The McLaughlin Bandshell and the War Memorial/Cenotaph. Coinciding with the incorporation of the Town of Oshawa as the City of Oshawa, the 1924 War Memorial/Cenotaph was designed by noted English sculptor Alfred Howell. It is unique for its use of stones representing the Allied and British Empire countries and battlefields pertinent to World War I. The War Memorial/Cenotaph was originally constructed to recognize the sacrifice of Oshawa residents during World War I. In 1942, 177 names were added to recognize those who had died in World War II and later the addition of the names of the lives lost during the

Korean War (1950-1953). The 1942 Bandshell was a gift from Oshawa philanthropist and industrialist, Colonel R.S. McLaughlin. The Bandshell continues to provide a venue for outdoor musical performances, including an annual summer concert series on Wednesday evenings.

The park is historically, visually and functionally linked to its setting. It is organized by pathways and built features beneath a mature tree canopy. The Memorial/Cenotaph and Bandshell, along with the 1939 St. George's Memorial Church marker, Pedlar People Limited plaque, Canadian Corps Memorial, murals, mature vegetation and beautifully landscaped grounds make Memorial Park a valued historical and local landmark in the City of Oshawa."

No research has been completed by Heritage Oshawa for the City for Union Cemetery or the R.M.G. Therefore a determination of their historical significance would require the completion of a Heritage Research Report.

5.5 The Provincial Policy Statement

The Provincial Policy Statement ("P.P.S.") provides policy direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Planning Act.

Section 2.6 of the P.P.S. addresses Cultural Heritage and Archaeology and in particular states that (among other things):

"Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

This Section of the P.P.S. does not currently apply to the properties adjacent to each of the subject properties since they are not currently designated. It would apply if they were designated.

5.6 Heritage Designation Process

The Heritage Act provides the framework for identification, conservation and protection of cultural heritage resources, and empowers a municipality to designate, by by-law, a property to be of cultural heritage value or interest in order to protect the property's cultural heritage value.

The designation of any of the four (4) subject properties would be governed by Part IV, Section 29 of the Heritage Act for individual property designation.

Attachment 9 illustrates the process to designate a property under Section 29 (Part IV) of the Heritage Act.

Where a Council chooses to initiate the process to designate and issues a Notice of Intention to Designate for a property, the property will be subject to certain interim protections. Any existing permit that allowed for the alteration or demolition of the property, including a building permit or a demolition permit, becomes void. Proposed activities that would require Council's consent during the period of interim protection include any:

- Alteration affecting the property's heritage attributes;
- Demolition or removal of heritage attributes; or,
- Demolition or removal of a building or structure.

The property owner's consent is not required for a designation to proceed, under the Heritage Act. The property owner's objections, if any, can be considered by following the objection procedure illustrated in Attachment 9.

5.7 Property Standards By-law 1-2002 and Heritage Properties

The City's Property Standards By-law 1-2002, as amended, ("Property Standards By-law") prescribes minimum standards for the maintenance and occupancy of buildings, structures, and surrounding lands. It is intended to:

- Address the City's strategic goal of "Social Equity: Ensure an inclusive, healthy and safe community";
- Provide a mechanism to maintain properties and buildings to a minimum standard;
- Provide tools to maintain and enhance the character/image of the City;
- Sustain property values;
- Preserve the tax base; and,
- Protect the safety and the quality of life of residents and businesses.

On October 26, 2020, City Council considered Report CORP-20-29 and adopted the following recommendation:

"That Council approve a by-law to amend Property Standards By-law 1-2002, as amended, in a final form and content acceptable to Legal Services and the Commissioner of Corporate Services to establish standards specific to heritage properties."

By-law 90-2020, passed by Council on October 26, 2020, further amended the Property Standards By-law 1-2002 to provide for the protection of properties with cultural heritage value or interest. The Property Standards By-law 1-2002 can be found at the following link: <https://www.oshawa.ca/en/Document-Feeds/General-By-Laws/PropertyStandardsBylaw1-2002.pdf>.

Under the amended By-law, standards are now provided for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated.

Currently, all four (4) subject properties would not be subject to the new standards as listed, non-designated properties. They would be if they were designated.

5.8 Options for Union Cemetery

On the basis that Union Cemetery is a City-owned property, and that the City does not currently have a Heritage Research Report to inform heritage designation, two (2) options are available on a go-forward basis to deal with this matter.

5.8.1 Option 1: Undertake Heritage Research Report and Report Back

Should the Economic and Development Services Committee wish for staff to obtain a Heritage Research Report for Union Cemetery, and report back to the Economic and Development Services Committee regarding potential designation under Part IV of the Heritage Act, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff be authorized to retain the services of a qualified heritage consultant to prepare a Heritage Research Report for Union Cemetery, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes, and report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, based upon the Heritage Research Report.”

Option 1 represents the Economic and Development Services staff recommended option.

5.8.2 Option 2: Status Quo and Allow Expiration of Register Status

Should the Economic and Development Services Committee wish for Council to not advance designation of Union Cemetery under Part IV of the Heritage Act, and to therefore allow the listed, non-designated status to expire after December 31, 2024, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Union Cemetery remain a “listed, non-designated” property on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.”

In the event this Option is selected, and Union Cemetery is removed from the Register on January 1, 2025, the Bill 23 amendments also mandate that the property may not be re-added to the Register for a further five (5) years. Therefore, Union Cemetery, although in City ownership, would have no protection under the Heritage Act from January 1, 2025 to December 31, 2030, at a minimum.

5.9 Options for 149 Harmony Road South

On the basis that the owner of 149 Harmony Road South previously did not support heritage designation of their property (see Section 4.2 of this Report), and that previous Heritage Research Reports identified heritage attributes worth preserving, two (2) options are available on a go-forward basis to deal with this matter.

5.9.1 Option 1: Consult with Owner, Undertake Heritage Research Report and Report Back

Should the Economic and Development Services Committee wish for staff to obtain a supplemental Heritage Research Report for 149 Harmony Road South, and consult with the Owner to obtain an updated position on designation, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff be authorized to:

1. Retain the services of a qualified heritage consultant to prepare a supplemental Heritage Research Report for 149 Harmony Road South, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes;
2. Provide the Owner of 149 Harmony Road South with the supplemental Heritage Research Report, and request an updated position on heritage designation of the property; and,
3. Report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, including the supplemental Heritage Research Report and the updated stance from the Owner.”

Option 1 represents the Economic and Development Services staff recommended option.

5.9.2 Option 2: Status Quo and Allow Expiration of Register Status

Should the Economic and Development Services Committee wish for Council to not advance designation of 149 Harmony Road South under Part IV of the Heritage Act, and to therefore allow the listed, non-designated status to expire after December 31, 2024, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Union Cemetery remain a “listed, non-designated” property on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest.”

In the event this Option is selected, and 149 Harmony Road South is removed from the Register on January 1, 2025, the Bill 23 amendments also mandate that the property may not be re-added to the Register for a further five (5) years. Therefore, 149 Harmony Road South would have no protection under the Heritage Act from January 1, 2025 to December 31, 2030, at a minimum.

5.10 Options for the Robert McLaughlin Gallery site

On the basis that the R.M.G. is a City-owned property, and that the City does not currently have a Heritage Research Report to inform heritage designation, two (2) options are available on a go-forward basis to deal with this matter.

5.10.1 Option 1: Undertake Heritage Research Report and Report Back

Should the Economic and Development Services Committee wish for staff to obtain a Heritage Research Report for the R.M.G., and report back to the Economic and Development Services Committee regarding potential designation under Part IV of the Heritage Act, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff be authorized to retain the services of a qualified heritage consultant to prepare a Heritage Research Report for the Robert McLaughlin Gallery site, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes, and report back to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, based upon the Heritage Research Report.”

Option 1 represents the Economic and Development Services staff recommended option.

5.10.2 Option 2: Status Quo and Allow Expiration of Register Status

Should the Economic and Development Services Committee wish for Council to not advance designation of the R.M.G. under Part IV of the Heritage Act, and to therefore allow the listed, non-designated status to expire after December 31, 2024, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, the Robert McLaughlin Gallery site remain a “listed, non-designated” property on the City of Oshawa Register of Properties of Cultural Heritage Interest or Value.”

5.11 Options for Memorial Park

On the basis that Memorial Park is a City-owned property, and that the City does not currently have a Heritage Research Report to inform heritage designation, two (2) options are available on a go-forward basis to deal with this matter.

5.11.1 Option 1: Undertake Heritage Research Report and Report Back

Should the Economic and Development Services Committee wish for staff to obtain a Heritage Research Report for Memorial Park, and report back to the Economic and Development Services Committee regarding potential designation under Part IV of the Heritage Act, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff be authorized to retain the services of a qualified heritage consultant to prepare a Heritage Research Report for Memorial Park, including a Statement of Cultural Heritage Value or Interest, a detailed listing of heritage attributes, and report back to the

Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation of the property, based upon the Heritage Research Report.”

Option 1 represents the Economic and Development Services staff recommended option.

5.11.2 Option 2: Status Quo and Allow Expiration of Register Status

Should the Economic and Development Services Committee wish for Council to not advance designation of Memorial Park under Part IV of the Heritage Act, and to therefore allow the listed, non-designated status to expire after December 31, 2024, then the following recommendation should be adopted:

“That the Economic and Development Services Committee recommend to City Council that, pursuant to Report ED-23-55 dated March 1, 2023, Memorial Park remain a “listed, non-designated” property on the City of Oshawa Register of Properties of Cultural Heritage Interest or Value.”

In the event this Option is selected, and Memorial Park is removed from the Register on January 1, 2025, the Bill 23 amendments also mandate that the property may not be re-added to the Register for a further five (5) years. Therefore, Memorial Park would have no protection under the Heritage Act from January 1, 2025 to December 31, 2030, at a minimum.

5.12 Community and Operations Services Comments

Community and Operations Services staff have expressed concerns regarding the designation of Union Cemetery.

The concerns relate to the following:

- The potential for a designation to frustrate the ability of staff to add grave markers and burial plots;
- The potential for a designation to frustrate the ability to add an addition to the Columbarium;
- The potential for a designation to frustrate regular maintenance; and,
- The potential for a designation to mandate reporting to Council on routine matters, thus causing delays.

Economic and Development Services staff note that a designation statement is not intended to go to the level of detail that would frustrate the ability to add graves or markers or frustrate regular maintenance.

It is acknowledged that an addition to the Columbarium would require consultation with Heritage Oshawa. However, it is important to note that Heritage Oshawa is an advisory committee and Council is the approval authority.

Finally, Option 1 in Sections 5.8 through 5.11 only authorizes staff to initiate the process to determine if each of the sites qualify for designation.

6.0 Financial Implications

There is no cost associated in the event Council chooses Option 2: Status Quo and Allow Expiration of Register Status for any of the four subject properties.

In the event Council chooses Option 1: Undertake Heritage Research Report and Report Back for any of the four (4) subject properties, the cost of each Heritage Research Report is anticipated to be between \$3,000 and \$6,000.00, plus H.S.T., depending on the form and complexity of the research required.

Therefore, the total costs associated with this Report could range between \$3,000 and \$24,000, plus H.S.T. Sufficient funds to procure the four (4) Heritage Research Reports are available in the Professional and Technical account of 2023 Heritage Oshawa Budget.

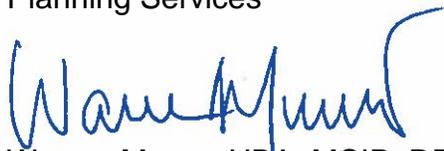
In the event Heritage Oshawa does not possess sufficient funds in their budget to cover the cost of all required heritage research reports pursuant to Council's selected Options, due to prior budget commitments or higher than anticipated costs associated with each research report, the balance of costs can be paid for using the Civic Property Development Reserve.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Subject: Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest

Item: ED-23-55
Attachment 1

Address: 760 King Street West

Ward: Wards 3 and 4

File: 12-04



 Subject Site

City of Oshawa
Economic and Development Services



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Subject: Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest

Item: ED-23-55
Attachment 2

Address: 65 Queen Street

Ward: Wards 3 and 4

File: 12-04



 Subject Site

City of Oshawa
Economic and Development Services



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Subject: Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest

Item: ED-23-55
Attachment 3

Address: 110 Simcoe Street South

Ward: Wards 3 and 4

File: 12-04



 Subject Site

City of Oshawa
Economic and Development Services



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Subject: Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest

Item: ED-23-55
Attachment 4

Address: 149 Harmony Road South

Ward: Wards 3 and 4

File: 12-04



 Subject Site

City of Oshawa
Economic and Development Services 



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Connor Leherbauer

Subject: FW: RMG Heritage Status

From: Lauren Gould <LGould@rmg.on.ca>
Sent: Monday, January 30, 2023 4:34 PM
To: Connor Leherbauer <Cleherbauer@oshawa.ca>
Cc: Meaghan Harrington <MHarrington@oshawa.ca>
Subject: RE: RMG Heritage Status

Hi Connor,

Thanks very much for the conversation today about potential change in designated heritage status and potential impacts on the RMG.

As I mentioned, we support more research being done on the RMG's building, in particular what features would be considered heritage attributes. Is it the original façade retained indoors as part of the design? Is it the entire building because it was designed by Arthur Erikson?

Our goal is to ensure flexibility and opportunities for growth should that be a direction the RMG heads in the future. It does not seem like recent additions (the Douglas Coupland artwork, backyard improvements) have been hindered by our current non-registered status.

Once there is more information that may help guide our decision whether or not to support designation, I will provide a briefing to our Board of Directors and come back to you with that recommendation.

Don't hesitate to reach out if there are ways in which we can help support the research with archives access.

Many thanks
Lauren

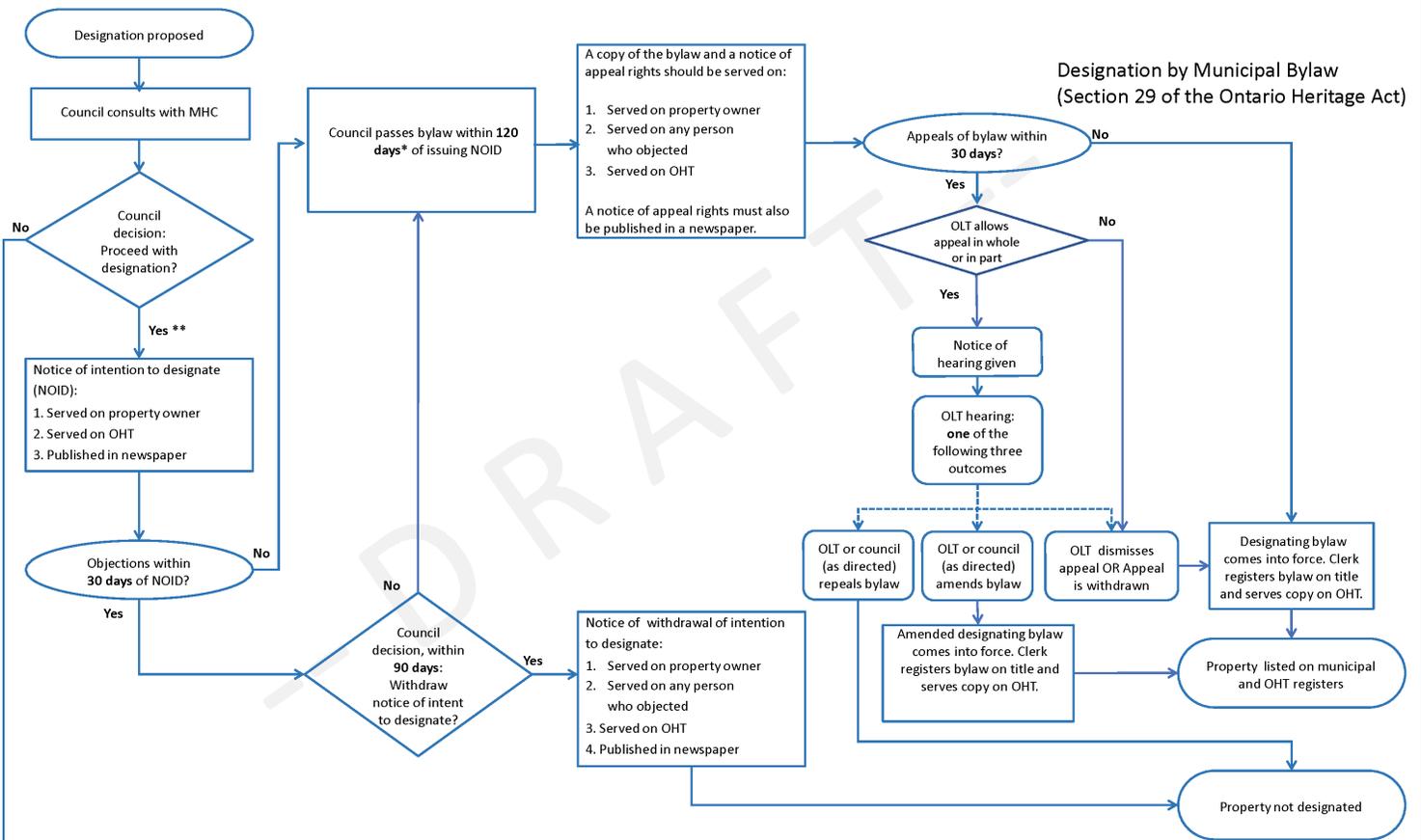
LAUREN GOULD (she/her)
CEO
905 576 3000 ext 104 | rmg.on.ca

Title: Flow Chart Prepared by the Provincial Government Illustrating the Process to Designate a Property Under Section 29, Part IV of the Ontario Heritage Act

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*If council fails to meet these timelines, the NOID will be deemed withdrawn, and council must issue a notice of withdrawal. For exceptions to the 120-day timelines, please consult the guidance text.

** Council has a limited 90 day period to give its notice of intention to designate a property when the property is subject to an official plan amendment, a zoning bylaw amendment, or plan of subdivision.