



Economic and Development Services Department

**Date:** May 19, 2023

File: 12-03

**To:** Heritage Oshawa

**From:** Harrison Whilsmith, Planner A  
Economic and Development Services Department

**Re: Application to Amend the Oshawa Official Plan and Zoning By-law 60-94  
70 King Street East – Former Genosha Hotel  
Request for Comment under Section 33 of the Ontario Heritage Act**

On April 20, 2023, Heritage Oshawa was provided a presentation by staff regarding the second submission of an application to amend the Oshawa Official Plan and Zoning By-law 60-94 (the “development application”) for 70 King Street East, the former Genosha Hotel (the “Subject Site”). Following the presentation, Heritage Oshawa struck a working group to formulate comments on the presentation.

Under Section 33 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”), a Council must consult with its municipal heritage committee (Heritage Oshawa) prior to making a decision on the alteration of a designated property.

In anticipation of a staff report concerning the development application being considered by Council at their meeting on June 26, 2023, it is appropriate that a concurrent decision by Council concerning the associated application under Section 33 of the Ontario Heritage Act be made at the same Council meeting.

Under Section 33 of the Ontario Heritage Act, Council has the option to consent to the application, consent to the application with terms and conditions, or refuse the application.

Accordingly, consistent with Section 33 under the Ontario Heritage Act, staff require comment from Heritage Oshawa in this regard at the May 25, 2023 meeting. The purpose of this memo is to provide Heritage Oshawa with appropriate wording in order to provide formal comments to the Economic and Development Services Committee and Council under Section 33 of the Ontario Heritage Act.

### **Recommendation**

In the event that Heritage Oshawa recommends that Council unconditionally approve the Section 33 application for alteration to a designated property under Part IV of the Ontario Heritage Act, the following would be the appropriate wording to provide in their recommendation to the Economic and Development Services Committee and Council:

“That, pursuant to HTG-23-36 dated May 19, 2023, the Section 33 application to alter, consistent with the application to amend the Oshawa Official Plan and Zoning By-law 60-94 for 70 King Street East, be recommended for approval under Section 33 of the Ontario Heritage Act.”

In the event that Heritage Oshawa recommends that Council approve the Section 33 application for alteration to a designated property under Part IV of the Ontario Heritage Act with conditions, the following would be the appropriate wording to provide in their recommendation to the Economic and Development Services Committee and Council:

“That, pursuant to HTG-23-36 dated May 19, 2023, the Section 33 application to alter, consistent with the application to amend the Oshawa Official Plan and Zoning By-law 60-94 for 70 King Street East, be recommended for approval under Section 33 of the Ontario Heritage Act, subject to the following conditions:

1. \_\_\_\_\_”

In the event that Heritage Oshawa recommends that Council deny the Section 33 application for alteration to a designated property under Part IV of the Ontario Heritage Act, the following would be the appropriate wording to provide in their recommendation to the Economic and Development Services Committee and Council:

“That, pursuant to HTG-23-36 dated May 19, 2023, the Section 33 application to alter, consistent with the application to amend the Oshawa Official Plan and Zoning By-law 60-94 for 70 King Street East, be recommended for denial under Section 33 of the Ontario Heritage Act.”

If you have any questions please contact Harrison Whilsmith at 905-436-3311, extension 2697 or [hwhilsmith@oshawa.ca](mailto:hwhilsmith@oshawa.ca).



Harrison Whilsmith, Planner A  
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