

To: Economic and Development Services Committee

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

Report Number: ED-23-196

Date of Report: October 11, 2023

Date of Meeting: October 16, 2023

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

Ward: Wards 3 and 4

File: 12-04-0314

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## **1.0 Purpose**

On April 3, 2023, Council considered Report ED-23-55 dated March 1, 2023 concerning four (4) listed, non-designated properties on the City's Register of Properties of Cultural Heritage Value or Interest (the "Register"), known as:

- Union Cemetery (at 760 King Street West);
- The Robert McLaughlin Gallery (hereinafter referred to as the R.M.G. at 72 Queen Street);
- Memorial Park (at 110 Simcoe Street South); and,
- The former Harmony Public School (at 149 Harmony Road South).

Council adopted the following motion concerning Report ED-23-55, dated March 1, 2023:

- “1. 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; and,

2. 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;
  - a. 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,
  - b. 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; and,
3. 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; and,
4. 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.”

The purpose of this Report is to:

- present Heritage Research Reports prepared by Archaeological Research Associates Ltd. (“A.R.A. Ltd.”) for the four (4) aforementioned listed, non-designated properties on the Register, including a draft Statement of Cultural Heritage Value or Interest and a listing of heritage attributes for each respective property; and,
- provide recommendations concerning designation for each respective property, under Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “Heritage Act”), based upon the heritage research reports.

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

Attachment 2 is a copy of the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. for Union Cemetery. Owing to its length, this updated 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\\_King-St-W-760.pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_King-St-W-760.pdf).

Attachment 3 is an aerial photo of the R.M.G. site at 72 Queen Street showing key site features.

Attachment 4 is a copy of the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. for the R.M.G. Owing to its length, this updated 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\\_Queen-St-72.pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_Queen-St-72.pdf).

Attachment 5 is an aerial photo of Memorial Park at 110 Simcoe Street South showing key site features.

Attachment 6 is a copy of the updated Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. for Memorial Park. Owing to its length, this updated 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\\_Simcoe-St-S-110.pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_Simcoe-St-S-110.pdf).

Attachment 7 is an aerial photo of the former Harmony Public School at 149 Harmony Road South showing key site features.

Attachment 8 is a copy of the updated Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. for the former Harmony Public School. Owing to its length, this updated 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-\(2023\).pdf](https://www.oshawa.ca/en/parks-recreation-and-culture/resources/Documents/Heritage-Research-Rpt_149-Harmony-Rd-S-(2023).pdf).

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.

Attachment 10 is a copy of correspondence from D.G. Biddle and Associates Ltd., on behalf of the owners of 149 Harmony Road South, advising that the owner is in opposition to the designation of their property under Part IV of the Ontario Heritage Act.

Attachment 11 is a copy of correspondence from the Chief Executive Officer of the R.M.G., current tenant at 72 Queen Street, consenting to the designation of the property under Part IV of the Ontario Heritage Act.

## **2.0 Recommendation**

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

1. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as Union Cemetery, located at 760 King Street West, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
  - a. Preparing a Notice of Intention to Designate the property known as Union Cemetery, located at 760 King Street West, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 2 of said Report;

- b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
  - c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
  - d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.
2. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the Robert McLaughlin Gallery, located at 72 Queen Street, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
  - a. Preparing a Notice of Intention to Designate the property known as the Robert McLaughlin Gallery, located at 72 Queen Street, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 4 of said Report;
  - b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
  - c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
  - d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.
3. That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as Memorial Park, located at 110 Simcoe Street South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:
  - a. Preparing a Notice of Intention to Designate the property known as Memorial Park, located at 110 Simcoe Street South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 6 of said Report;
  - b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
  - c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
  - d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.

4. That, pursuant to Report ED-23-196 dated October 11, 2023, the Economic and Development Services Committee select an appropriate Option under Section 5.3.4 of said Report, concerning the potential designation of the property containing the former Harmony Public School located at 149 Harmony Road South as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

#### **4.1 Input from City staff**

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

- Chief Administrative Officer
- Commissioner, Safety and Facilities Services
- Commissioner, Corporate and Finance Services
- City Solicitor

#### **4.2 Consultation with Robert McLaughlin Gallery**

Prior to Council's consideration of Report ED-23-55, 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. at 72 Queen Street. By email correspondence dated January 30, 2023, the C.E.O. has advised that 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. The C.E.O. stated that recent additions (i.e. installation of Douglas Coupland artwork backyard improvements) appear to have not been hindered by the current listed, non-designated status.

The C.E.O. also noted that once there was more information available to help guide their position on whether or not to support designation (i.e. a Heritage Research Report), a briefing to the R.M.G.'s Board of Directors will be provided and the R.M.G. will provide City staff with their recommendation.

Once complete, a copy of the Heritage Research Report for the R.M.G. at 72 Queen Street (see Attachment 4) was shared with the C.E.O., and was asked to provide an updated stance on designation.

On September 29, 2023, the C.E.O. of the R.M.G. advised that they support the designation of the property (see Attachment 11).

#### **4.3 Consultation with Owner of 149 Harmony Road South**

In accordance with Council's direction pursuant to Report ED-23-55 dated March 1, 2023, Colony Real Estate Development Limited, the property owner of 149 Harmony Road South, was sent a copy of the Heritage Research Report dated September 19, 2023

prepared by A.R.A. Ltd. (see Attachment 8) for 149 Harmony Road South, and was asked to provide an updated stance on designation. As noted in Report ED-23-55 dated March 1, 2023, the property owner's stance at the time Report ED-23-55 was written was to not support designation of the property, including any part of the former school building, notwithstanding the conclusions of a Cultural Heritage Evaluation and Options Analysis dated May 30, 2019 prepared by Golder Associates Ltd. ("Golder") for the owner. In this regard, 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.

Golder also noted that 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 recommended conducting a heritage conservation plan for the rehabilitation of the building in a new configuration and use.

On October 1, 2023, in response to staff's circulation of the September 19, 2023 Heritage Research Report prepared by A.R.A. Ltd., the property owner of 149 Harmony Road South advised that they do not support the designation of the property (see Attachment 10).

Given that the property owner does not support designation, Section 5.3.4 of this Report has been prepared with appropriate options for selection by the Economic and Development Services Committee with respect to the potential designation of the former Harmony Public School as a property of cultural heritage value or interest under Part IV of the Heritage Act.

#### **4.4 Consultation with Heritage Oshawa**

Under Section 29 of the Heritage Act, municipalities must consult with their municipal heritage committee prior to giving notice of their intention to designate a property. Accordingly, staff consulted with Heritage Oshawa at their September 28, 2023 meeting on the findings of each respective Heritage Research Report and requested their stance on the designation of all four (4) properties.

On September 28, 2023, Heritage Oshawa supported the findings of the Heritage Research Reports and recommended that the following four (4) listed, non-designated properties on the Register be designated under Part IV of the Heritage Act:

- Union Cemetery at 760 King Street West;
- The R.M.G. site at 72 Queen Street;
- Memorial Park at 110 Simcoe Street South; and,
- The former Harmony Public School at 149 Harmony Road South.

## **5.0 Analysis**

### **5.1 Background**

In October 2022, the Provincial government introduced Bill 23, the “More Homes Built Faster Act, 2022” (“Bill 23”), which included amendments to 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 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 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.

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

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

- Union Cemetery at 760 King Street West (“Union Cemetery”, owned by the City);
- The R.M.G. site at 72 Queen Street;
- Memorial Park at 110 Simcoe Street South (“Memorial Park”, owned by the City); and,
- The former Harmony Public School at 149 Harmony Road South, owned by Colony Real Estate Development Limited.

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

As noted in Section 1 of this Report, on April 3, 2023 Council considered Report ED-23-55 dated March 1, 2023 and adopted a four-part recommendation. This recommendation, as adopted, directed City staff to prepare a Heritage Research Report, including a statement of Cultural Heritage Value or Interest and a detailed listing of heritage attributes, for each of the four (4) above noted properties identified in the City’s Register as listed, non-designated properties. Staff were also directed to report to the Economic and Development Services Committee in Q4 2023 with a recommendation concerning designation for each of the four (4) subject properties, based upon the Heritage Research Reports. For the privately-owned property (i.e. the former Harmony Public School) and the one City-owned property not directly controlled by Council (i.e. the R.M.G., which has a C.E.O. and Board of Directors), Council’s directive on this matter also involved obtaining a stance on designation from the respective property owner and board of directors, in order to inform Council’s decision-making. These positions are referenced in Sections 4.2 and 4.3 of this Report.

## **5.2 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 two 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.

As per Council's direction pursuant to Report ED-23-55 dated March 1, 2023, Economic and Development Services staff retained the services of A.R.A. Ltd. for the preparation of Heritage Research Reports for the four (4) listed, non-designated properties on the City's Register (see Attachments 2, 4, 6 and 8).

## **5.3 Historical Significance of Listed, Non-designated Properties**

### **5.3.1 Union Cemetery**

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 2), Union Cemetery at 760 King Street West meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, 5, 6, 7, 8, and 9.

Some key findings of the Heritage Research Report for Union Cemetery at 760 King Street West are as follows:

- Union Cemetery has physical value as a representative example of an early pioneer cemetery and a Garden cemetery design. The property contains the following heritage attributes that reflect this value:
  - The monuments and grave markers with their variety of materials, design motifs, surviving inscriptions and placement associated with the original 19-acre portion of the cemetery
  - The presence of the office building, limestone mausoleum, columbaria's, military cenotaph, and various monuments and markers found throughout the entire cemetery

- The wrought iron gates marking the cemetery's main entrance
  - The metal fencing and row of mature trees which denote the cemetery boundary
  - The designed circulation patterns which create defined spaces of various shapes and sizes
  - Unobstructed view of the 32-acre cemetery located at the corner of Thornton Road in the City of Oshawa
  - The park-like setting including meandering pathways and designed nature features of the site
- Union Cemetery has historic value as it reflects the early history of the City of Oshawa and holds the memorials of some of Oshawa's earliest pioneer families, some which date back to 1837.
  - Union Cemetery has associative value as it reflects the work of Prussian-born landscape architect H.A. Engelhardt, who designed the central section of the cemetery in 1875.

In view of the foregoing, staff recommend that the process to designate Union Cemetery under Part IV of the Heritage Act as a property of cultural heritage value or interest be initiated.

### **5.3.2 Robert McLaughlin Gallery**

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 4), the R.M.G. at 72 Queen Street meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, 6, and 7.

Some key findings of the Heritage Research Report for the R.M.G. are as follows:

- 72 Queen Street has design value as a representative example of the Brutalist architecture style with Art modern influences. The property contains the following heritage attributes that reflect this value:
  - Two-storey rectangular massing
  - Plain surfaced concrete walls
  - Flat roof with glass barrel-vaulted skylight
  - Semi-circular bank of large windows on the facade
  - Front entrance framed with concrete columns
  - Symmetrical entranceway with ramps and stairs
  - Rounded corners on rear elevation with curved windows
- 72 Queen Street is associated with the McLaughlin family who financially, socially, and artistically, supported the creation of a permanent art gallery in Oshawa.

- 72 Queen Street is associated with architects Hugh Allward, of the Toronto firm Allward and Gouinlock.

In view of the foregoing, and on the basis that the board of directors for the R.M.G. supports designation as discussed in Section 4.2 of this Report, staff recommend that the process to designate the R.M.G. under Part IV of the Heritage Act as a property of cultural heritage value or interest be initiated.

### **5.3.3 Memorial Park**

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 6), Memorial Park at 110 Simcoe Street South meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, 6, 7, and 9.

Some key findings of the Heritage Research Report for Memorial Park at 110 Simcoe Street South are as follows:

- Memorial Park has physical value as a representative example of an urban public park built for the citizens of Oshawa. The property contains the following heritage attributes that reflect these values:
  - The entire 2.93-acre rectangular property known as Memorial Park
  - The McLaughlin Bandshell including elaborate details and the six-arch band roof which together form a shell-like design.
  - The four full size murals commemorating Oshawa's Ontario Regiment
  - The War Memorial/Cenotaph with its curved stone monument topped by bronze statue, with embedded stones of various colours and significant fragments from all over the world and bronze tablets inscribed with names of fallen soldiers.
  - The raised stone garden surrounding the War Memorial/Cenotaph with inscribed stone which reads "The Garden of Unforgotten"
  - The organized design of low stone walls surrounding the War Memorial/Cenotaph and found throughout landscape.
  - The unobstructed view of the War Memorial/ Cenotaph from Simcoe Street South
  - The designed circulation patterns and pathways which create defined spaces of various shapes and sizes
  - The park-like setting, meandering pathways, and mature tree canopy

- Memorial Park has historical value due to its direct association with the Pedlar family and Pedlar People Limited which played an important role in Oshawa's Industrial history.
- Memorial Park is associated with Oshawa philanthropist and industrialist Colonel R.S. McLaughlin, who donated the \$18,000 needed to construct the Bandshell.
- Memorial Park is valued as a space to memorialize Oshawa residents who served in the Canadian Armed Forces during major conflicts.

In view of the foregoing, staff recommend that the process to designate Memorial Park under Part IV of the Heritage Act as a property of cultural heritage value or interest be initiated.

#### **5.3.4 Harmony Public School (149 Harmony Road South)**

On the basis of the cultural heritage value or interest outlined in the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. (see Attachment 8), the former Harmony Public School at 149 Harmony Road South meets the criteria for designation under Part IV of the Heritage Act, in accordance with Ontario Regulation 9/06, specifically criteria 1, 4, 8, and 9.

Some key findings of the Heritage Research Report for the former Harmony Public School at 149 Harmony Road South are as follows:

- 149 Harmony Road South has design value as a representative example of an educational building constructed in a refined Beaux-Arts architectural style. The property contains the following heritage attributes that reflect its value:
  - Two-storey Beaux-Arts building
  - Flat roof
  - Brick parapet with date stone marker which reads "Harmony Public School, East Whitby NO.1 1924"
  - Moulded cornice and frieze with dentils
  - Brick cladding including Flemish and Running bond with brick quoining
  - Symmetrical façade
  - Centered frontispiece with portico exhibiting Classical influences including fluted wood columns with "Corinthian" style capitals, entablature supporting a gabled pediment decorated with dentils and recessed rectangular doorway with arched transom and smooth stone detailing.
  - Rectangular window openings with flat arch with four over four and eight over eight windows

- 149 Harmony Road South is directly associated with the Farewell family and their influence on the role of education in the village of Harmony.
- 149 Harmony Road South has associative value as the primary educational institution which has served the needs of the Harmony community for 161 years.
- 149 Harmony Road South is historically linked to its surroundings as one of the last vestiges of the Village of Harmony, which has largely disappeared into the City of Oshawa.

On the basis that the property owner of 149 Harmony Road South continues to not support heritage designation of their property (see Section 4.3 of this Report), and that the various Heritage Research Reports prepared for the subject property (including the most recent report dated September 19, 2023 prepared by A.R.A. Ltd.) identify heritage attributes worth preserving, two (2) options are available on a go-forward basis to deal with this matter.

#### **5.3.4.1 Option 1: Initiate Process to Designate**

Should the Economic and Development Services Committee wish to proceed with initiating the process to designate 149 Harmony Road South under Part IV of the Heritage Act, as supported by the Heritage Research Report dated September 19, 2023 prepared by A.R.A. Ltd. for the subject property, the following recommendation should be adopted:

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

That, pursuant to Report ED-23-196 dated October 11, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property known as the former Harmony Public School, located at 149 Harmony Road South, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act by undertaking actions such as the following:

- a. Preparing a Notice of Intention to Designate the property known as the former Harmony Public School, located at 149 Harmony Road South, under the Ontario Heritage Act which will generally include the Designation Statement and Description as described in the Heritage Research Report affixed to Attachment 8 of said Report;
- b. Circulating the Notice in accordance with the requirements of the Ontario Heritage Act;
- c. Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- d. Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council.”

#### **5.3.4.2 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-23-196 dated October 11, 2023, the former Harmony Public School 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.

#### **5.4 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.

#### **5.5 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.

## **5.6 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 are not subject to the new standards as listed, non-designated properties. They would be if they were designated.

### **5.7 Heritage Property Tax Reduction Program**

On March 21, 2011, Council adopted a Heritage Property Tax Reduction Program which provides annual tax reductions for eligible heritage properties as an incentive to encourage property owners to restore and maintain heritage properties within the City. The amount of the Heritage Property Tax Reduction is 40% of the City and education portions of the property taxes. At this time, the Region of Durham does not participate in the program and therefore there is currently no reduction of the Region's portion of the property taxes.

In order to qualify for the Heritage Property Tax Reduction Program, a property must meet the following criteria:

- a) Be located in the City;
- b) Be designated under Part IV or Part V of the Ontario Heritage Act;
- c) Be subject to a Heritage Easement Agreement with the City; and,
- d) Comply with additional eligibility criteria as set out in By-law 106-2011.

Additional eligibility criteria set out in By-law 106-2011 include, but are not limited to:

- a) The property is not subject to any by-law contravention, work order or outstanding municipal requirements or liens; and,
- b) The property is in good and habitable condition and meets all of the City's requirements related to the heritage property.

Given that the Union Cemetery, Memorial Park and R.M.G. are City-owned properties and not currently subject to payment of taxes, they would not be eligible under the Heritage Property Tax Reduction Program. However, the property at 149 Harmony Road South is privately owned and could be eligible under the program.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of 149 Harmony Road South were granted the 40% reduction to the City and education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the property owner.

However, this value is anticipated to be lower in consideration that only the former school building and its immediate surroundings are considered to be part of the heritage attributes to be protected under the Ontario Heritage Act. Therefore only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the entire property at 149 Harmony Road South. In the event that the property owner applies for the Heritage Property Tax Reduction Program, staff will work with the property owner and the Municipal Property Assessment Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the former school building and immediate surrounding area that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

## **6.0 Financial Implications**

In the event that Council chooses to designate Union Cemetery and Memorial Park, the City would continue to maintain each property to a standard that is in keeping with the City's Property Standards By-law. If designated, City staff will need to have consideration for the heritage attributes identified in each respective Designation Statement and Description when planning for repairs, replacement or alterations to ensure those heritage attributes are protected and maintained. Costs to maintain, repair and alter City properties, buildings and structures will continue to be budgeted for through the annual operating budget approval process.

In the event that Council chooses to designate the R.M.G., the R.M.G. would continue to maintain and repair the property in accordance with the terms of their existing lease agreement with the City, and at their cost.

In the event that Council chooses to designate 149 Harmony Road South under Part IV of the Ontario Heritage Act, the associated costs are generally related to notice requirements, which can be accommodated within the 2023 Departmental budget.

In the event of any objection to designation of 149 Harmony Road South and referral to the Ontario Land Tribunal, the appropriate City staff, with the potential assistance of a heritage consultant, would need to participate in the hearing. These costs can be accommodated within the Departmental budget.

If 149 Harmony Road South is designated under the Ontario Heritage Act, and the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the property owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards.

In 2023, the total City and education portions of the property taxes for 149 Harmony Road South was \$21,867.93. If the entirety of the property were granted the 40% reduction to the City and the education portions of the property taxes, it would result in a reduction of approximately \$4,745.64 in the amount of property taxes paid annually to the City and School Boards by the property owner (\$3,773.17 in City taxes and \$972.47 in education taxes).

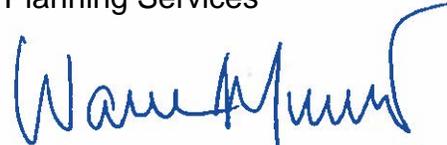
However, as discussed in Section 5.7 of this Report, this value is anticipated to be lower in consideration that only the former school building and the immediate surrounding area would be eligible to receive the rebate, and not the whole property in its entirety. In the event that the property owner applies for the Heritage Property Tax Reduction Program, staff will work with the property owner and the Municipal Property Assessment Corporation in order to determine the eligible rebate value. The 40% reduction will only apply to the portion of 149 Harmony Road South that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

## 7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this Report advance 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: Update on Impacts of Bill 23 on the City of Oshawa Register of Properties of Cultural Heritage Value or Interest

Item: ED-23-196  
Attachment 1

Address: 760 King Street West (Union Cemetery)

Ward: Wards 3 and 4

File: 12-04-0314



 Subject Site

City of Oshawa  
Economic and Development Services



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

Item: ED-23-196  
Attachment 3

Address: 72 Queen Street (Robert McLaughlin Gallery)

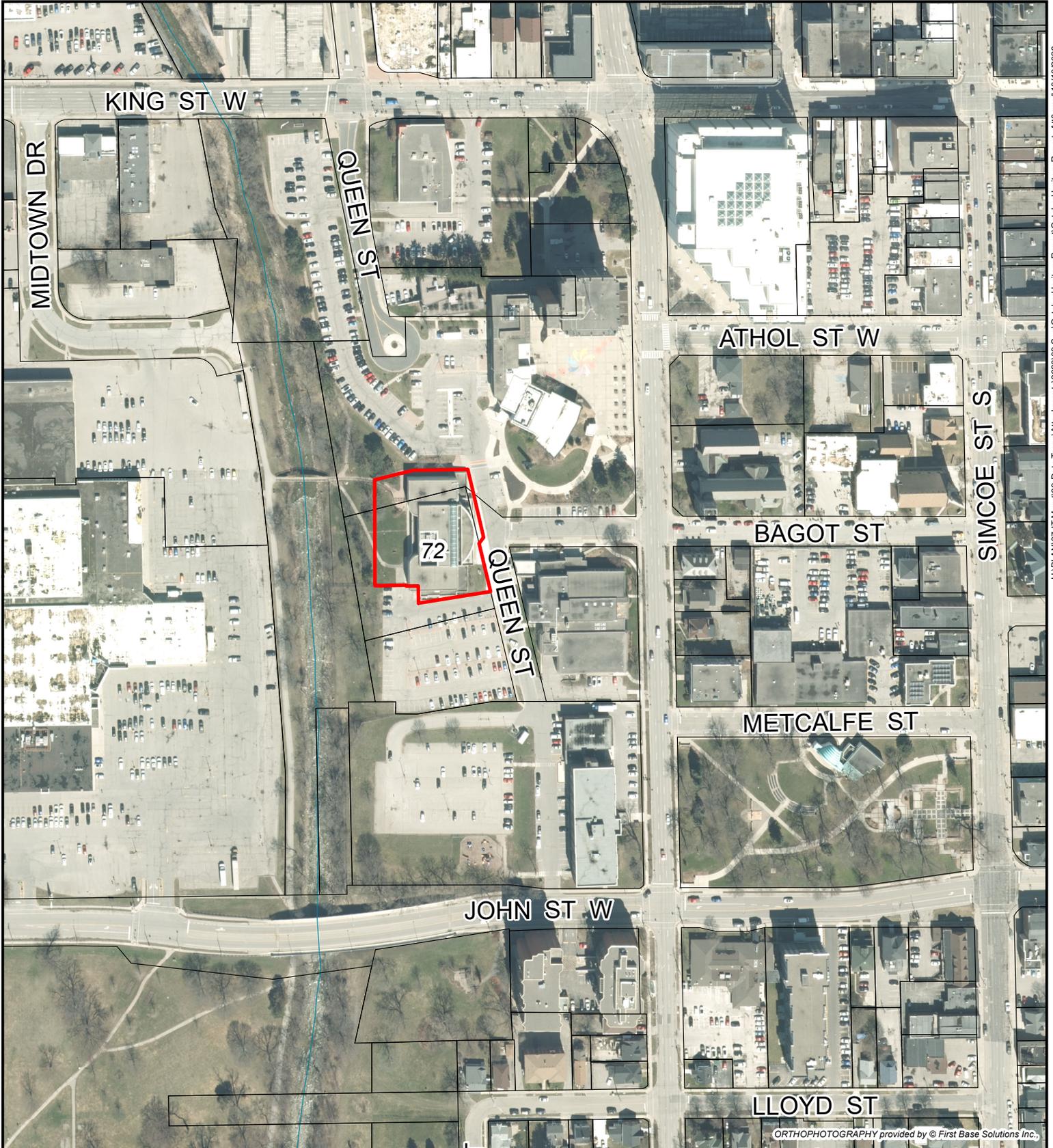
Ward: Wards 3 and 4

File: 12-04-0314



 Subject Site

City of Oshawa  
Economic and Development Services 



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

Item: ED-23-196  
Attachment 5

Address: 110 Simcoe Street South (Memorial Park)

Ward: Wards 3 and 4

File: 12-04-0314



 Subject Site

City of Oshawa  
Economic and Development Services 



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

Item: ED-23-196  
Attachment 7

Address: 149 Harmony Road South (Harmony Public School)

Ward: Wards 3 and 4

File: 12-04-0314

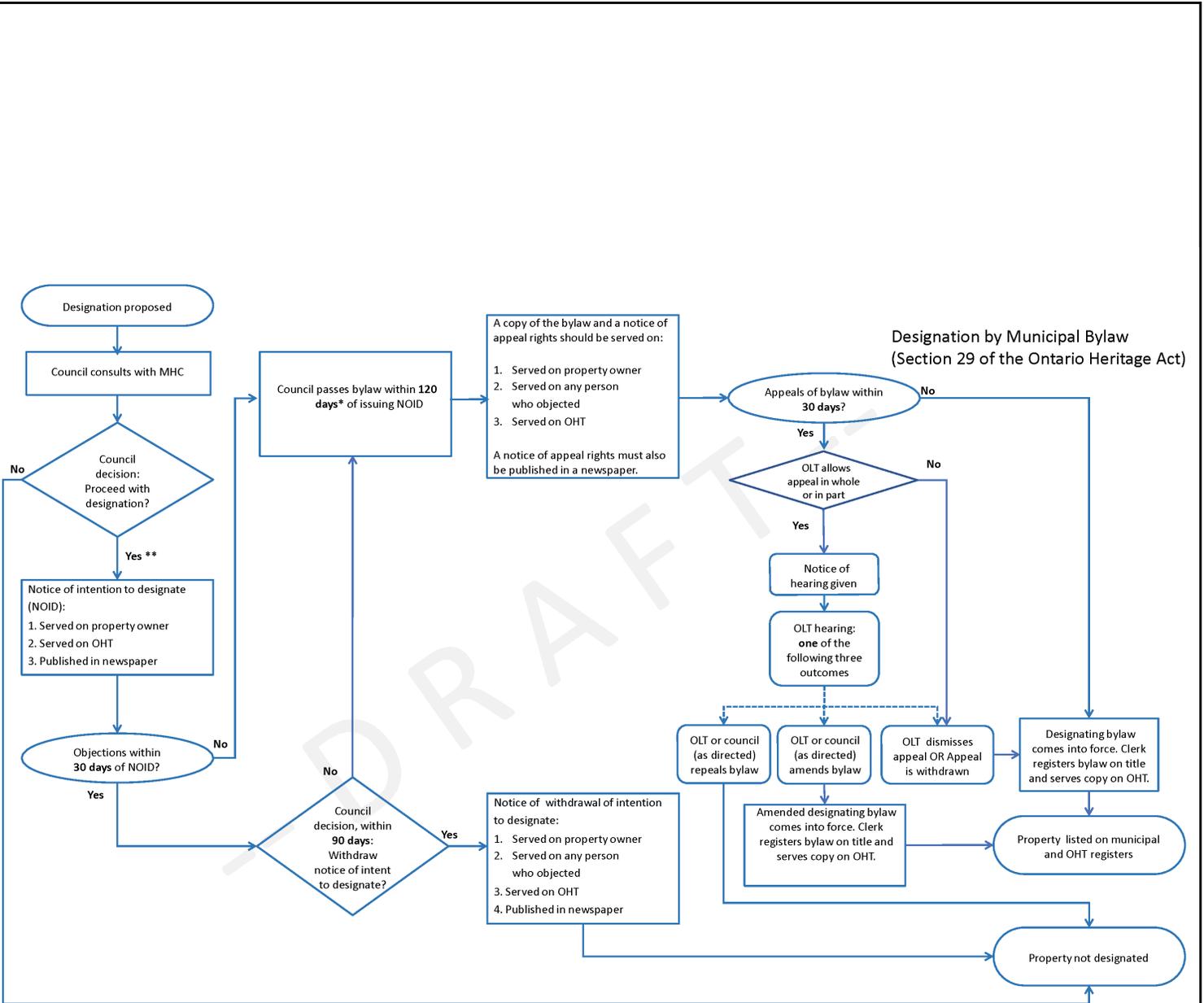


 Subject Site

City of Oshawa  
Economic and Development Services 



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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.



# D. G. Biddle & Associates Limited

consulting engineers and planners

96 KING ST. E., OSHAWA, ONTARIO L1H 1B6    PHONE (905) 576-8500    FAX (905) 576-9730  
e-mail: info@dgbiddle.com

September 29, 2023

Planning Department  
City of Oshawa  
50 Centre Street South  
Oshawa ON L1H 3Z7

Attention: Connor Leherbauer

**RE: 149 Harmony Road South, Harmony Public School Building  
Heritage Research Report  
Our File: 115175**

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Dear Mr. Leherbauer:

D.G. Biddle and Associates Limited has been retained by the owner, Colony Real Estate Development Inc., to provide professional land use planning consulting services in support of development applications for the property at 149 Harmony Road South in the City of Oshawa, the Harmony Road Public School.

We are in receipt of Evaluation of 149 Harmony Road South - Harmony Public School report prepared by Archaeological Research Associates Ltd. for the City of Oshawa (September 19, 2023).

On September 9, 2019, the Oshawa Heritage Committee brought forward a proposal to the Development Services Committee to designate 149 Harmony Road South as a heritage property. The Development Services Committee recommended to Council that the property not be designated, but instead to list the property on the City of Oshawa's Register of Properties of Cultural Heritage Value or Interest. The recommendation to not designate was approved by City Council on September 23, 2019.

The owner purchased the property from the Durham District School Board with the intent to redevelop the property under the permissions of the Region of Durham and City of Oshawa Official Plans.

Harmony Road South and the properties fronting onto Harmony are designated as **Regional Corridor** in the Region of Durham Official Plan, with an underlying **Living Areas** land use designation. The Regional Corridor designation is intended to allow for higher density residential, commercial, and mixed-use development with

minimum residential density requirements of 60 units per hectare. The Living Areas land use designation does not specify a minimum or maximum density permission, but instead defers to the local official plan.

The City of Oshawa Official Plan designates the property for **Residential** land uses. Location criteria found in Table 2 of the Oshawa Official Plan would generally allow for **Medium Density I Residential** land use and density permissions due to its location on an arterial road and at the periphery of a residential neighbourhood. The Medium Density I Residential land use designation permits densities of 30 to 60 units per hectare.

Harmony Road South is a Regional Road under the jurisdiction of the Region of Durham. The Region's intersection spacing protocol will require any new driveway into the property to line up opposite Hoskin Avenue. Site access is restricted along Harmony Road South due to the site's limited frontage and proximity to Hoskin Avenue. No other site access location is feasible due to restrictions of turning movements into and out of the site and due to potential conflicting turning movements on Harmony. A site access opposite Hoskin Avenue is the only feasible option.

Unfortunately, the Harmony Road Public School is located at the intersection of Harmony Road with Hoskin Avenue. The location of the existing building does not permit feasible site access in line with the Region's site access protocol.

As such, the designation of the Harmony Road Public School would severely limit access to the site, which in turn will severely limit any future development potential of the site. For this reason, the owner is opposed to the designation of the Harmony Road Public School under the Ontario Heritage Act.

Yours Truly,  
**D.G. BIDDLE & ASSOCIATES LIMITED**

*Ashlee Prescott*

Ashlee Prescott  
Junior Planner

Cc. Monica Chen, Colony Real Estate Development Inc. (via email)

## Harrison Whilsmith

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**From:** Lauren Gould  
**Sent:** Friday, September 29, 2023 10:49 AM  
**To:** Harrison Whilsmith  
**Cc:** Meaghan Harrington; Connor Leherbauer  
**Subject:** RE: Robert McLaughlin Gallery - Heritage Research Report

Hi Harrison,

Thanks for your patience in receiving feedback from us on the designation.

I discussed it with the Board last night, presented the findings, and shared the responses to the questions below. The Board is agreeable to the designation as a heritage building and understands any implications. We also want to preserve the legacy of the McLaughlins and Arthur Erickson, so there is no opposition.

There was a short discussion about the classification of brutalist vs. modernist as Erickson is often classified as both. We're certainly not asking that the report be changed to reflect this, just passing it along for information.

Let me know if you need any other information from me.

Many thanks  
Lauren

LAUREN GOULD (she/her)  
CEO

The Robert McLaughlin Gallery  
905 576 3000 ext 104 | [rmg.on.ca](http://rmg.on.ca)