

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-52

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North

Ward: Ward 4

File: 12-04-0158

1.0 Purpose

The purpose of this Report is to obtain Council’s direction on whether or not to consent to a property owner’s application to repeal part of By-law 148-2011 pursuant to the process under Section 32 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”) for the property municipally known as 452 Simcoe Street North (the “Subject Site” – see Attachments 1 and 2).

The Subject Site features a two-and-a-half storey single detached dwelling that is representative of the late Georgian Revival style. Among the key heritage attributes associated with the dwelling that are identified in By-law 148-2011 is the shallow gabled cast roof clad in cedar shingles.

On February 26, 2024, City Council considered Correspondence Item CNCL-24-21 dated February 12, 2024, being a request from the owner of the property at 452 Simcoe Street North (the “Owner”) to repeal part of By-law 148-2011. Specifically, the request was to remove from the list of heritage attributes the reference to the roof being “clad in cedar shingles”. After considering the Owner’s request to repeal part of By-law 148-2011 pursuant to Section 32 of the Ontario Heritage Act, Council passed the following motion:

- “1. That staff be directed to publish notice in accordance with Section 32(3) of the Ontario Heritage Act; and,
2. That staff report back to Council once the process set out in the Ontario Heritage Act is complete.”

Attachment 1 is a map showing the Subject Site and the existing zoning in the area.

Attachment 2 is an aerial photo of the Subject Site showing key site features.

Attachment 3 is a copy of By-law 148-2011, being a by-law designating the Subject Site under Part IV of the Ontario Heritage Act, that was passed by Council on November 28, 2011.

Attachment 4 is a copy of Correspondence Item CNCL-24-21, being a request from the Owner to repeal part of By-law 148-2011, that was considered by Council on February 26, 2024.

Attachment 5 is a copy of the heritage research report for the Subject Site prepared by Melissa Cole dated May 2011. 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_452-Simcoe-St-N.pdf.

Attachment 6 is a draft flow chart released by the Provincial government illustrating the process to repeal a designation by-law, or part thereof, at the owner's initiative, under Section 32 of the Ontario Heritage Act.

2.0 Recommendation

That, pursuant to Report ED-24-52 dated May 1, 2024, the Economic and Development Services Committee select an appropriate option under Section 5.8 of said Report, concerning the request made by the owner of the property municipally known as 452 Simcoe Street North to repeal part of By-law 148-2011 pursuant to the process under Section 32 of the Ontario Heritage Act, for the purpose of removing one of the heritage attributes associated with said property as listed in By-law 148-2011.

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, Corporate and Finance Services
- Commissioner, Safety and Facilities Services
- City Solicitor

4.1 Consultation with Heritage Oshawa

Under Section 32 of the Ontario Heritage Act, a Council must consult with its municipal heritage committee (Heritage Oshawa) prior to making a decision on a property owner's application to repeal part of a by-law passed to designate a property under Part IV of the Ontario Heritage Act.

On March 21, 2024, Heritage Oshawa was consulted on the Owner's Section 32 application to repeal part of By-law 148-2011 for the Subject Site and made the following recommendation:

“That, pursuant to HTG-24-21 dated March 15, 2024, the Section 32 application to repeal a portion of By-law 148-2011, being an application to remove the wording “clad in cedar shingles” from the description of heritage attributes, be recommended for approval under Section 32 of the Ontario Heritage Act.”

5.0 Analysis

5.1 Background

On November 28, 2011, City Council passed By-law 148-2011, being a by-law to designate the Subject Site under Part IV of the Ontario Heritage Act (see Attachment 3).

In December 2012, the City and the Owner entered into a Heritage Easement Agreement (“H.E.A.”) which granted the Owner eligibility for the City's Heritage Property Tax Reduction Program. The H.E.A. is still in effect and the Owner continues to receive the reduction as granted through the City's Heritage Property Tax Reduction Program.

As noted in Section 1.0 of this Report, on February 26, 2024, City Council considered Correspondence Item CNCL-24-21, being a request from the Owner to repeal part of By-law 148-2011 in order to remove “clad in cedar shingles” from the description of heritage attributes associated with the Subject Site (see Attachment 4). Staff were subsequently directed to publish notice of the Owner's application to repeal part of By-law 148-2011 in accordance with Section 32(3) of the Ontario Heritage Act and then report back to Council once the process set out under Section 32 of the Ontario Heritage Act is complete.

5.2 Owner's Rationale

As outlined in Attachment 4 of this Report, the rationale for this request relates to the maintenance of the cedar shake roof. The Owner states that the maintenance of this feature has been “cumbersome and expensive”. Further to this point, the Owner advises that the cost of cedar shakes continues to increase and that the ability to find a competent contractor has been a challenge.

5.3 Heritage Research Report

A heritage research report dated May 2011 prepared by Melissa Cole, a local heritage consultant, describes the cultural value and significance of the Subject Site (see Attachment 5). With respect to the roof feature, the heritage research report notes the following:

“The bell cast roof is a unique feature of this home and the integrity of the roof has been maintained with a replacement cedar shingle roof. The roofline is side gabled with simple cornice moldings. There is one chimney that peeks the roofline on the west façade.”

Staff note that the aforementioned heritage research report for the Subject Site indicates that the cedar shingle material used on the roof was a replacement.

5.4 Process under Section 32 of the Ontario Heritage Act

Under Section 32 of the Ontario Heritage Act, an owner of property designated under the Ontario Heritage Act may apply to Council to repeal the by-law, or part thereof, designating the property.

Pursuant to Council's direction of February 26, 2024, City staff issued notice of the Owner's application to repeal part of By-law 148-2011 on February 28, 2024 in accordance with the City's Public Notice Policy. The last day to submit notice of objection to the application was April 2, 2024. No objections were received.

Upon receipt of a property owner's Section 32 application, the Council of the municipality is required to issue notice of the application to repeal. Attachment 6 of this Report illustrates the process, at the property owner's initiative, to repeal a designating by-law, or part thereof, under Section 32 (Part IV) of the Ontario Heritage Act.

The Council of the municipality is required to consult with its municipal heritage committee prior to making a decision on a Section 32 application. As noted in Section 4.1 of this Report, Heritage Oshawa was consulted at their March 21, 2024 meeting and recommended that the subject Section 32 application be approved. After consulting with its municipal heritage committee and considering any objections received, the Council shall, within 120 days of issuing notice, make a decision to either refuse or consent to the property owner's Section 32 application.

Staff note that a decision by Council, whether to refuse or consent to a Section 32 application, is subject to appeal. In the event Council chooses to consent to the subject Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, any person may appeal the decision to the Ontario Land Tribunal. In the event Council chooses to refuse the subject Section 32 application by selecting Option 2 outlined in Section 5.8.2 of this Report, the Owner may appeal the decision to the Ontario Land Tribunal.

5.5 Effect of Requested Repeal of Part of By-law 148-2011

In their Section 32 application, the Owner has requested to have the wording "clad in cedar shingles" removed from the description of heritage attributes as described in By-law 148-2011 (see Attachment 4). The current wording in By-law 148-2011 reads "The shallow gabled bell cast roof with side gables clad in cedar shingles" (see Attachment 3).

In the event Council chooses to consent to the Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, a repealing by-law will need to be passed by Council. The repealing by-law will repeal and replace By-law 148-2011 resulting in the cedar shingles currently located on the roof to no longer be considered a heritage attribute. In the replacement by-law, the resulting heritage attribute will read "The shallow gabled bell cast roof with side gables".

Should the Owner (or their successors) wish to change the material used on the gabled roof in the future, this would no longer be considered an alteration to a designated property. The Owner (or their successors) could change the material used on the gabled roof as they please and Council's consent would not be required.

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.

The Property Standards By-law can be found at the following link:

<https://www.oshawa.ca/en/Document-Feeds/General-By-Laws/PropertyStandardsBylaw1-2002.pdf>.

Section 9 of the Property Standards By-law provides standards for the maintenance of designated heritage properties to ensure that no heritage attribute is altered, demolished, removed or relocated, except in accordance with the Ontario Heritage Act, including any permits or permissions required under such Act.

As a designated property, the Subject Site is subject to Section 9 of the Property Standards By-law.

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 tax. 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.

In 2023, the total City and education portions of the property taxes for 452 Simcoe Street North was \$4,532.10. The Owner is currently granted the 40% reduction to the City and education portions of the property taxes which resulted in a reduction of \$1,441.36 and \$371.48, respectively, in the amount of property taxes paid to the City and School Boards by the Owner in 2023.

As noted in Section 5.1 of this Report, in December 2012, the City and the Owner entered into an H.E.A. which granted the Owner eligibility for the City's Heritage Property Tax Reduction Program. Schedule "B" of said H.E.A. includes the description of heritage attributes as described in By-law 148-2011. In the event Council chooses to consent to the Owner's Section 32 application by selecting Option 1 outlined in Section 5.8.1 of this Report, City staff would work with the Owner to amend Schedule "B" of the subject H.E.A. to include the updated description of heritage attributes.

5.8 Options

5.8.1 Option 1: Consent to the Owner's Application to Repeal Part of By-Law 148-2011

Should the Economic and Development Services Committee wish to recommend that Council consent to the Owner's application under Section 32 of the Ontario Heritage Act to repeal part of By-law 148-2011, the following recommendation should be adopted:

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

1. That, pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of By-law 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording "clad in cedar shingles" from the description of heritage attributes associated with subject property, be recommended for approval and that an appropriate by-law, which will repeal and replace By-law 148-2011, be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services; and,
2. That, pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council's decision, and

publish notice of Council's decision in accordance with Section 32(5) of the Ontario Heritage Act and the City's Public Notice Policy."

Staff note that in the event Council chooses to consent to the Section 32 application, a repealing by-law must also be passed within 120 days of the City issuing notice of the application. Given that this 120 day period ends on June 27, 2024, the repealing by-law would need to be passed by Council at their meeting on either May 27, 2024 or June 24, 2024. Accordingly, an appropriate by-law has been prepared for adoption by Council at their May 27, 2024 meeting in the event Option 1 of this Report is selected.

Staff also note that in the event Council chooses to consent to the Section 32 application, any person who objects to Council's decision may appeal to the Ontario Land Tribunal within 30 days after notice of the decision has been published.

5.8.2 Option 2: Refuse the Owner's Application to Repeal Part of By-Law 148-2011

Should the Economic and Development Services Committee wish to recommend that Council refuse the Owner's application under Section 32 of the Ontario Heritage Act to repeal part of By-law 148-2011, the following recommendation should be adopted:

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

1. That, pursuant to Report ED-24-52 dated May 1, 2024, the application submitted by the owner of the designated property at 452 Simcoe Street North to repeal a portion of By-law 148-2011 under Section 32 of the Ontario Heritage Act, being an application to remove the wording "clad in cedar shingles" from the description of heritage attributes associated with the subject property, be recommended for refusal; and,
2. That, pursuant to Report ED-24-52 dated May 1, 2024, City staff be directed to serve notice on the property owner and the Ontario Heritage Trust of Council's decision in accordance with Section 32(5) of the Ontario Heritage Act."

Staff note that in the event Council chooses to refuse the Section 32 application, the Owner may appeal to the Ontario Land Tribunal within 30 days after receiving notice of Council's decision.

6.0 Financial Implications

Council's decision to either refuse or consent to the Owner's Section 32 application will be subject to a 30 day appeal period after publishing the notice. In the event of an appeal 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 would be accommodated through the Corporate Litigation Account.

As the Subject Site is designated under Part IV of the Ontario Heritage Act, the Owner has applied for and currently receives a reduction of 40% of the property taxes paid annually to the City and School Boards through the City's Heritage Property Tax Reduction Program. In the event Council chooses to either refuse or consent to the Section 32 application, the Owner's eligibility for the City's Heritage Property Tax Reduction Program will still be

satisfied. The Owner will continue to receive the 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 452 Simcoe Street North was \$4,532.10. The Owner is currently granted the 40% reduction to the City and education portions of the property taxes which resulted in a reduction of \$1,441.36 and \$371.48, respectively, in the amount of property taxes paid to the City and School Boards by the Owner in 2023.

7.0 Relationship to the Oshawa Strategic Plan

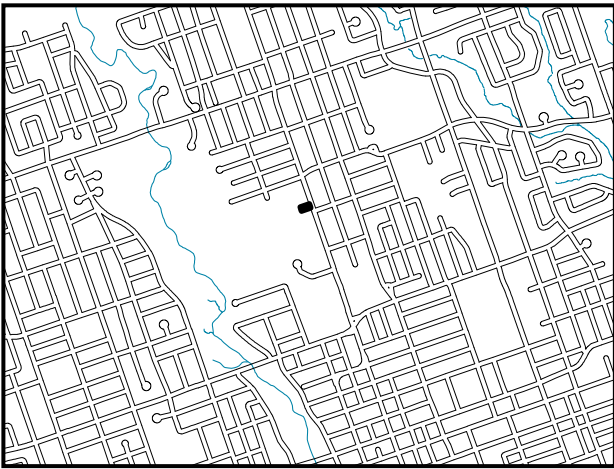
The recommendation in the Report advances the Cultural Vitality goal of the Oshawa Strategic Plan.



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



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department



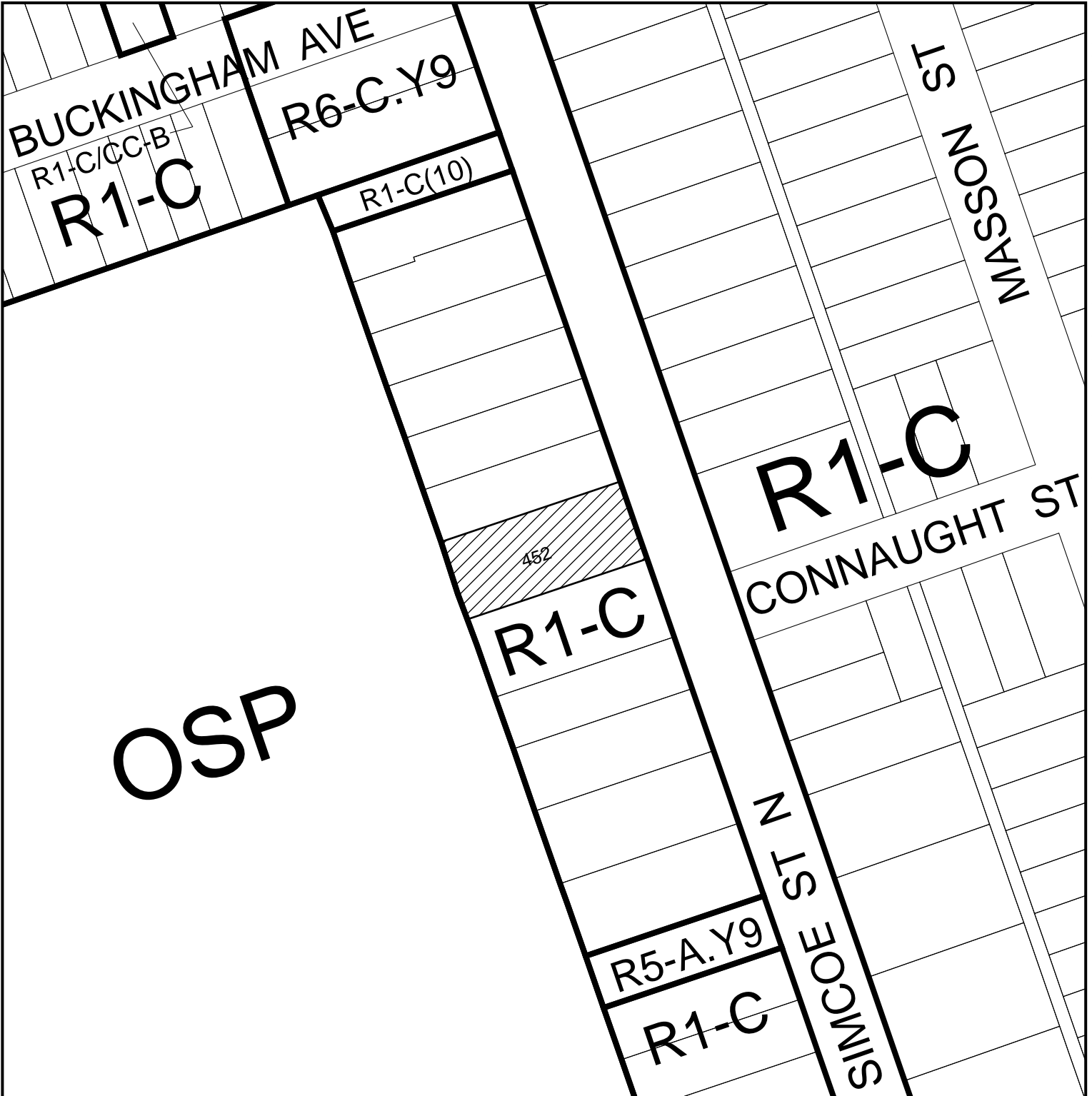
Item: ED-24-52
Attachment 1

Economic and Development Services

Subject: Update concerning an Application under Section 32
of the Ontario Heritage Act to Repeal Part of
By-Law 148-2011 for the Property Municipally
Known as 452 Simcoe Street North

Ward: Ward 4
File: 12-04-0158


Subject Site 



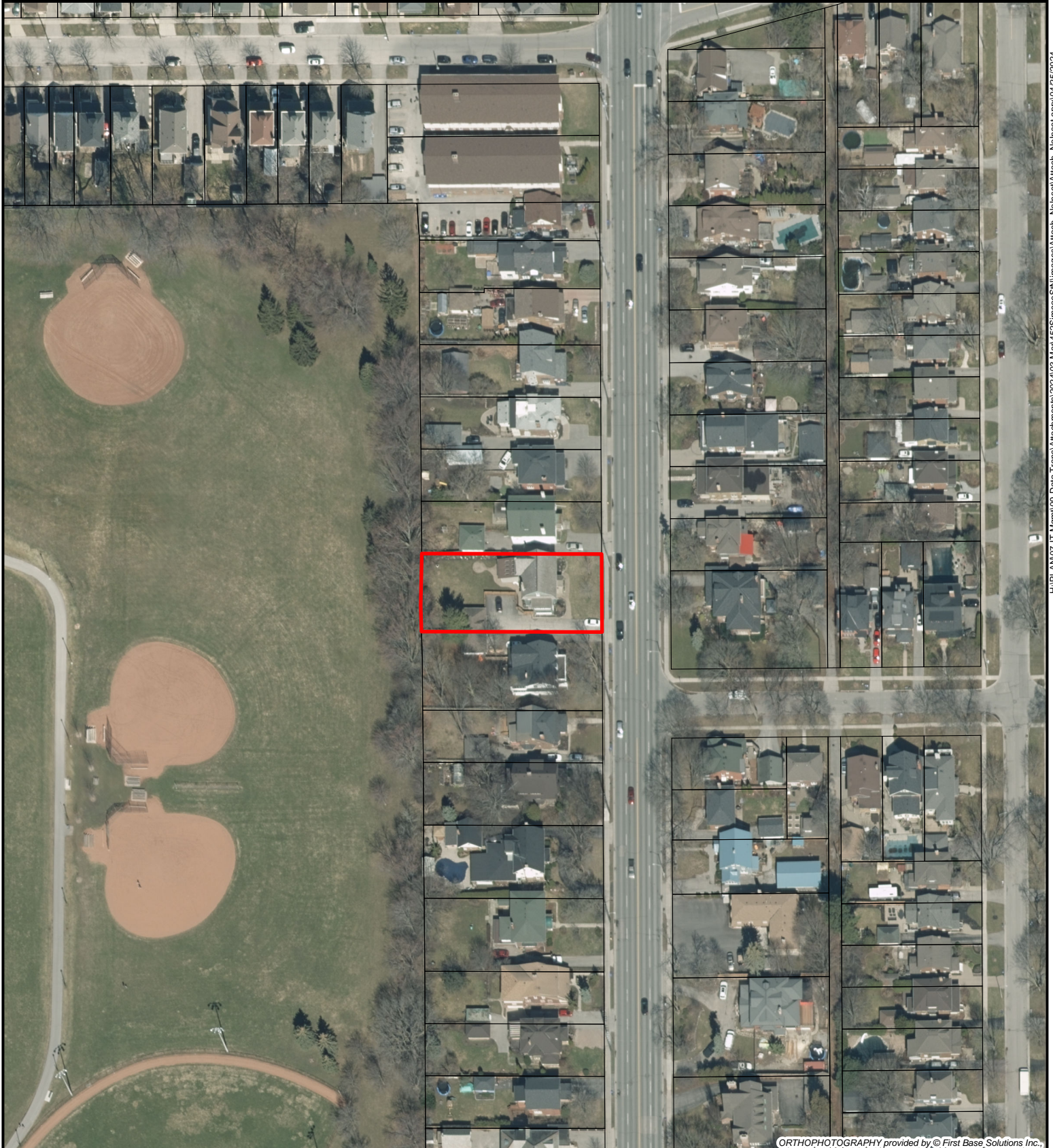
Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North

Item: ED-24-52
Attachment 2

Ward: Ward 4
File: 12-04-0158

 Subject Site

City of Oshawa
Economic and Development Services 



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being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

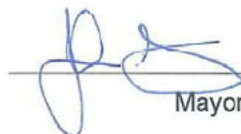
Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. **M.F.I.P.A. Sec. 14(1)** are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.



Mayor

City Clerk

**452 Simcoe Street North
Designation Statement and Description**

Location and Description of Property:

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20th century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

Legal Description:

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

Description of Heritage Attributes:

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.

From: adriana lupton <M.F.I.P.P.A. Sec 14(1)>
Sent: Monday, February 12, 2024 9:57 AM
To: clerks <clerks@oshawa.ca>
Subject: Heritage Designation

Dear Clerks, Mayor Carter and Council,

I am Adriana Lupton, a third generation owner of the property located at 452 Simcoe St. North. My home is a heritage designated home within Oshawa. I would like to take the opportunity to express my gratitude for the tax rebate which has assisted in the upkeep cost of the heritage home.

Although I appreciate my heritage designation, there is one element of it that is proving problematic in terms of maintenance. Specifically, the attribute within the designation that deals with the roof. It states under the description, "the shallow gabled bell cast roof with side gables clad in cedar shingles". Through the years, I have found that maintaining the cedar shake roof has been cumbersome and expensive. I would like to ask the council to amend my designation bylaw, to remove "clad in cedar shingles". I would like to take the opportunity to explain why.

The cedar shake continues to go up in price and is incredibly expensive now. More importantly, finding a competent contractor to do the job properly has been a challenge. I had a contractor who would repair/maintain it and his prices were high as he was one of the few that knew how to repair it. He has now retired and is no longer available. The cedar shake is not common any longer and as a result repairing and maintaining this roof has become near impossible for me. Cedar shake roofs require more maintenance over their lifespan, and add to the overall cost of the roof. It fades, warps, spits, and rot leaving my home vulnerable to water damage, pests and costly repairs. Maintaining this kind of roof takes a lot of work, and proper maintenance and cedar shake roof treatments needs to be done regularly to avoid faster deterioration. It is vital to me to keep my home in good repair, and there are many other roofing options that would be cost effective and keep the integrity of the home.

I cannot afford to continue with the expenses involved in maintaining the cedar shake roof. I am requesting that the above attribute from the heritage designation description By-law 148-2011 be removed. Thank you for your time and attention in this matter.

Yours sincerely,

Adriana Lupton



**By-Law 148-2011
of The Corporation of the City of Oshawa**

being a by-law to designate the property located at 452 Simcoe Street North, as being of cultural heritage value and interest pursuant to the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:

1. Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value and interest.
2. **M.F.I.P.A. Sec. 14(1)** are the registered owners of the property located at 452 Simcoe Street North in the City of Oshawa (the "Property"). The Property contains a good representation of a two-storey, detached dwelling of Georgian revival style built in the early 1920's in the City of Oshawa.
3. On October 19, 2011 the City forwarded to the Ontario Heritage Trust a Notice of Intent to Designate the Property.
4. Notice of intention to designate the Property was published in the *Oshawa This Week* newspaper (which has general circulation in the City of Oshawa) on October 19, 2011.
5. The last day of serving a Notice of Objection to the Notice of Intention to designate the Property was November 18, 2011. No Notice of Objection to the proposed designation was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. The Property, including the detached dwelling and its features which are described in Schedule "A" to this By-law, located at 452 Simcoe Street North, legally described as Plan 201, Lot 11, Part Lot 10, Oshawa, is hereby designated as being of cultural heritage value and interest.
2. The reasons for designation of this Property under the Act are set out in Schedule "A" to this by-law. Schedule "A" forms an integral part of this by-law.
3. A copy of this by-law shall be registered against the Property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40).
4. The City Clerk is hereby authorized to serve a copy of this by-law on the Ontario Heritage Trust and the registered owners of the Property, and to publish notice of the passing of this by-law in the *Oshawa This Week* newspaper.

By-law passed this twenty-eighth day of November, 2011.



Mayor



City Clerk

Schedule "A" to By-law 148-2011
of The Corporation of the City of Oshawa

**452 Simcoe Street North
Designation Statement and Description**

Location and Description of Property:

452 Simcoe Street North consists of a single detached residential dwelling located on the west side of Simcoe Street North, south of Buckingham Street and north of Adelaide Avenue, in an area of Oshawa that has remained largely unchanged since the original homes were constructed in the early 20th century. The house is one of many high-quality residential buildings from that time period sited along Simcoe Street North. Following World War 1, the City of Oshawa's economy was booming and this area became home to many junior executives, business owners, doctors and other professionals.

The house is a stately, two-and-a-half storey home that is representative of the late Georgian Revival style. It consists of a shallow gabled bell cast roof clad in cedar shingles. The main east façade addresses Simcoe Street North and features a three bay design with a central entranceway typical of Georgian architecture. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah. This Georgian Revival style home survives on a medium sized lot with mature vegetation.

Legal Description:

The property is located at 452 Simcoe Street North and is legally described as Plan 201, Lot 11, Part Lot 10, Oshawa.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of 452 Simcoe Street North lies in the fact that this home is a good representation of early twentieth century Georgian architecture. It is located in a neighbourhood that has remained relatively stable since its formation and the dwelling has been well maintained throughout the years. This area of homes reflects an interbellum era residential neighbourhood developed following World War 1, when Oshawa's economy was thriving and many junior executives, business owners, doctors and other professionals established their homes in this neighbourhood of the City. This particular Georgian Revival style home survives on a medium sized lot with mature vegetation, and is set well back from the street.

The dwelling is a stately, two-and-a-half storey rectangular form home that has a shallow gabled bell cast roof and a simple cornice. The arrangement of the windows and door create a symmetrical three bay façade typical of Georgian architecture. The main entranceway, classical in design, is sheltered under a small gabled roof porch supported by wooden posts. A two storey extension is built off the south façade with archways located on the first storey that enclose an open verandah.

Description of Heritage Attributes:

Key attributes that reflect the heritage value of the house at 452 Simcoe Street North:

- The two-storey Georgian Revival design, featuring a symmetrical 3-bay frontal façade with centrally positioned main entrance;
- The shallow gabled bell cast roof with side gables clad in cedar shingles;
- The smooth stucco unadorned exterior walls with straight stone window accents;
- The uniform fenestration with casement windows;
- The simple cornice moldings;
- The Edwardian double height porch on the south side gable; and
- The location of the house being set well back from Simcoe Street North.

Heritage Property Tax Reduction

The City of Oshawa has a Heritage Property Tax Reduction Program. Owners of property designated under the Ontario Heritage Act are eligible for this program.

The annual property tax reduction you may receive is 40% of the City and school board portions on eligible property. However, Regional taxes are not included in this program.

Process for altering a designated property

After a property owner submits an application to either alter or demolish a designated property, City staff will initially review the application to determine if any of the heritage attributes will be impacted. These heritage attributes are laid out in the designation by-law that is passed on the date that each property is designated. For this instance, I have attached a PDF of Designation By-law 148-2011 which lists the heritage attributes for 452 Simcoe St N. If staff determine that any of these heritage attributes will be impacted, the application will be circulated to our Heritage Oshawa Advisory Committee for their comment. Then, the application will be reviewed by City Council (with Heritage Oshawa's comments), and they will make a decision to either approve, approve with conditions, or refuse.

If an owner objects to a Council decision to refuse or apply conditions to a proposed alteration, they may appeal the decision to the Ontario Land Tribunal.

For future use, more information can be found at the following webpage:

<https://www.oshawa.ca/en/parks-recreation-and-culture/alterations-and-demolition.aspx>

Process for repealing a designation by-law

The first step would be for the property owner to submit correspondence to City Council requesting that the designation by-law on their property be repealed. The Heritage Oshawa Advisory Committee would provide any comments on the request. Then, City Council would decide to either begin the process to repeal the designation by-law, or refuse the request.

Similar to the above-mentioned process, if the owner objects to Council's decision, they may appeal the decision to the Ontario Land Tribunal.

In the other attached file labelled 'Heritage Toolkit – Designating Heritage Properties', there is a flowchart in the appendix (page 38) which generally lays out the process for when a property owner wishes to repeal the designation bylaw. I note that the CRB (Conservation Review Board) that is mentioned in this flowchart has since been amalgamated into the Ontario Land Tribunal.

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
 Subject: Update concerning an Application under Section 32 of the Ontario Heritage Act to Repeal Part of By-Law 148-2011 for the Property Municipally Known as 452 Simcoe Street North
 Ward: Ward 4
 File: 12-04-0158



Repeal of Designating Bylaw, Owner's Initiative
(Section 32 of the Ontario Heritage Act)

