

To: City Council

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

Item Number: INFO-25-69

Date: March 19, 2025

Subject: Second Update on the Appeal of Council's Decision to
Designate 149 Harmony Road South under Part IV of the
Ontario Heritage Act

Ward: Ward 3

File: 12-04-0218

1.0 Purpose

The purpose of this Report is to inform Council that the appeal of its decision to designate the existing building located at 149 Harmony Road South and known as the former Harmony Public School (the “Subject Site” – see Attachments 1 and 2) under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”) has been withdrawn by Colony Real Estate Development Limited, the appellant and owner of the Subject Site.

Accordingly, By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, is now in effect and the City’s Register of Properties of Cultural Heritage Value or Interest (the “Register”) has been updated to reflect the designation.

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

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

2.0 Input From Other Sources

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

- Commissioner, Corporate and Finance Services Department
- City Solicitor

3.0 Analysis

On February 26, 2024, after considering Report ED-24-16 dated January 31, 2024, City Council passed By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act.

On February 28, 2024, City staff issued Notice of the Passing of a By-law to designate the Subject Site in accordance with the requirements of the Ontario Heritage Act and the City's Public Notice Policy GOV-23-02.

On April 1, 2024, the City received one (1) appeal to the Notice of the Passing of a By-law to designate the Subject Site from Overland LLP, on behalf of Colony Real Estate Development Limited (the "Owner"), within the thirty (30) day legislated appeal period under Section 29(11) of the Ontario Heritage Act, which period expired on April 2, 2024.

On May 27, 2024, Council considered Resolution ED-24-56 dated May 6, 2024 and authorized staff to attend the Ontario Land Tribunal (the "O.L.T.") hearing in support of Council's previous decision to proceed with the designation of the Subject Site under the Ontario Heritage Act.

On January 27, 2025, City Council considered Report ED-25-12 dated January 8, 2025 and, among other matters, authorized staff to enter into mediation (to be led by the O.L.T.) in an attempt to resolve the matter without a hearing. Staff were also directed to report back on the results of the mediation, as appropriate.

On February 10, 2025, Overland LLP advised the O.L.T. that, due to a variety of circumstances, the Owner would not be proceeding with their proposed development application at this time and has decided to withdraw their appeal of Council's decision to designate the Subject Site under Part IV of the Ontario Heritage Act.

Accordingly, By-law 27-2024, being a by-law to designate the Subject Site as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, is now in effect and the City's Register has been updated to reflect the designation.

4.0 Financial Implications

In the event the eligibility criteria for the City's Heritage Property Tax Reduction Program are satisfied, the Owner may qualify for a reduction of 40% of the property taxes paid annually to the City and School Boards.

In 2024, the City and education portions of the property taxes for the Subject Site amounted to a combined total of \$12,007.85. If the entirety of the Subject Site was granted the 40% reduction to the City and education portions of the property taxes, it would result in a reduction of approximately \$4,803.14 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 of the fact that only the former school building and its immediate surroundings are considered to be part of the heritage attributes protected under the Ontario Heritage Act. Consequently, only the

former school building and the immediate surrounding area are eligible to receive the rebate, and not the entire area of the property at 149 Harmony Road South. In the event that the Owner applies for the City's Heritage Property Tax Reduction Program, staff will work with the Owner and the Municipal Property Assessment Corporation to determine the eligible rebate value. The 40% reduction will only apply to the former school building and the area of its immediate surroundings that is considered by staff to be eligible under the Heritage Property Tax Reduction Program.

5.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

"Innovate: Vibrant Culture and Economy" with the goal to attract and promote a vibrant artistic and cultural economy.

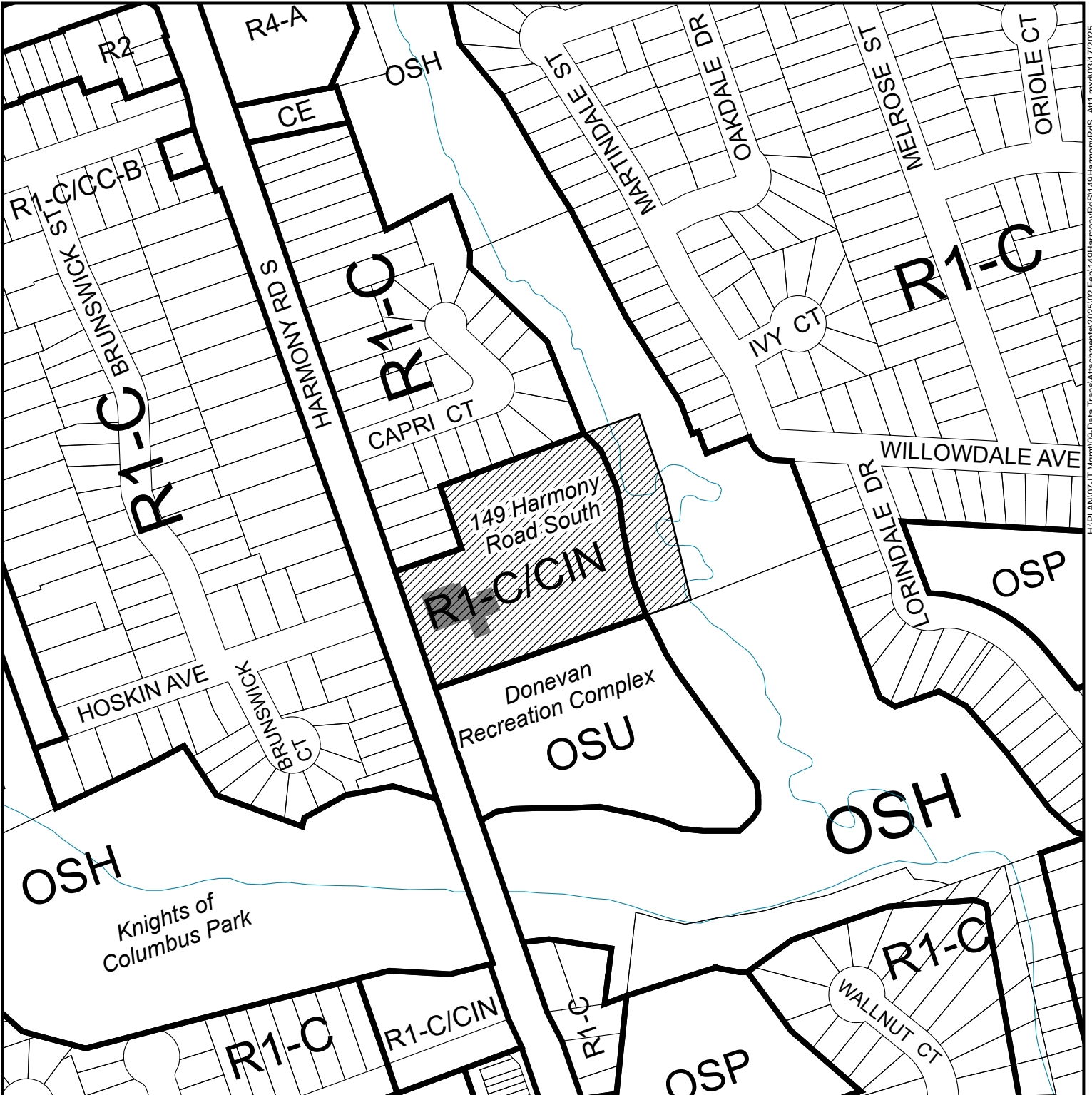


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Planning Services



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


Subject Site 



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Item: INFO-25-69
Attachment 2

 Subject Site

City of Oshawa
Economic and Development Services 

