



Economic and Development Services Department

Date: February 18, 2026

File: 12-03

To: Heritage Oshawa

From: Harrison Whilsmith, Planner B
Economic and Development Services Department

Re: Proposed Amendment of Designation By-law under Section 30.1 of the Ontario Heritage Act for the Property Municipally Known as 3860 Simcoe Street North

Background

The property known municipally as 3860 Simcoe Street North (the “Subject Site”) is designated by By-law 106-2021 (see Attachment 1) as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “Ontario Heritage Act”).

The cultural heritage value of the Subject Site, as described in By-law 106-2021, is solely attributed to the two-and-a-half storey brick residence built in c. 1870. Despite this, the effect of By-law 106-2021, in accordance with the provisions outlined in Part IV of the Ontario Heritage Act, applies to the entirety of the Subject Site.

Analysis

The owner of the Subject Site, 3950 Simcoe Street North Inc. (the “Owner”), has applied to the City of Oshawa’s Committee of Adjustment in order to sever the portion of the Subject Site comprised of the brick residence from the balance of the lands (Committee of Adjustment Report B-2024-37). The Committee of Adjustment is expected to consider said application at their meeting on February 18, 2026.

On February 12, 2026, City staff received a formal letter from the Owner, together with a severance sketch, requesting that City Council initiate the process to amend By-law 106-2021 such that the legal description set out in said by-law would only apply to the portion of the Subject Site comprised of the brick residence, identified as Part 2 on the attached severance sketch (see Attachment 2). The Owner’s intentions in this regard are to ensure:

1. Continued protection of the heritage house, consistent with the original intent of the heritage designation and the heritage designation by-law.
2. Appropriate treatment of the retained lands, which contain no identified heritage features and should therefore not remain subject to the heritage designation.
3. Clear definition of the heritage designated area, allowing any future development potential on the non-heritage portion of the property to proceed without unnecessary restriction.

In the event that the Committee of Adjustment chooses to approve or conditionally approve the proposed severance of the Subject Site, it is appropriate to initiate the process to amend By-law 106-2021 to revise the legal description set out in said by-law.

Section 30.1 of the Ontario Heritage Act sets out the process to amend a by-law designating a property under Part IV of the Ontario Heritage Act for the purposes of correcting information including, but not limited to, the statement of cultural heritage value or interest, the description of the property's heritage attributes, and the legal description of the property. Given that the Owner's proposal to sever the lands does not result in any alteration or demolition of any listed heritage attributes and will only necessitate a change to the legal description of the property, an amendment to the designation by-law through Section 30.1 of the Ontario Heritage Act is appropriate.

Subsection 30.1(5) of the Ontario Heritage Act requires the council of a municipality to consult with its municipal heritage committee before giving notice of a proposed amendment to the owner of a designated property under Section 30.1(3).

Recommendation

In the event that Heritage Oshawa does not have concerns with amending By-law 106-2021 such that it shall only apply to the severed portion of 3860 Simcoe Street North comprised of the original brick residence, identified as Part 2 on Attachment 2, the following would be appropriate wording to provide in their motion:

"That Heritage Oshawa recommend to the Economic and Development Services Committee: That based on Report HTG-26-06 dated February 18, 2026 concerning a proposed amendment to the Designation By-law for 3860 Simcoe Street North:

1. That By-law 106-2021 be amended in accordance with a proposed severance at 3860 Simcoe Street North, such that the legal description of said by-law shall only pertain to the portion of 3860 Simcoe Street North comprised of the original brick residence as generally identified as Part 2 on a severance sketch dated February 10, 2026 prepared by J.D. Barnes Limited, following the property owner obtaining a reference plan and depositing said reference plan to the Land Registry Office to the satisfaction of the Commissioner, Economic and Development Services Department..
2. That staff be authorized to forward a Notice of By-law Amendment to the owner in accordance with Section 30.1(3) of the Ontario Heritage Act.
3. That staff prepare a by-law to amend By-law 106-2021 to give effect to Part 1 above for approval by City Council.
4. That staff be authorized to forward a Notice of By-law Passing to the owner, Ontario Heritage Trust, and the general public in accordance with Section 30.1(9)."

If you have any questions please contact Harrison Whilsmith at 905-436-3311, extension 2697 or by email to hwhilsmith@oshawa.ca.

A handwritten signature in blue ink, reading "H Whilsmith". The signature is cursive and stylized, with the first letter of the last name being a large, prominent 'H'.

Harrison Whilsmith, Planner B
Planning Services



By-law 106-2021
of The Corporation of the City of Oshawa

being a by-law to designate the property located at 3860 Simcoe Street North, specifically PIN 16400-0094 (LT); PART LOT 13 CONCESSION 7 EAST WHITBY; PART LOT 14 CONCESSION 7 EAST WHITBY; PART ROAD ALLOWANCE BETWEEN LOTS 14 & 15 CONCESSION 7 EAST WHITBY AS CLOSED BY BYLAW EW2415, PARTS 1 AND 2 PLAN 40R307S9; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM, as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18.

Recitals:

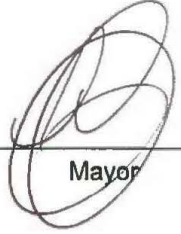
1. Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value or interest.
2. 3950 Simcoe Street North Inc. is the registered owner of the property located at 3860 Simcoe Street North, in the City of Oshawa. As per City Council's decision on June 21, 2021, the City of Oshawa has consented to Heritage Oshawa's request that the property, legally described as PIN 16400-0094 (LT); PART LOT 13 CONCESSION 7 EAST WHITBY; PART LOT 14 CONCESSION 7 EAST WHITBY; PART ROAD ALLOWANCE BETWEEN LOTS 14 & 15 CONCESSION 7 EAST WHITBY AS CLOSED BY BYLAW EW2415, PARTS 1 AND 2 PLAN 40R307S9; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM (the "Property"), be designated under Section 29, Part IV of the Act. The property to be designated contains a two-and-a-half storey brick residence, constructed c. 1870, with design and physical value as a rare and representative example of a rural vernacular farmhouse with Victorian architecture and Italianate influences and displays a high degree of craftsmanship. The residence exhibits Victorian architectural elements in its two-storey bays, symmetry, stained glass entrance, ornate voussoirs, and pointed finials. It exhibits Italianate architectural elements in its hipped roof with deep eaves and decorative brackets, and south elevation porch with wooden roof and decorative bargeboard. Elements such as the decorative bargeboard, decorative brackets, and ornate voussoirs are all indicative of intentional design chosen by its owners. These ornate designs are consistent with Victorian architecture which emphasized extravagance over form or function. 3860 Simcoe Street North has historical and associative value given that it has direct associations with a theme and activity that is significant to a community. In this regard, the property's history as a farmstead is directly associated with the agricultural history of Columbus. 3860 Simcoe Street North has contextual value as the two-and-a-half storey brick residence is a landmark. It is situated on a prominent rise that is largely rural and open, and is identifiable compared to surrounding structures.
3. On June 24, 2021, the City forwarded to the Ontario Heritage Trust and the registered owner of the Property a Notice of Intention to Designate the Property.
4. Notice of Intention to Designate the Property was published on June 24, 2021 in the *Oshawa This Week* newspaper having general circulation in the City of Oshawa.
5. The last day for serving a Notice of Objection to the Notice of Intention to Designate the Property was July 26, 2021. 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 its features which are described in Schedule "A" to this By-law, located at 3860 Simcoe Street North, and legally described as PIN 16400-0094 (LT); PART LOT 13 CONCESSION 7 EAST WHITBY; PART LOT 14 CONCESSION 7 EAST WHITBY; PART ROAD ALLOWANCE BETWEEN LOTS 14 & 15 CONCESSION 7 EAST WHITBY AS CLOSED BY BYLAW EW2415, PARTS 1 AND 2 PLAN 40R307S9; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM is hereby designated as being of cultural heritage value or 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 owner 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-seventh day of September, 2021.



Mayor

City Clerk

**Schedule "A" to By-Law Number 106-2021
Passed This Twenty-Seventh Day of September, 2021**

Designation Statement and Description of Property

Location and Description of Property:

3860 Simcoe Street North is a 15.5 hectare (38.3 ac.) property, containing a two-and-a-half storey brick residence, built c. 1870, as well as a tributary of the Oshawa Creek and agricultural lands. The residence sits on the eastern portion of the property, prominently on a hill facing onto Simcoe Street North, south of Howden Road West. The residence is flanked to the north, west and south by a riparian corridor containing a tributary of the Oshawa Creek, beyond which are agricultural lands which constitute the majority of the property. The property is bounded to the north and west by a combination of agricultural lands and natural heritage features, bounded to the south by the Valleymede Columbus Golf and Country Club and bounded to the east by Simcoe Street North, beyond which are agricultural lands.

Legal Description:

The property at 3860 Simcoe Street North is identified as:

PIN 16400-0094 (LT); PART LOT 13 CONCESSION 7 EAST WHITBY; PART LOT 14 CONCESSION 7 EAST WHITBY; PART ROAD ALLOWANCE BETWEEN LOTS 14 & 15 CONCESSION 7 EAST WHITBY AS CLOSED BY BYLAW EW2415, PARTS 1 AND 2 PLAN 40R307S9; CITY OF OSHAWA; REGIONAL MUNICIPALITY OF DURHAM.

Statement of Cultural Heritage Value or Interest:

The two-and-a-half storey brick residence at 3860 Simcoe Street North, constructed c. 1870, has design and physical value because it is a rare, and representative example of a rural vernacular farmhouse with Victorian architecture and Italianate influences and displays a high degree of craftsmanship. The residence exhibits Victorian architectural elements in its two-storey bays, symmetry, stained glass entrance, ornate voussoirs, and pointed finials. It exhibits Italianate architectural elements in its hipped roof with deep eaves and decorative brackets, and south elevation porch with wooden roof and decorative bargeboard. Elements such as the decorative bargeboard, decorative brackets, and ornate voussoirs are all indicative of intentional design chosen by its owners. These ornate designs are consistent with Victorian architecture which emphasized extravagance over form or function.

3860 Simcoe Street North has historical and associative value given that it has direct associations with a theme and activity that is significant to a community. In this regard, the property's history as a farmstead is directly associated with the agricultural history of Columbus.

3860 Simcoe Street North has contextual value as the two-and-a-half storey brick residence is a landmark. It is situated on a prominent rise that is largely rural and open, and is identifiable compared to surrounding structures.

Heritage Attributes:

The key heritage attributes of the two-and-a-half storey brick residence at 3860 Simcoe Street North that reflect its value as an important link to the history of Oshawa consist of the following:

Design/Physical Value

- 3860 Simcoe Street North has design and physical value as the two-and-a-half storey brick residence which contains representative example of a rural vernacular farmhouse with Victorian architecture and Italianate influences and displays a high degree of craftsmanship, including in its:
 - Scale, form, and massing;
 - Two-storey bays flanking the central front entrance;
 - Hipped roof with deep eaves;
 - Pointed finials;
 - Decorative brackets;

- Decorative fascia;
- Symmetrically placed window openings and voussoirs;
- Stained glass entrance with rectangular transom; and,
- South elevation porch with wooden roof and decorative bargeboard.

Associative Value

- 3860 Simcoe Street North has associative value given that it has direct associations with a theme and activity that is significant to a community. In this regard, the property's history as a farmstead is directly associated with the agricultural history of Columbus.

Contextual Value

- 3860 Simcoe Street North has contextual value as the two-and-a-half storey brick residence is a landmark. It is situated on a prominent rise that is largely rural and open, and is identifiable compared to surrounding structures.

Harrison Whilsmith
Planner B
Oshawa City Hall
50 Centre St. S

February 12th, 2026

Re: 3860 Simcoe Street North, Amending Heritage Designation Bylaw.

I am writing on behalf of 3950 Simcoe Street North Inc. with respect to the heritage property located at 3860 Simcoe Street. On June 21, 2021, City Council, through Item DS-21-130, approved the designation of the Property as being of cultural heritage value or interest under the *Ontario Heritage Act*. Subsequently, By-law 106-2021 was enacted on September 21, 2021. In addition, a Temporary Heritage Easement Agreement was entered between 3950 Simcoe Street North Inc. and the City of Oshawa on October 17, 2024.

As outlined in Clause 10.3 of the Temporary Heritage Easement Agreement:

“Severance of Feature Lands: The City acknowledges that the Owner has advised the City of its intention to sever the lands containing the Feature from the Property as a whole. Upon the Owner obtaining the required approvals from the City, the Central Lake Ontario Conservation Authority, and any other approvals that may be required at the time to sever the lands containing the Feature from the Property, the Owner and the City agree to cooperate to amend this Temporary Easement Agreement and By-law 106-2021, such that both this Temporary Easement Agreement and By-law 106-2021 will apply to the severed lands containing the Feature, not the Property as a whole.”

In accordance with this clause, we respectfully request that By-law 106-2021 be amended such that the heritage designation applies solely to the severed lands containing the existing heritage dwelling, as illustrated on the attached severance sketch and not to the entirety of the property. The effect of this would be to release the retained lands from the Temporary Easement Agreement and the designating heritage bylaw. Importantly, the retained lands do not contain any heritage attributes or structures contributing to the designation.

This amendment would ensure:

1. Continued protection of the heritage house, consistent with the original intent of the heritage designation and the heritage designation by-law.
2. Appropriate treatment of the retained lands, which contain no identified heritage features and should therefore not remain subject to the heritage designation.
3. Clear delineation of the heritage designated area, allowing any future development potential on the non-heritage portion of the property to proceed without unnecessary restriction.

Thank you for your consideration of this request.

Sincerely,



Herthana Siva
Development Manager
3950 Simcoe Street North Inc.

