



City of  
**Peterborough**

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**To:** **Members of the General Committee**

**From:** **Sheldon Laidman, Commissioner of Community Services**

**Meeting Date:** **April 12, 2021**

**Subject:** **Report CSACH21-003**  
**Heritage Designation of 470 Water St.**

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## **Purpose**

A report to recommend that Council designate several properties known as 470 Water St. under Part IV, Section 29 of the **Ontario Heritage Act R.S.O. 1990, c.O.18** as being a property of cultural heritage value or interest to the City of Peterborough.

## **Recommendations**

That Council approve the recommendations outlined in Report CSACH21-003, dated April 12, 2021, of the Commissioner of Community Services, as follows:

- a) That the recommendation of the Peterborough Architectural Conservation Advisory Committee (PACAC) to designate the property at 470 Water St. as a heritage property under Part IV, Section 29 of the **Ontario Heritage Act R.S.O. 1990, c.O.18** being of “cultural heritage value or interest” be approved;
- b) That Council’s intention to designate be advertised in a newspaper having general circulation in the municipality as per the **Ontario Heritage Act R.S.O. 1990, c.O.18, s.31 (3)**;
- c) That the owner of the property to be designated, and the Ontario Heritage Trust, be served with a Notice of Intention to Designate as per the **Ontario Heritage Act R.S.O. 1990, c.O.18, s.29 (3)**;
- d) That the letter from the Warden, County of Peterborough dated March 17, 2021 be received for information; and

- e) That a Heritage Impact Assessment and a Heritage Interpretation Plan be completed to the satisfaction of the City as a requirement of any development proposal of the property.

## Budget and Financial Implications

There are no budgetary or financial implications as the result of the recommendations of this report.

## Background

Under Part IV of the **Ontario Heritage Act**, municipalities may designate individual properties deemed to be of “cultural heritage value or interest” to the community, through the passage of municipal By-Laws. The designation process strikes a balance between the owner’s ability to alter their property as they wish and the recognized need of the community to preserve its heritage resources. Heritage designation prohibits unwarranted demolition and controls major alterations that might otherwise harm specific heritage features.

Designation may also make property owners eligible for preservation grants and tax relief and provides owners access to professional expertise and advice. Since 1975, Peterborough City Council has passed 132 individual designation By-laws, although this only represents a portion of the buildings in the City that are eligible for designation. The PACAC administers the designation program in partnership with the Arts, Culture and Heritage Division and the City Clerk’s Office.

The property recommended for designation in this report is considered worthy of heritage designation based on the individual merits of the heritage attributes of the structures on the site and have been evaluated against Regulation 9/06 of the **Ontario Heritage Act** which lays out criteria for determining significance of heritage resources.

## The Process

In August 2020 Peterborough County announced plans to pursue the sale of the Courthouse and associated lands and buildings including Victoria Park. At its meeting of September 17, 2020, the PACAC passed a recommendation requesting that Staff prepare a draft designation brief for 470 Water St. (Peterborough County Courthouse and south wing addition) and the adjacent lands known as the County Jail, and Victoria Park. At its meeting of December 10, 2020, the PACAC received Report PACAC20-030 recommending the designation of the County Courthouse Precinct as a Cultural Heritage Landscape. At that meeting PACAC also received a report by +VG Architects, a heritage consulting firm retained by the County to provide its own statement of the heritage value of the site. Following review of both the brief and the consultant’s report, PACAC discussed the value of incorporating the County’s research with the City’s and passed the following motion:

That PACAC defer the matter back to the City and County to present a unified designation brief.

During the month of January 2021, City staff and members of +VG Architects met numerous times to continue to research and revise the designation brief. At that time the decision was made to recommend the designation as a single property instead of a cultural heritage landscape given that it is currently one parcel of land containing all the significant structures and this would simplify review of subsequent proposed alteration applications. The collaborative process proved to be productive and led to several useful outcomes including:

- Comprehensive research on the development of Ontario courthouses, and the place of Peterborough's courthouse in that context;
- Reconciliation of numerous details relating to dates of construction;
- Clarification of the role of various architects, designers, and builders;
- Refining periods of significance;
- Strengthening the justification for the identified heritage attributes, and;
- The inclusion of 'regression mapping' to visually demonstrate the development of the site.

There were several assumptions made as the process progressed. The first was that the property would be conveying to a new owner for an adaptive re-use project. Adaptive re-use is the term used to describe the redevelopment of a heritage building for a new use, typically substantially different from its original use, while protecting and interpreting the historic features. The redevelopment of the Bonnerworth Mills from factory to housing is an example of adaptive re-use.

The second assumption was that the designation brief is a document written for the purpose of objectively identifying significant heritage attributes of the site, as measured against the criteria for significance laid out in the Ontario Heritage Act. This allows for careful future review of the impact of a proposed alteration on the heritage values of the property when a development proposal is made. This is typically done through a Heritage Impact Assessment (HIA) which reviews changes generated by a redevelopment proposal against the heritage attributes outlined in the designation as negative, neutral, or positive. The HIA then provides a mitigation strategy for protecting the historic value of the property while creating the greatest latitude for redevelopment.

Both City staff and the consultant agreed that an HIA should be identified as a mandatory study at such time as a development proposal is made to the City. There should not be a predetermination about the impact of an unknown future development on the heritage value of the buildings by omitting features at the time of designation, which might allow for their unnecessary demolition.

On February 3, 2021 City staff and PACAC received from County staff a proposed draft agreement between the City and the County that would bind the City and its representatives to certain requirements respecting any future redevelopment which may

affect the cultural or heritage attributes of the buildings or the property. City staff advised County staff that they would recommend against an agreement as it would be an inappropriate “fettering” of future statutory decision-making. Rather, the **Ontario Heritage Act** establishes the public process for a property owner to object to designation and to be heard by a review tribunal. Further, the **Ontario Heritage Act** establishes a public process for an owner to apply to the Council of the municipality to alter the property where the alteration is likely to affect the property’s heritage attributes. It is not appropriate to bind by contract Council’s future public statutory decision-making.

At the February 4, 2021 meeting of the PACAC, the Committee received Report PACAC20-030B and is recommending that Council designate 470 Water St. as a property of cultural heritage value or interest as outlined in Appendix A of this report. At the meeting on February 4, 2021 PACAC received a draft of the agreement and cover letter from the County. It was given due consideration but the committee chose not to include it in their recommendation to Council.

On March 17, 2021 a letter addressed to City Council from Warden J. Murray Jones formally proposed the agreement to Council (Appendix B). Staff recommend against an agreement for the reason noted above as it would be an inappropriate “fettering” of future statutory decision-making. Furthermore, the County correspondence also refers to relative significance of a property’s heritage attributes, but no such concept exists in the **Ontario Heritage Act**; heritage attributes are understood under the Act’s regulations to meet or not meet the test of significance on their own merits, not relative to other features on the site. To be considered for designation, a building must only need to meet one of the criteria outlined in the **Ontario Heritage Act**.

Due to the very high significance of the County Courthouse, Staff and the consultants also agreed that a Heritage Interpretation Plan (HIP) should be completed as an adjunct to a Heritage Impact Assessment (HIA). An HIP is an interpretation framework that informs the design process of an adaptive reuse project. It outlines how the property’s history has evolved over time, identifies stories and narratives that are unique and significant to the site, allows for an expression of the intangible values of a site and recommends interpretation tools for presenting these stories. The completion of a Heritage Impact Assessment and a Heritage Interpretation Plan at the time of a development proposal will ensure that the history of the Courthouse will make a notable contribution to the future identity of the City.

### **The Courthouse Property**

The Courthouse property has cultural heritage value or interest as a prominent judicial complex within the city of Peterborough. It is a property which includes the original Courthouse designed by Joseph Scobell, 1879 renovations by John Belcher, 1917 repairs and renovations by William Blackwell, Registry and County Offices addition by Craig & Zeidler in 1960, the Heritage Jail Park, Victoria Park (originally Courthouse Square), and the residence of the caretaker. The Courthouse has been in continuous operation since its completion in 1840, first as the District then County Courthouse and it continues to serve the community in this capacity as the Ontario Court of Justice and

Ontario Family Court. It has specific physical and design value as a fine and very early example of a judicial complex from the earliest days of the Province of Upper Canada.

Historically, it has direct associations with and yields significant information regarding the evolution of the judicial system in Ontario from its inception. It also yields information about the importance of location and the relationship between buildings and greenspace which was typical of early courthouse design in Ontario. Contextually the Courthouse property defines the area as a landmark – in its siting, design, and as an important early judicial building and as one of the earliest public buildings constructed in the town, overlooking one of the town's first public parks. The setting is in the historic centre of Peterborough, giving the building a dignified and prominent place in the community. In many ways, the property has influenced community values over the course of its 180-year history.

A full description of the individual elements of the property along with their heritage value can be found in Appendix A.

## Summary

The PACAC has recommended to Council the designation of 470 Water St. as a property of cultural heritage value or interest. Staff concur with the PACAC's assessment and recommendation of the designation. This report seeks Council approval of that recommendation.

Submitted by,

Sheldon Laidman  
Commissioner of Community Services

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**Attachments:**

Appendix A: Designation Brief 470 Water St.  
Appendix B – Letter from the County of Peterborough