



City of
Peterborough

To: Members of the General Committee

From: Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management

Meeting Date: December 2, 2024

Report: Notice of Objection - 1400 Monaghan Road, Report IPGPL24-033

Subject

A report to inform Council that the owner of 1400 Monaghan Road has submitted a Notice of Objection to Council's intention to designate 1400 Monaghan Road.

Recommendations

That Council approve the recommendation outlined in Report IPGPL24-033, dated December 2, 2024 of the Commissioner, Infrastructure, Planning and Growth Management as follows:

- a) That Report IPGPL24-033 be received for information and,
- b) That pursuant to Section 29(6) of the Ontario Heritage Act, Council consider an objection to its Notice of Intention to Designate 1400 Monaghan Road and make a decision whether or not to withdraw the notice.

Executive Summary

Under Section 29 of the Ontario Heritage Act (OHA) objections to a Council's intention to designate a property having cultural heritage value or interest must be reviewed by Council which must decide whether or not to withdraw the notice of intention to designate. The owner of 1400 Monaghan Road has filed a notice of objection to the designation of that property and Council is asked to make that decision.

Background

At the City Council meeting of September 23, 2024, Council passed a motion serving its Notice of Intention to Designate (NOID) the property at 1400 Monaghan Road – The Martin House, as a property of cultural heritage value or interest under Part IV, Section 29 of the Ontario Heritage Act (OHA). The City published the NOID on October 1, 2024, which started a 30-day period in which objections to the proposed designation could be made to the City. During that period one objection was received.

Prior to 2022, an objection made to a Council's NOID led directly to review by the Ontario Land Tribunal (OLT) without further consideration by Council. Changes made through Bill 23 in 2022 now require that Council consider the nature of an objection to its NOID and to make a decision whether or not to withdraw the notice of intention to designate the property.

If Council decides to withdraw the NOID after considering an objection, the City informs the owner, publishes notice of its decision and the property is removed from the Heritage Register. If Council proceeds with the passage of the designating by-law for 1400 Monaghan Road, the City informs the owner and publishes a notice of the by-law's passage. This notice triggers a second 30-day objection period during which any person may appeal the by-law's passage to the OLT. The OLT has the authority to dismiss the appeal or allow the appeal by either repealing or amending the by-law. The OLT decision is binding on the municipality.

Strategic Plan

Strategic Pillar: Community & Well-being

Strategic Initiative: Enhance the natural, recreational, sports, the arts, and cultural aspects of our community.

The preservation of Peterborough's heritage resources supports and enhances the cultural values of our community as well as proactively addressing issues and challenges of climate change and the environment through the preservation of heritage as a critical part of building climate change resilience.

Engagement and Consultation

Legal Services Division has been consulted in the preparation of this report.

Budget and Financial Implications

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

Attachments

Appendix A: Notice of Objection – Designation of 1400 Monaghan Road

Submitted by,

Blair Nelson, P. Eng.
Commissioner, Infrastructure, Planning and Growth Management

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