



City of  
**Peterborough**

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

**From:** **Allan Seabrooke, Commissioner of Community Services**

**Meeting Date:** **June 25, 2018**

**Subject:** **Report CSD18-009**  
**Passage and Amendment of Heritage By-laws**

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## **Purpose**

A report to recommend the passage and/or amendment of certain by-laws regarding heritage properties within the city.

## **Recommendations**

That Council approve the recommendations outlined in Report CSD18-009, dated June 25 2018, of the Commissioner of Community Services, as follows:

- a) That the enabling By-Law 11-086 for the Heritage Property Tax Rebate Program (HPTRP) be amended to reflect current provincial legislation and City practice with regard to the administration of the program;
- b) That a by-law be passed, attached as Appendix A, as permitted by Section 10 of By-Law 11-086, being a by-law to provide for a tax rebate in respect of designated heritage properties, allowing the property at 503 Homewood Avenue to be included in the HPTRP, and;
- c) That By-Law 1981-165 enabling the designation of 266 Burnham Street under Part IV of the **Ontario Heritage Act**, be amended to capture the change in legal title for the property as the result of a severance.

## Budget and Financial Implication

Municipal Address	Historical Name	Total Rebate	Education Portion	Municipal Portion
503 Homewood Avenue	The Bradburn House	\$3,396.22	\$423.52	\$2,972.71

Currently, the total value of the tax rebate under the HPTRP is \$270,215.04. The municipal portion of the tax rebate is \$211,636.20, the remainder being the education portion of the taxes which is reimbursed by the Province. With the inclusion of 503 Homewood Avenue in the program, the total value of the tax Rebate would be \$273,661.26, with the municipal portion being \$214,608.91. This can be accommodated within the 2018 budget.

## Background

In recent months, several matters relating to the administration of heritage activities in the city have arisen. Each requires the amendment or passage of a by-law. For the sake of expediency and efficiency, the Community Services Department is bringing forward recommendations for all three under cover of a single report. The by-laws deal with: the amendment of the Heritage Property Tax Rebate Program (HPTRP) By-law to reflect current procedure; the entry of a property into the HPTRP; and, the amendment of a designation by-law to correct the subject property's legal description.

### Heritage Property Tax Rebate Program By-Law Amendment

The by-law regulating the HPTRP came into effect in October 2003 and has been updated twice, in 2004 and 2011, to reflect changes in procedure and property eligibility. Since the passage of the current version of the By-law in 2011, By-law 11-086, there has been a change in how properties are evaluated for designation which has a direct impact on the administration of the program.

In 2002, the PACAC adopted an evaluation system that used criteria under five headings to determine the significance and eligibility of a property for designation. In addition to determining whether a property was eligible for designation, the scoring system was also used to determine whether a property outside of Schedule 'J' was eligible for an exception to the program boundaries of the HPTRP program. Section 10 of By-law 11-086 defined the criteria for exception:

A property outside of the Central Area must have received a score of 70 or better on PACAC's property evaluation score sheet before PACAC is permitted to make a recommendation to Council.

At the May 4, 2017 meeting of the PACAC, the committee chose to replace its old evaluation system with Regulation 9/06 of the **Ontario Heritage Act**, which provides standardized criteria for determining significance and eligibility for designation. Since making this change, all designation briefs have included these criteria for designation and properties have been evaluated in compliance with provincial law. Properties no longer receive a numerical score that identifies their significance but rather must meet one or more of the provincial criteria to be eligible for designation.

As the scoring system referenced in By-law 11-086 is no longer in use, eligibility for an exception for the purposes of enrolling in the HPTRP must be determined by some other means. Staff is recommending that this should be determined at the discretion of the PACAC and Council on a case-by-case basis based on the application of Regulation 9/06 criteria, and have updated the by-law to reflect this. The proposed updated by-law is attached as Appendix A.

Two other changes are being proposed for the by-law to reflect procedural changes as to how heritage easement agreements are approved:

- The PACAC will no longer be required to approve the heritage easement agreement for the property; and
- The Heritage Preservation Office will now report out annually to the PACAC on the participation of properties in the HPTRP.

The PACAC reviewed the proposed amendments at its meeting of May 3, 2018 and supports the recommended changes.

### **Heritage Property Tax Rebate By-Law Exception**

At its meeting of February 20, 2018, Council adopted By-law 18-007, attached as Appendix B, designating 503 Homewood Avenue as a property of historical and architectural value and interest under the Ontario Heritage Act. The owners of the property have requested that it be included in the HPTRP. Currently, for properties to be eligible for the HPTRP, they must be within Schedule 'J' of the Official Plan. The subject property lies outside of these boundaries. However, under Section 10 of By-law 11-086 which regulates the HPTRP exceptions may be made for significant properties:

Council may, by by-law, and upon the recommendation of the Municipal Heritage Committee, extend the Program to any Heritage Property in the City, on a case-by-case basis. A property outside of the Central Area must

have received a score of 70 or better on PACAC's property evaluation score sheet before PACAC is permitted to make a recommendation to Council.

While properties are no longer evaluated based on the PACAC's property evaluation score sheet and are now assessed in compliance with the criteria set out under Regulation 9/06 of the **Ontario Heritage Act**, this property was requested for designation prior to this change in procedure and has been evaluated by staff based on both the PACAC's existing criteria and provincial guidelines. The property was eligible for designation under both sets of criteria. Its score using the PACAC's evaluation system was 82.5, making it a Category 'A' property and thus eligible to apply to Council to be included in the program.

503 Homewood Avenue, historically known as the Bradburn House has cultural heritage value or interest as late nineteenth-century suburban home and residence of a prominent Peterborough family, the Bradburns, until 1988. It is an excellent example of Second Empire domestic architecture, featuring key components of the style as used in brick houses. Likely constructed between 1891 and 1893, the building is an integral aspect of the Old West End neighbourhood and an important early structure on Homewood Avenue. It is architecturally well-executed, displaying a high degree of craftsmanship in its use of the Second Empire style, particularly with regard to the dormer windows and the overall proportions and design of the structure. The property's full designation brief is attached as Appendix C.

The PACAC endorsed the inclusion of 503 Homewood Avenue in the Heritage Property Tax Rebate Program at its meeting of May 3, 2018. A draft by-law to allow for the inclusion of 503 Homewood Avenue in the HPTRP is included as Appendix D.

### **Designation By-Law Amendment – 266 Burnham Street**

The property at 266 Burnham Street, the corner of Burnham and James Streets (The Pines) was designated under Part IV of the **Ontario Heritage Act** by By-law 1981-165. This By-law is attached as Appendix E. At its meeting of May 2, 2017, the Committee of Adjustment approved a severance to create two new building lots fronting onto James Street. The retained portion contains the building associated with the heritage designation – the house – and maintains frontage on Burnham and James Streets. A Heritage Impact Assessment undertaken at the request of the PAC AC prior to the severance supported the creation of the two new lots. It concluded that the reduced lot size did not adversely impact the setting, views or heritage attributes of the house.

The proposed amendment to the designation by-law removes the severed lots from the legal description. Under this change, the designation of the property will only apply to the parcel of land on which the house sits. In effect, the proposed amendment removes the portion east of the buildings from the designation boundary.

Section 30.1 of the Act allows a municipality to amend existing heritage designation by-laws in order to correct the legal description or clarify the statement of cultural heritage value. The Act also requires Council to consult with its municipal heritage committee before giving notice of the proposed amendment to the designating by-law. Assuming Council supports amending the by-law, it serves notice of intention to amend a heritage designation by-law on the property owner. Following receipt of the notice, the owners are provided a 30-day objection period. If no objections are received, Council may pass the amending by-law at the next appropriate meeting. If an objection is received, Council may withdraw the proposed amendment or move forward with a Conservation Review Board hearing.

The PACAC reviewed the amended by-law at its meeting of June 12, 2018 and has endorsed the proposed changes.

The proposed by-law amendment is attached as Appendix F.

## Summary

This report recommends the passage of three by-laws regarding heritage properties within the city. The by-laws are related to the following three matters: the entry of a property into the Heritage Property Tax Rebate Program; the amendment of the by-law enabling the Heritage Property Tax Rebate Program in order to reflect current legislation and procedure; and the amendment of a heritage designation by-law to reflect the subject property's current legal description.

Submitted by,

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Commissioner of Community Services

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Attachments:  
Appendix A: Amended Heritage Property Tax Rebate By-law  
Appendix B: By-law 18-007 – 503 Homewood Avenue  
Appendix C: Designation Brief – 503 Homewood Avenue

Appendix D: Draft By-law – Heritage Property Tax Rebate Program for 503 Homewood Ave.

Appendix E: By-law 1981-165 – 266 Burnham Street

Appendix F: Amended By-law for the Heritage Designation of 266 Burnham Street