



## Report to Council

Department: Development Services

Division: Planning

Date: June 17, 2024

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: Planning-2024-16

Subject: Request for Notice of Intention to Designate for Various Properties within the Town of Essex

Number of Pages: 4 including attachments

### Recommendation(s)

**That** Planning report Planning-2024-16 entitled Request for Notice of Intention to Designate for Various Properties within the Town of Essex prepared by Rita Jabbour, RPP, Manager, Planning Services dated June 17, 2024 be received, and

**That Council authorize the 'Notice of Intention to Designate' in accordance with Section 29 of the *Ontario Heritage Act* for the properties municipally known as:**

1. 190 Bagot Street (Christ Church)
2. 0 Sullivan Street (Christ Church Cemetery)
3. 179 County Road 50 (John Snider House)
4. 9567 County Road 11 (St. Clement Church)
5. 120 Talbot Street North (Grace Baptist Church)
6. 49 Talbot Street South (Essex United Church)
7. 54 Talbot Street South (Dr. Robert B. Potts House)
8. 138 Albert Street (Charles Roberts House)

9. 0 County Road 12 (A.M.E/New Canaan Cemetery)
10. 103 King Street West (**John McIntyre's Harness Shop**)
11. 4005 County Road 11 (Central Grove African Methodist Episcopal Church)
12. **11 King Street West (E.F. Darby's Drugstore)**
13. **3 King Street West (John McAfee's General Store)**
14. 44 King Street East (Former Harrow Municipal Building)

## Purpose

Council is required to cause a Notice of Intention to Designate if it intends to designate a property within the Municipality to be of cultural heritage value or interest when the property meets the prescribed criteria.

## Background and Discussion

On April 29, 2024, Administration presented a Report to Council at a Special Meeting to inform Council of the Heritage Designation Process and discuss the benefits of heritage conservation in the Town of Essex. The presentation is attached to this Report.

In accordance with Section 27 of the *Ontario Heritage Act*, a property which has been listed on a Heritage Register before December 31, 2022, must be removed from the Register unless the Council gives a Notice of Intention to Designate the property under Section 29 of the *Ontario Heritage Act* on or before January 1, 2027 or such later date as may be prescribed (Note: As a result of Bill 200, the *Homeowner Protection Act, 2024*, which received Royal Assent on June 6, 2024, this deadline was amended from the original deadline of January 1, 2025).

The Town of Essex Heritage Register contains twenty-two (22) listed properties that were added before December 31, 2022. As such, Section 27 is applicable to all twenty-two (22) listed properties.

To date, Planning Services has reviewed eleven (11) of the twenty-two (22) listed properties to determine cultural heritage value and interest as prescribed under Ontario Regulation 9/06, *Criteria for Determining Cultural Heritage Value*. Three (3) additional properties (Christ Church Cemetery, A.M.E Cemetery, John Snider House) were also included in the review despite not being listed on the Heritage Register due to their strong potential for yielding cultural heritage value, bringing the total to fourteen (14) **properties for Council's** consideration. A copy of Ontario Regulation 9/06 has been attached to this Report. A property must meet at minimum, two (2) of the prescribed criteria. **The cultural heritage value or interest for each property is detailed in the attached presentation.**

#### Consultation with Essex Municipal Heritage Committee

The Essex Municipal Heritage Committee (EMHC) met on Thursday May 30, 2024 to review the cultural heritage value and interest of each property and has determined through resolution that all fourteen (14) properties be recommended to Council for designation. Before giving notice of its intention to designate, under the *Ontario Heritage Act*, the Council is required to consult with its Heritage Committee.

#### Next Steps

Research on the remaining eleven (11) properties listed on the Essex Heritage Register is ongoing. Recommendations to designate or remove the remaining properties from the Heritage Register will be presented to Council in a future report, following consultation with the EMHC.

If Council intends to cause a Notice of Intention to Designate, notice will be served on the Owner of the property and the Ontario Heritage Trust and published in a newspaper having general circulation in the Municipality.

Any person may object to a designation by serving a Notice of Objection within thirty (30) days after the date of publication of the Notice of Intention to Designate, that sets out the reasons for the objection and all relevant facts. Council must consider the objection and

decide whether to withdraw the Notice to Designate within 90 days after the end of the 30-day Notice period.

If no objections are served, Council may pass a By-Law to designate the property provided it is passed within 120 days following the date of publication of the Notice. Any person who objects to the designation may still appeal to the Ontario Land Tribunal within thirty (30) days after the date of publication of the Notice of Intention to Designate.

## Financial Impact

There are no financial impacts because of issuing a Notice of Intention to Designate.

## Consultations

Essex Municipal Heritage Committee (EMHC)

## Link to Strategic Priorities

- ☐ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ **Leverage our Town's competitive advantages to promote jobs and economic investment.**
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

## Report Approval Details

Document Title:	Request for Notice of Intention to Designate - Planning-2024-16.docx
Attachments:	<ul style="list-style-type: none"><li>- Criteria for Determining Cultural Heritage Value or Interest.doc</li><li>- Special Council Meeting (Heritage Designation Process).pdf</li><li>- Heritage Designation Recommendation Presentation.pdf</li></ul>
Final Approval Date:	Jun 10, 2024

This report and all of its attachments were approved and signed as outlined below:



**Lori Chadwick, Director, Development Services - Jun 10, 2024 - 3:05 PM**



**Doug Sweet, Chief Administrative Officer - Jun 10, 2024 - 3:22 PM**