



Report to Council

Department: Development Services
Division: Planning
Date: October 7, 2024
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2024-28
Subject: Request for Notice of Intention to Designate 18 Talbot Street North (Essex Centre, Ward 1) and to Remove Certain Properties from the Heritage Register (2547 County Road 20 East), and to Withdraw the Notice of Intention to Designate for 103 King Street West
Number of Pages: 6 including attachments

Recommendation(s)

That Planning report Planning-2024-28 entitled Request for Notice of Intention to Designate 18 Talbot Street North (Essex Centre, Ward 1) and to Remove Certain Properties from the Heritage Register (2547 County Road 20 East, Harrow, Ward 4) and to Withdraw the Notice of Intention to Designate for 103 King Street West (Harrow, Ward 4) prepared by Rita Jabbour, RPP, Manager, Planning Services dated October 7, 2024 be received, and,

That Council authorize a 'Notice of Intention to Designate' for the lands municipally known as 18 Talbot Street North in accordance with Section 29 of the Ontario Heritage Act (Essex Centre Ward 1), and,

That Council remove reference to the lands municipally known as 2547 County Road 20 East (the former Fina Gas Station) from the Town of Essex Heritage Register in accordance with Section 27 of the Ontario Heritage Act, and,

That Council withdraw the Notice of Intention to Designate for 103 King Street West (Harrow, Ward 4) subsection 29 (7) of the Ontario Heritage Act.

Purpose

Under the Ontario Heritage Act, 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, under subsection 29 (1.1).
- Remove properties from the Heritage Register that have been included on the Register as of December 31, 2022, and that are found to have no cultural heritage value, if it does not give a Notice of Intention to Designate the property on or before January 1, 2027, under subsection 27 (26).
- Withdraw its Notice of Intention to Designate, after considering a Notice of Objection, and if a By-Law to designate the property has not been passed, under subsection 29 (9).

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. As of January 1, 2024, The Town of Essex Heritage Register contained 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. Four (4) properties that were not listed on the Heritage Register were included in that review,

due to their strong potential for yielding cultural heritage value, for a total of twenty-six (26) properties under consideration.

18 Talbot Street North (the former Bennigan's)

On August 12, 2024, Planning Services, in Planning Report 2024-20, recommended that Council issue a Notice of Intention to Designate for the former Imperial Bank building located at 18 Talbot Street North (**the former Bennigan's**) in Essex Centre (Ward 1). The building was recommended for designation due to its design and physical value, historical and associative value, and contextual value. Specifically, the former bank building is built in an Art Deco architectural style that is rare in Essex. The bank branch was the first branch of the Imperial Bank of Canada to open south of London, Ontario, and the 11th branch to open in Canada.

Council did not issue a Notice of Intention to Designate 18 Talbot Street North, requesting instead, a report outlining the cultural heritage value of the building and the benefits of heritage designation.

A Statement of Cultural Heritage Value for 18 Talbot Street North has been prepared and is **attached to this report**.

The Statement outlines the reasons why the building has cultural heritage value. It also includes a description of the key heritage attributes that contribute to the cultural heritage value of the building including its mass, form and style, the brown stone cladding on all **elevations, all existing window and doorway openings, and the brick reading "Essex Branch"** on its front façade above the entrance. The Key heritage attributes are the elements of the building that must be preserved and conserved if the lands are designated under the Ontario Heritage Act.

Designation allows a Municipality to manage alteration requests for properties with cultural heritage value. Failure to designate a property that is deemed to have cultural heritage value places a building or place at a great risk for alteration or demolition to which the Town will have no means to control. Loss of the cultural heritage resource will have a very visible impact

on the streetscape of Essex Centre and the community. Therefore, staff is recommending that a Notice of Intention to Designate be issued for 18 Talbot Street North.

The Essex Municipal Heritage Committee (EMHC) met on Thursday June 27, 2024, and Thursday July 25, 2024 to review the cultural heritage value and interest of 18 Talbot Street North and has determined through resolution that it should be recommended to Council for designation.

2547 County Road 20 East (the former Fina Gas Station)

2547 County Road 20 East (the former Fina Gas Station) is listed on the municipal Heritage Register. The former Fina Gas Station was built in 1956 by the Petrofina Company-a Belgian company- during their North American expansion. The architectural style of the building which includes the bow fronted glass office, is reminiscent of the Belgian roots of the Petrofina Company.

A property must meet at minimum two (2) of the prescribed criteria to be considered for designation under the Ontario Heritage Act. **A copy of Ontario Regulation 9/06 has been attached to this Report.**

Planning Services staff have reviewed the property for cultural heritage value and has determined that 2547 County Road 20 East has design and physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method. However, the property and building failed to meet a second criteria for designation, and therefore, should be removed from the Register.

The Essex Municipal Heritage Committee (EMHC) met on Thursday September 26, 2024, and considered removal of the reference. The EMHC has recommended by resolution that 2547 County Road 20 East be removed from the Register.

103 King Street West

On September 3, 2024, By-Law Number 2358, being a by-law to designate the former John McIntyre Harness Shop building at 103 King Street West in Harrow, was defeated. Having considered the Notice of Objection and having failed to adopt a By-Law to designate the property, Council must now formally withdraw its Notice of Intention to Designate for 103 King Street West.

Next Steps

If Council intends to cause a Notice of Intention to Designate 18 Talbot Street North (former **Bennigan's**), a notice will be served on the Owner of the property and the Ontario Heritage Trust (OHT) 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 (OLT) within thirty (30) days after the date of publication of the Notice of Intention to Designate.

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

A reference to a property listed on the Heritage Register may be removed without the need to serve notice.

Financial Impact

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

Consultations

Essex Municipal Heritage Committee.

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:	Notice of Intention to Designate and Removal of Properties from Heritage Register - Planning-2024-28.docx
Attachments:	- Special Council Meeting (Heritage Designation Process).pdf - 18 Talbot St N Heritage Statement.pdf - Heritage Designation Recommendations October 7.pdf
Final Approval Date:	Oct 1, 2024

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

No Signature - Task assigned to Rita Jabbour, Manager, Planning Services was completed by workflow administrator Cassandra Lauzon, Legislative Clerk

Rita Jabbour, Manager, Planning Services - Oct 1, 2024 - 12:00 PM



Lori Chadwick, Director, Development Services - Oct 1, 2024 - 12:02 PM

No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by delegate Kate Giurissevich, Director, Corporate Services

Doug Sweet, Chief Administrative Officer - Oct 1, 2024 - 12:48 PM