



Report to Council

Department: Development Services

Division: Planning

Date: February 18, 2025

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

Report Number: Planning-2025-04

Subject: Heritage Designation for 18 Talbot Street North (the former Bennigan's and Imperial Bank of Canada Building)

Number of Pages: 4 including attachments

Recommendation(s)

That Planning report Planning-2025-04 entitled Heritage Designation for 18 Talbot Street North (the former Bennigan's and Imperial Bank of Canada Building) prepared by Rita Jabbour, RPP, Manager, Planning Services dated February 18, 2025, be received, and

That By-law 2421, being a By-law to designate the property municipally known as 18 Talbot Street North (the former Imperial Bank of Canada Building), under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, be read a first, second and third time and finally passed on February 18, 2025.

Purpose

A By-Law approved by Council is required to designate a property under Part IV of the Ontario Heritage Act as being a property with cultural heritage value or interest.

Background and Discussion

At the August 12, 2024 Regular Council meeting, Council deferred decision on the Notice of Intention to Designate the former Bennigan's building until they received further information on the heritage review and the structural integrity of the building. A description of the property and its cultural heritage value or interest is described in Planning Report 2024-08 and the accompanying Statement of Cultural Heritage Value and presentation **attached to this report**.

Following receipt of additional information provided to Council in September via email and at the October 7, 2024 Regular Council Meeting, Council directed Administration to issue a Notice of Intention to Designate 18 Talbot Street North (the former Bennigan's and Imperial Bank of Canada Building) as a property of significant cultural heritage value or interest, as described in Planning Report 2024-28, **attached to this report**.

In reference to the interior condition of the building, an Order to Remedy an Unsafe Building and an Order to Prohibit Occupancy was issued in February 2020. The owner has undertaken measures to secure the building and prevent access. The Orders are still active against the property and the building has since been vacant. Should the owner, or any future owner, wish to re-occupy the building, a structural engineering report would be required, and any mitigation/repairs would need to be undertaken to the satisfaction of the Chief Building Official. Designating the building will have no impact on the Owner's obligation to secure the building and prevent access. Designating the building will allow the owner, and any future owner, to access money under the Town of Essex Heritage Grant Program to undertake remedial work.

Publication of the Notice was completed in accordance with the process set out in subsection 29 (3) of the Ontario Heritage Act. Accordingly, individual notices were served on the Owner of the property and the Ontario Heritage Trust, and notice was published in the Harrow News and

Essex Free Press (newspapers having general circulation in the Municipality). Notice was also published on the Town of Essex website.

Additional Notification Efforts

To ensure the property owner received the Notice, the notice was delivered by registered mail. Planning staff also spoke with the property owner by phone. Legislatively, Planning staff has exceeded the requirements for notification.

Notice of Objections Received

A property owner who objects to a Notice of Intention to Designate may serve on the Clerk of a Municipality, a Notice of Objection setting out the reasons for the objection and all relevant facts. If a Notice of Objection is served, Council must consider the Notice and decide as to whether the Notice of Intention to Designate should be withdrawn within 90 days after the end of the 30-day objection period.

The property owner had no objections to the designation. No notices of objection were received because of circulation.

Next Steps

Following adoption of the By-Law, notice will be served on the Owner and the Ontario Heritage Trust and will be published in the local newspapers. The Owner will have the ability to appeal the By-Law to the Ontario Land Tribunal (OLT) within thirty (30) days of receiving notice. The By-law will be registered against title of the property at the Land Registry Office following the 30-day appeal period, at no cost to the property owner.

Financial Impact

There are costs associated with serving and publishing notice on the Owner and in the local newspapers, and for registering the By-Law at the land registry office. Costs will be recouped through the Planning and Zoning and Heritage Committee Operating Budget.

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:	Heritage Designation for 18 Talbot Street North (Essex Centre, Ward 1) - Planning-2025-04.docx
Attachments:	- By-law 2421(18 Talbot Street North).pdf - Notice of Intention to Designate - Planning-2024-20.pdf - Notice of Intention to Designate and Removal of Properties from Heritage Register - Planning-2024-28.pdf - Heritage Designation Recommendations.pdf
Final Approval Date:	Feb 11, 2025

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



Lori Chadwick, Director, Development Services - Feb 11, 2025 - 11:13 AM

No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by delegate Lori Chadwick, Director, Development Services

Doug Sweet, Chief Administrative Officer - Feb 11, 2025 - 11:59 AM