

Application to Demolish and Construct a new building at 227 Mackay Street, a property located in the New Edinburgh Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*

ACS2018-PIE-RHU-0023

Rideau-Rockcliffe (13)

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## Report Recommendations

That Planning Committee recommend that Council:

1. approve the application to demolish 227 MacKay Street, submitted by Derek Crain, architect, received on September 12, 2018;
2. approve the construction of a new building at 227 MacKay Street according to plans submitted by Derek Crain, architect, received on June 7, 2018;
3. delegate authority for minor design changes to the General Manager, Planning, Infrastructure and Economic Development;
4. issue the heritage permit with a two-year expiry date from the date of issuance;
5. suspend the notice required under Subsections 29(3) and 34(1) of the *Procedure By-law* to consider this report at its meeting on October 10, 2018.

(Note: The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on December 11, 2018.)

(Note: Approval to alter this property under the *Ontario Heritage Act* must not be construed to meet the requirements for the issuance of a building permit.)

The Built Heritage Sub-Committee (BHSC) considered this report at its meeting of

October 4, 2018. The sub-committee heard delegations and received written submissions, as noted in their Minutes. In addition, as noted in the Minutes, the sub-committee CARRIED the report recommendations with an amendment to remove components of the report language that speak to demolition.

Planning Committee heard one delegation:

- Marie Mullally, Avonmore Co-operative Housing Corporation, requested copies of documentation pertaining to the demolished heritage house, the building that has been partially constructed, and plans for the new house and garage.

Adam Crain (owner) and Derek Crain (architect) were present in support and to answer questions if needed.

Sally Coutts, Senior Heritage Planner, Planning, Infrastructure and Economic Development department, responded to questions.

In addition to the correspondence received by the Built Heritage Sub-committee, the Planning Committee received the following correspondence between October 2 (the date the report was published to the City's website with the Planning Committee agenda) and the time it was considered by planning Committee on October 9:

- Email dated October 5 from Adam Crain
- Email dated October 6 from Kevin L. Kattas
- Email dated October 7 from Johnn & Vick Di Gangi
- Email dated October 7 from Anna-Theresa Lobos and Jason Dutrizac
- Email dated October 8 from Dr. Paula Forgeron & Mr. Ian Galloway
- Email dated October 8 from Charles "Chip" Hamann

Planning Committee carried a motion to adopt the recommendations of the Built Heritage Sub-committee, as follows.

Motion N° PLC 71/1

Moved by Councillor T. Tierney

**WHEREAS the subject of Report ACS2018-PIE-RHU-0023 is, “Application to Demolish and Construct a new building at 227 Mackay Street, a property located in the New Edinburgh Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*”; and,**

**WHEREAS Recommendation 1 of the report is the following:**

**“Approve the application to demolish 227 MacKay Street, submitted by Derek Crain, architect, received on September 12, 2018”; and,**

**WHEREAS the report contains the following statement in paragraph 2 on page 4:**

**“As there was neither a heritage permit under the *Ontario Heritage Act* nor a demolition permit under the *Building Code Act* to permit the demolition, this report has been prepared because demolition and new construction in heritage conservation districts designated under Part V of the *Ontario Heritage Act* require the approval of City Council.”; and,**

**WHEREAS for purposes of clarity and to reflect the physical situation on the property, it is advisable to amend the report;**

**THEREFORE BE IT RESOLVED that the following changes be made to the staff report:**

1. **Revise the English subject to, “Application to Construct a new building at 227 Mackay Street, a property located in the New Edinburgh Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*.”**
2. **Revise the French subject to, “Demande de construction d’un nouveau bâtiment au 227, rue Mackay, une propriété située dans le district de conservation du patrimoine de New Edinburgh et désignée aux termes de la partie V de la *Loi sur le patrimoine de l’Ontario*.”**
3. **Delete Recommendation 1 and renumber the remaining recommendations accordingly.**

4. Delete the following statement in paragraph 2 on page 4:

“As there was neither a heritage permit under the *Ontario Heritage Act* nor a demolition permit under the *Building Code Act* to permit the demolition, this report has been prepared because demolition and new construction in heritage conservation districts designated under Part V of the *Ontario Heritage Act* require the approval of City Council.”

5. Delete in its entirety the section of the Discussion under subheading “Recommendation 1” on pages 4 and 5 and rename the remaining subheadings accordingly.

CARRIED

The committee CARRIED the report recommendations as amended by Motion 71/1, with the following DIRECTION TO STAFF:

That the Mayor write the Minister of Municipal Affairs and Housing to encourage him to review the financial penalties related to illegal demolition of Part IV or Part V buildings under the *Ontario Heritage Act* to see if they should be strengthened to discourage such activity.