

St. Catharines Heritage Advisory Committee

Minutes

Thursday, June 10, 2021

Electronic Participation at 2:30 pm

Members:

Gail Benjafield
Robert Speck
Brian Narhi
Andrew Humeniuk
Holly Washuta
Robert Hoerd
John Crawley

Regrets:

Ms. Lorraine Giroux
Mr. Justin Nicholls

Staff Liaison:

Michael Seaman, Senior Project Manager, Planning and Building Services

Council:

Councilor Ward 6, Carlos Garcia

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1. **Call meeting to order (Chair)**
Chair Narhi called the meeting to order at 2:31 p.m.
 2. **Recognition of Traditional Territories**
Chair Narhi read the land acknowledgement, noting that the land on which the St. Catharines Heritage Advisory Committee meets is the traditional territory of the Haudenosaunee and Anishinaabe peoples.
 3. **Additions / Deletions to the Agenda**
Member Crawley would like to discuss concerns regarding exterior changes to 91 Queen Street.

Chair Narhi and member Benjafield would like to discuss the Welland House and Private Watson Memorial.

Member Washuta would like to discuss concerns regarding the shrubs at the Montebello Park band shell.

Senior Project Manager Michael Seaman is removing section 9.2 and 9.3 from Business of the Agenda as there is currently nothing to report. Agenda item 5 cannot be completed as the previous minutes for the SCHAC meeting are not complete.

4. Motion to approve the agenda

Moved by: Gail Benjafield

“That the SCHAC adopt the agenda for this SCHAC meeting held on Thursday, June 10, 2021, as amended, copies having been previously distributed.”

CARRIED AS AMENDED

5. Motion to adopt the minutes of the previous meeting

Senior Project Manager Michael notes that the previous SCHAC meeting minutes are not complete.

6. Declarations of Interest

None

7. Presentations (invited guests)

None

8. Business arising from the minutes

8.1 Welcome new members

Michael Seaman, Senior Project Manager and Staff Liaison

Senior Project Manager Michael Seaman welcomes Committee members Holly Washuta and John Crawley to the SCHAC. Both are also members of the SChPAC and are well versed in the function of Committees.

8.2 Pony Mini Mart – 321 St. Paul Street

Michael Seaman, Senior Project Manager and Staff Liaison

Nothing to report – Deferred to the July 8, 2021 SCHAC Meeting

8.3 St. Catharine’s Museum Word Press – Heritage Committee Articles

Michael Seaman, Senior Project Manager and Staff Liaison

Nothing to report – Deferred to the July 8, 2021 SCHAC Meeting

9. Business

- 9.1** Changes to Ontario Heritage Act., In Effect July 1st, 2021
New Ontario Heritage Tool Kit Released
Michael Seaman, Senior Project Manager and Staff Liaison

Presentation Notes:

Senior Project Manager Michael Seaman updates the SCHAC Committee members on the changes to the *Ontario Heritage Act*, which include the following: The OHA is amended through the *More Homes, More Choice Act* (Bill 108), which has the goal of increasing consistency, transparency, and efficiency of municipal decision making under the OHA, created a binding appeal process for municipal decisions under the OHA, and aligns with the government's objective of streamlining development approvals, increasing housing supply in Ontario and burden reduction. The drafting of the regulation change was informed by initial consultations in winter of 2019 to 2020 and were attended by over 50 stakeholder groups. The draft regulation posted on the Environmental Registry (ERO) and Regulatory Registry Fall 2020 received 34 comments from municipalities, heritage stakeholders, development stakeholders and other interested stakeholders. Final regulation incorporates some changes based on stakeholder feedback. The Ontario Heritage Tool Kit created a series of plain language guides to assist stakeholders in understanding the heritage conservation framework in Ontario. The five guiding documents include: Designating Heritage Properties, Heritage Conservation Districts, Heritage Property Evaluation, Your Community, Your Heritage, Your Committee (Municipal Heritage Committees Guide), and Heritage Places of Worship. These documents will all be updated to reflect the new legislative and regulatory requirements. Consultation for the Ontario Heritage Tool Kit closes on July 1st, 2021. Feedback and questions can be submitted online via the Environment Registry of Ontario (ERO).

The following changes have been made to the requirements for listing non-designated properties on the municipal Register. These changes include: a 90-day timeline to issue NOID, a new process for objection to Council, 120-day timeline to pass a designation By-law, mandatory standards for a designation By-law, a new process for amending a designation By-law, and limitations on reapplication for repeal of a By-law. There are also significant changes to the alteration and demolition process which include: changes to the demolition/removal of heritage attributes, minimum requirements for complete applications, 60-days to confirm completeness, revised steps following consent to a demolition or removal of a building, structure, or heritage attribute. There are also new requirements for listing non-designated properties on the Register. Prior to the changes to the *Ontario Heritage Act*, after consultation, a municipality with a heritage Committee could list any building on the non-designated Register, and there were no grounds for appeal and no provision for notice. Now Council is required to notify a property owner

within 30-days of adding their non-designated property to the municipal Register. This notice must include: a state explaining why the Council of the municipality believes the property to be of cultural heritage value or interest, a description of the property that is sufficient to readily ascertain the property, a statement informing the owner of their right to object to their property's inclusion, an explanation of the restriction concerning the demolition or removal of a building. This only applies to properties that are included on the register beginning July 1, 2021. The owner now has the right to object to their non-designated property being included on the municipal Register. This notice of objection must be served on the clerk within 90-days of the objection, council must provide the owner with their decision as to whether or not the property should remain on the Register. An owner's opportunity to object is not limited to when the property was first included on the Register. It can happen at any time, by any owner of the property. The objection process can be used by the owner of any non-designated property included on a municipal Register on or after July 1, 2021.

Municipalities now have 90-days to issue a NOID (Notice of Intention to Designate) when a property is subject to a *Planning Act* application for an Official Plan Amendment, Zoning By-law Amendment, or a Plan of Subdivision. The restriction on missing a NOID is removed once the application that triggered the 90-days has been disposed of under the *Planning Act*. The trigger is activated when all the required notices are issued by Council or a planning board for a complete application related to an Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision under the *Planning Act*. There is an exemption from the timeline when a property owner and council agree to an extension or that the timeline does not apply, and when a municipality declares an emergency under *Emergency Management and Civil Protection Act*. The amendments to the OHA established a new process that allows for objections to be heard by Council following issuance of a NOID. Objections must be made to the clerk within 30-days of the date the NOID was published in a newspaper. Council is required to consider any objections it receives in making its final decision to either withdraw the NOID or pass the designation By-law. This opportunity to object to Council applies to new designations, proposals to amend a designation By-law, and proposed repeal of a designation By-law, both where it is initiated by Council or where the owner applies for repeal. Municipalities are now required to pass a designation By-law within 120-days of the NOID's publication, otherwise the NOID will be considered withdrawn. Municipalities will have to issue a notice of withdrawal. There is an exception to this 120-day timeline if the property owner and Council agree to an extension, the municipality declares an emergency under *Emergency Management and Civil Protection Act*, or Council passes a resolution stating that they have received new and relevant information.

There are new designation By-law requirements which include: identify the property by municipal address, legal description, and a general description of where the property is located within the municipality. Include a site plan, scale drawing, or description in writing that identifies the areas of cultural heritage value or interest. The statement of cultural heritage value or interest must identify which of the criteria set out in regulation

9/06 are met, and how they are met. Description of heritage attributes must explain how each attribute contributes to the cultural heritage value or interest of the property. The By-law may also list any physical features of the property that are not heritage attributes. There are minor changes to amending and repeal processes. When proposing to amend a designation By-law there is no limitation on when a municipality can propose an amendment to a designation By-law. Unlike all other designation By-law decisions, Council has 365-days from the date the notice of proposed amendment is published to pass the amending By-law, otherwise the notice is considered withdrawn. This timeline can be extended by mutual agreement only.

There are also a few changes to alteration and demolition applications which include the following: Changes were made to s.34 of the OHA to recognize the demolition or removal of heritage attributes that are not buildings or structures. Changes to the definition of alter and references to demolition of heritage attributes in heritage conservation districts are not being proclaimed at this time. The following changes to a complete alteration and demolition application are as follows: A new requirement was introduced for municipalities to conform that a property owner's application for alteration or demolition/removal is deemed complete within 60-days of it being served on the municipality. O. Reg. 385/21 Sets out provincial minimum requirements for applications to alter or demolish/remove a building, structure, or heritage attribute on a designated heritage property. Municipalities can build on the provincial requirements but are required to outline those requirements through a municipal By-law, council resolution or Official Plan policy. There are also revised steps following consent to a demolition or removal of a building, structure or heritage attribute. O. Reg. 385/21 outlines the steps that a council must follow after consent to an application for demolition or removal or where the Tribunal orders that Council consent. Once the demolition is complete, Council is required to determine what impact the demolition or removal had on the property's cultural heritage value or interest and description of heritage attributes. Based on this determination, Council must take one of the following actions with respect to the existing designation By-law: do nothing, amend or repeal.

The *Accelerating Access to Justice Act*, 2021 (Bill 245) consolidates Ontario's five land tribunals, including CRB and LPAT into a single tribunal, the Ontario Land Tribunal (OLT). As part of Ontario's Digital First strategy, the *Protecting What Matters Most Act*, 2019 amended the OHA to include email as a form of delivering documents, to help modernize services and improve efficiency. Processes initiated on or after proclamation will be subject to the new legislator regime, while those initiated prior to proclamation would be subject to processes under the OHA as it was prior to amendments and regulation being proclaimed. O. Reg. 385/21 Sets out the specific triggers for determining if a process has commenced. O. Reg. 385/21 requires that municipalities address all outstanding NOIDs within 365-days of proclamation. These timeframes can only be extended by mutual agreement. Where a matter was referred to the CRB or the OLT, whichever the case may be, the municipality will have 365-days from the date of

the report to pass the By-law. For more information about the OLT Committee members can visit <https://olt.giv.on.ca/>.

Committee Comments:

Senior Project Manager Michael Seaman now asks the Committee for any questions relating to the changes to the *Ontario Heritage Act*. Councilor Garcia reminds the Committee that there are a number of properties that the Committee has recommended for listing on the Registry that were recently before Council. However, these recommendations had been deferred or delayed which means they could be impacted by the change that take place July 1, 2021. Councilor Garcia suggests that the Committee go back to Council soon, so they are not impacted by these changes. Senior Project Manager Michael Seaman explains that there was an inquiry made about one of the properties which impacted the recommendation to Council, and that he will include the update in the report that he had prepared prior to leaving the City. Michael will see if it is possible to expedite the properties and have them added to the next Council meeting.

Chair Narhi notes that in the presentation it is referenced that Council can declare an emergency. What defines an emergency in this situation? Senior Project Manager Michael Seaman responds that he will follow up, but it is likely referring to impacts that would hinder Council's ability to meet timelines, such as a global pandemic. Chair Narhi also asks if the appeal for Welland House is going to fall under the old regulations. Michael confirms that it would remain under the old regulations as it was before the July 1, 2021 implementation. Chair Narhi asks for confirmation that Council still has the ability to institute a designation without the owner's consent. Michael responds that consent is not included in the new regulations, but it prevents cities from designating properties that they had no business in designating heritage to. The intent of these changes is to ensure there is some integrity to the process. The new process does not necessarily require consent from the property owner, but it gives the owner the opportunity to object. However, the ability to add a property to the Register still lies with Council.

Member Washuta explained that much of the community is unaware of non-designated heritage properties, and there are still many heritage resources in the city that are not yet designated. Senior Project Manager Michael Seaman responds that there is a need for a strategy to help cover the missing designations, as there are likely 20-30% of heritage properties that are not designated. Heritage is an important part of good planning and ensuring these resources are protected is critical for having good urban planning in the city. Michael explains that a clean heritage Registry is even preferable to developers, as it provides clarity and ensures developers know what properties are protected and the processes involved with these heritage resources before acquiring them. Member Humeniuk adds that the research and inventory Sub-Committee had made some progress towards making the list of properties that should be considered for addition to the Registry, but it has been delayed due to the lack of access to research.

The number of properties that are added to the Registry is dependent on how much of the research list can be completed. Michael adds that once they have acquired a new Heritage Planner, they hope to hand some of these research tasks and duties to that Heritage Planner as a way of helping the research and inventory Sub-Committee with their tasks.

Chair Narhi expands that in the past they would do “windshield surveys”, and if a building appeared like a solid example of a heritage resource, they would recommend that it be added to the non-designated list of heritage properties. They would then complete the research once it had been protected on the non-designated list. However, the cities perspective has changed on this and they began to complete more in-depth research which slowed down the designation process. Chair Narhi suggests a compromise between the two options so that there is adequate research while maintaining the efficiency of getting properties on the non-designated Registry. Chair Narhi recommends that the Committee splits its work force to have some members complete “windshield surveys” while the other half completes the research. Senior Project Manager Michael Seaman agrees with this request and adds that the City will also be able to further assist the Committee once they have acquired a Heritage Planner and Planning Technician who can use tools such as GIS to narrow down areas of interest.

Member Humeniuk asks the Senior Project Manager Michael Seaman if there are any prospects that the Sub-Committee will be able to start meeting again. Michael adds that he has lots of experience with the Heritage Student Grant Program, and that incorporating a grant application to acquire a heritage student could help efficiently organize heritage resources and allow things to move forward. Chair Narhi suggests that in the interim the Sub-Committee could meet virtually to discuss work. Michael states that they can certainly meet, and he will try and be present to facilitate things if that would be helpful, but he is currently very busy.

Moved by: Holly Washuta

Seconded by: Robert Speck

“That the SCHAC has received the presentation on the changes to *Ontario Heritage Act* presented by Senior Project Manager Michael Seaman.”

CARRIED

- 9.2** Update from Chair Narhi regarding inquiries received following the April meeting regarding properties on Edmund Street and Norris Place.

Chair Narhi states that he has been contacted by Gregory Betts who is a professor at Brock University regarding a heritage home that Betts lives in on 29 Edmond Street. Chair Narhi believes that the building has both interior and exterior designation based on the wording of the designation By-law that was written in the early 1980s. 29 Edmond is currently having the plaster work repaired in one of the front rooms and the work is being done by Jon Jouprien. Chair Narhi also received communications from Mike Mussolini that he has purchased 3 and 5 College Street and he is having work done on the houses. He would like to have the front concrete steps, the sidewalk, and some iron handrails completed, and he wanted to know if that work was covered by a heritage grant to defray the cost. Chair Narhi thought the steps and railing could potentially be covered by a grant. Senior Project Manager Michael Seaman explains that it is only heritage attributes that are covered, but he will check and confirm. Chair Narhi believes the iron railings might be vintage 1920s that match the period of the house, and he believes they would be covered. Michael says that they can reach out directly to him and he will send them information regarding the program. He believes it is only heritage attributes that are identified that are covered under the heritage grant program, but if it is an old By-law the heritage attributes might be unclear.

Member Humeniuk adds that there is no requirement to update existing By-laws but there are some issues associated with these unclear past By-laws. These past By-laws don't identify the heritage attributes of the structure clearly. Member Humeniuk had previously dealt with this situation at the Brown Homestead which had its designation updated because the old By-law was unclear on what was identified as a heritage attribute. Something that worries Member Humeniuk is that there are a lot of outdated By-laws and they have no teeth because they are not justifying the heritage attributes clearly. Member Humeniuk adds that the last update for 23 Duke Street was that the owner wanted to delay the property being added to the Registry due to a concern over financing and member Humeniuk would like an update on this. The owner did oppose the addition of 25 Duke Street to the Register. Member Humeniuk has completed research on both properties and was curious if there were any updates on either being added to the Registry. Michael comments that there are currently no updates on these two properties, but once the Heritage Planner has started, he will connect personally with member Humeniuk and they can get up to speed on the properties.

9.3 St. Catharines Municipal Heritage Register (non-designated) Update
Michael Seaman, Senior Project Manager and Staff Liaison
Nothing to report – Deferred to the July 8th, 2021 SCHAC Meeting

10. Items of Correspondence

10.1 Concerns regarding exterior changes to 91 Queen Street.

Member Crawley explains that 91 Queen Street is a large Victorian home located in the Queen Street Heritage District. The home was sold five years ago, and the new owners lied about their intentions with the home and turned it into a Brock fraternity. The fraternity members were later removed from the home and the owners have now began to renovate the interior of the property. Member Crawley is concerned about the exterior of the property as it has important heritage attributes. The owners had some discussion about replacing the front doors and windows which have some important stain glass features. Member Crawley adds that he is unsure about the restrictions on what the

homeowners can and cannot do as far as the windows and doors go. Senior Project Manager Michael Seaman reply's that if the home is within the Queen Street Heritage District the homeowner would need to apply for a heritage permit for any alterations like that to the property. If the windows and doors are flagged as having heritage significance, they would have to go through the heritage application process. Member Crawley has given the homeowners all the forms and contracts that are available on the City website, and he will go talk to the owner and let them know about the situation.

10.2 Welland House and Private Watson Memorial.

Chair Narhi requested an updated on the Welland House inspection. Senior Project Manager Michael Seaman states that inspectors did visit the site and he received correspondence from the fire department. The appeal on the notice of designation is currently tied up in the legal process but it is working towards a resolution. Member Benjafield would like an update on whether Margaret Josipovic has distributed the Mike Ripmeester and Russel Johnson Brock University Watson Statue Papers to member Hoerdt and member Speck. Both Committee members state that they did not receive the papers.

10.3 Shrubs at the Montebello Park band shell.

Member Washuta explains that she had noticed the hedges surrounding the band shell at Montebello Park are overgrown and have begun to swallow up the band shell. Member Washuta asks that the park's department maintains the shrubs, so the band shell is both visible and protected from damage. Member Crowley adds that the band shell's foundation has been compromised over the years, and that is why the shrubbery had been added to shield the foundation. Senior Project Manager Michael Seaman adds that it is not good practice to have plants directly against the wood structure, as it could damage it. He will reach out to Tami and see if there is someone in parks who can maintain the shrubs. Councilor Garcia suggests a short motion to ask the parks department to investigate this.

Moved by: Holly Washuta

Seconded by: Gail Benjafield

"That the SCHAC has asked the parks department to report on the condition and the need for the shrubbery in the vicinity of the band shell in Montebello Park be maintained to protect the heritage features of the band shell."

CARRIED

11. **Date of next meeting**
Thursday, July 8th, 2021

12. **Motion to Adjourn**
Moved by: John Crawley

"That the SCHAC meeting be adjourned at 4:02 pm."

CARRIED