



**City of Kingston
Report to Council
Report Number 24-158**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Kevin Gibbs, Director, Heritage Services
Date of Meeting: June 4, 2024
Subject: Notice of Objection to Proposed Heritage Designations
Address: 995 Sydenham Road
File Number: R01-065-2023

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

This report is to provide a Notice of Objection for Council's consideration, which was received as part of the heritage designation process currently underway for 995 Sydenham Road, formally known as the Harrigan House.

A Notice of Intention to Designate the property was served on the owners and published in the newspaper on February 13, 2024. The owners of 995 Sydenham Road provided a Notice of Objection on March 12, 2024. When a Notice of Objection is received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate or not. This timeline will expire on June 12, 2024.

The draft designation by-law was prepared and provided to the owners in accordance with *Ontario Heritage Act* requirements. In the time since the owners' objections were received, staff have communicated with the property owners and made two minor changes to the designation by-law as requested, namely, to remove the proposed building name and to correct the reference to the "stone tail".

June 4, 2024

Page 2 of 6

The subject property exceeds the minimum required criteria for determining cultural heritage value or interest in Ontario. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the subject property under Section 29 of the *Ontario Heritage Act* and staff recommend giving all three readings to the revised by-law and serving a Notice of Passing.

Recommendation:

That Council acknowledges receipt of the Notice of Objection from Jackie Blakney and Brent Wilson dated March 11, 2024 to the proposed designation of the property located at 995 Sydenham Road as a property of cultural heritage value or interest pursuant to Section 29(5) of the *Ontario Heritage Act*, and having considered the objections set out in the Notice of Objection pursuant to Section 29(6), have decided not to withdraw the Notice to Intention to Designate the property; and

That Council give all three readings to the amended Designation By-Law for 995 Sydenham Road, attached as Exhibit B to Report Number 24-158, and direct the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act.

June 4, 2024

Page 3 of 6

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Jennifer Campbell,
Commissioner, Community
Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Growth & Development Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

June 4, 2024

Page 4 of 6

Options/Discussion:

This report provides an update on the heritage designation process currently underway for the property at 995 Sydenham Road and circulates the Notice of Objection that has been received (Exhibit A) for Council's consideration.

The property at 995 Sydenham Road is located on the west side of the street, in the former Cataraqui Village. It contains a one-and-a-half storey limestone house built in the 1860s. It is an early surviving example of a vernacular stone dwelling for the area and is an important part of the historical context of the neighbourhood and helps to maintain the character of the former village.

Background

Section 29 of the *Ontario Heritage Act* authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest. Council, on February 6, 2024, with respect to [Report Number HP-24-007](#), passed the following motion:

That Council direct staff to serve a Notice of Intention to Designate the property located at 995 Sydenham Road, known as the Harrigan House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-24-007; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 995 Sydenham Road, attached as Exhibit J to Report Number HP-24-007, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

As outlined in detail in [Report Number HK-21-004](#), the 2020 changes to the *Ontario Heritage Act* created a two-tier appeal process for new designations. Following consultation with its heritage committee and the serving of a notice of its intention to designate a property, anyone within 30 days of the publication of the notice in the newspaper, can object by providing a Notice of Objection to the City Clerk.

A Notice of Intention to Designate the property was served on the owners, published in the newspaper and posted on the City's website on February 13, 2024. The Notice of Objection was provided to the City on March 12 (Exhibit A), within the 30-day objection period.

When a Notice of Objection is received by the City, Council has 90 days to decide if it wishes to withdraw its Notice of Intention to Designate, following the completion of the 30-day objection period, as per Section 29(6) of the *Ontario Heritage Act*. This timeline will expire on June 12, 2024. Council's decision regarding the objection is required to be served on the owner(s) and be published in the newspaper in the form of either a Notice of Passing (after giving final reading to the by-law) or a Notice of Withdrawal.

June 4, 2024

Page 5 of 6

If Council chooses to publish a Notice of Passing, the public (including the owners) will be afforded a second opportunity to appeal the designation to the Ontario Land Tribunal within 30 days of the publication of the Notice. The Tribunal would then review the appeal, hold a hearing and render a binding decision on the fate and content of the designation.

Cultural Heritage Analysis

The purpose of the first tier of the two-tier objection/appeal process is to provide the municipality with an opportunity to consider the merits of the objection and reconsider their intention to designate the property, before relinquishing decision making authority on the fate of the designation to the Ontario Land Tribunal, should the matter be appealed under tier two.

The Letter of Objection for 995 Sydenham Road (Exhibit A) outlines three concerns with the proposed designation by-law, namely: the perceived impact on property values; the error in the reference to the rear “stone tail” of the building; and an apprehension around naming the building after its first owner.

While we appreciate the owner’s opinion as a real estate broker, the resale value of a property and any perceived impacts from the proposed heritage designation, is not a criterion for determining cultural heritage value or interest through the *Ontario Heritage Act*. Research conducted through the University of Waterloo determined that a heritage designation did “not in itself have any demonstrable negative effect on the value of those properties” that were included in the study. It goes on to say that designated properties appear to increase in value more consistently when measured against the average market trend within a given community.

Staff have no objection to removing the “Harrigan House” name and to correct the reference to the cladding of the rear tail in the Statement of Cultural Heritage Value in the draft by-law. The naming of a built heritage resource is sometimes done to honour a prominent figure, business or event. It is not; however, a requirement under the *Ontario Heritage Act*. Further, while the Harrigan family were a local farming family in the Cataraqui Village area, staff were unable to source enough information on the family to satisfy the Provincial criteria related to attributing historical and/or associative value to the property.

The draft designation by-law has been amended, as noted above, and provided to the property owners. At the time of writing this report, a response from the owners regarding the revised by-law has not been received. The amended draft designation by-law is attached as Exhibit B and photographs of the property are also included as Exhibit C.

Summary

The draft by-law was prepared in accordance with *Ontario Heritage Act* requirements. The subject property was evaluated against the ‘Criteria for Determining Cultural Heritage Value or Interest’ in Ontario Regulation 9/06, which requires the property to meet at least two (2) of the nine (9) criteria to be considered for designation under the Act. The subject property exceeds the minimum tests by meeting three (3) of the criteria. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the

June 4, 2024

Page 6 of 6

subject property at 995 Sydenham Road under Section 29 of the *Ontario Heritage Act*. Staff recommend giving all three readings to the by-law and serving a Notice of Passing.

Existing Policy/By-Law:

More Homes Built Faster Act, 2022 (Province of Ontario)

More Homes, More Choice Act, 2019 (Province of Ontario)

Ontario Heritage Act, R.S.O. 1990, C.O. 18 (Province of Ontario)

Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest (Ontario)

Ontario Regulation 385/21 – General Regulations (Ontario)

City of Kingston Official Plan

Notice Provisions:

Notice of Passing or Notice of Withdrawal must be served on the property owner(s) and the Ontario Heritage Trust and be published in a newspaper, having general circulation in the municipality, pursuant to Section 29 of the *Ontario Heritage Act*.

Contacts:

Kevin Gibbs, Director, Heritage Services, 613-546-4291 extension 1354

Joel Konrad, Manager, Heritage Planning, 613-546-4291 extension 3256

Ryan Leary, Senior Planner, Heritage Services, 613-546-4291 extension 3233

Exhibits Attached:

Exhibit A Notice of Objection

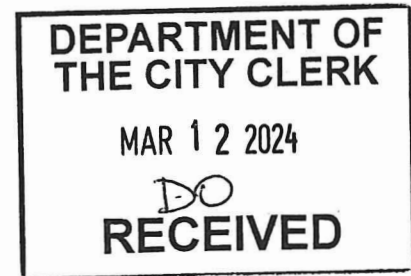
Exhibit B Revised Draft Designation By-Law – 995 Sydenham Road

Exhibit C Photographs of Property

Monday, March 11, 2024

To the attention of:
Ryan Leary, Senior Heritage Planner,
Heritage Services

Hand delivered to:
Janet Jaynes, City Clerk
City of Kingston



RE: 995 Sydenham Road, Kingston, ON K7M 3L8

We are writing to express our strong opposition to the proposal for designating our property as a heritage site. While we appreciate the consideration given to this proposal, we must firmly state our objections based on the following.

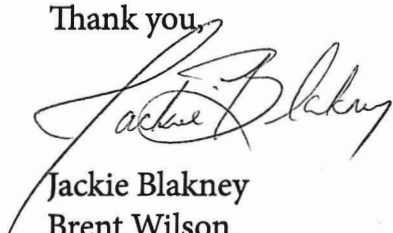
Our decision to invest in this property was made after careful consideration, taking into account various aspects. We made a significant investment and chose this property specifically because there was no such encumbrance of Heritage designation. I am a real estate broker and have been in the real estate industry for 40 years. Heritage designation comes with a negative connotation and in my personal experience adversely affects property values.

The correspondence you provided erroneously describes the property as a limestone dwelling with rear tail. The tail referred to is constructed of man made product to appear to be limestone to match the original building. Added to that tail is a two storey addition and therefore the percentage of original buildings to what exists today is approximately 20%.

To have the property officially named after the man who originally owned it seems a bit archaic and recent history shows that negative history could come to light and cause harm as our city recently experienced.

We would ask that the city reconsider the proposed designation of 995 Sydenham Road taking into account all of the foregoing.

Thank you,



Jackie Blakney
Brent Wilson
2834697 Ontario Inc.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 995 Sydenham Road to be of Cultural Heritage Value and Interest Pursuant to the *Ontario Heritage Act*

Passed: [insert date]

Whereas:

Subsection 29(1) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 (the "*Ontario Heritage Act*") authorizes the council of a municipality to enact by-laws to designate property within the municipality, including buildings and structures on the property, to be of cultural heritage value or interest;

The *property* was listed on the register established pursuant to Section 27 of the *Ontario Heritage Act* in 2016;

On January 24, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property at 995 Sydenham Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On February 13, 2024, *Council* caused notice of its intention to designate the *property* to be given to the owner of the *property* and to the Ontario Heritage Trust (the "*Trust*"), and on February 13, 2024, notice of the intent to designate the *property* was published in The Kingston Whig-Standard, a newspaper having general circulation in the City of Kingston; and

On March 11, 2024, a notice of objection to the proposed designation was served on the municipal Clerk (the "*Clerk*") of the Corporation of the City of Kingston (the "*City*") within the time prescribed by subsection 29(5) of the *Ontario Heritage Act*.

Therefore, *Council* enacts:

1. The *property* is designated as being of cultural heritage value and interest, as more particularly described in Schedule "A" of this by-law.
2. A copy of this by-law will be registered against the *property* in the appropriate land registry office. The *Clerk* is authorized to serve a copy of this by-law on the owner of the *property* and the *Trust*, and to cause notice of the passing of this by-law to be published in The Kingston Whig-Standard.

City of Kingston By-Law Number 2024-XX

3. The *City* reserves the right to install a designation recognition plaque on the *property*, in a location and style determined by the *City* in consultation with the owner.
4. This by-law will come into force and take effect on the date it is passed.

Given First and Second Readings XXX, 2024

Given Third Reading and Passed XXX, 2024

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule "A"
Description and Criteria for Designation

Civic Address: 995 Sydenham Road
Legal Description: Part Lot 15 Concession 3 Kingston as in FR613532; City of Kingston, County of Frontenac
Property Roll Number: 1011 080 190 28600

Introduction and Description of Property

The property is located at 995 Sydenham Road on the west side of the road, just south of Crossfield Avenue, in the former Village of Cataraqui, now the City of Kingston. Situated on an approximately 1,900 square metre residential property, the property includes an 1860s one-and-a-half storey limestone house, with a recently added (2003) two storey addition to the rear. The house was built for local farmers, George and Ann Harrigan and their family to replace an earlier frame dwelling.

The Harrigan family, Roman Catholic Irish immigrants, successfully ran a farm on leased land and first lived in a one-storey frame house on the property. As their family expanded and their farm prospered, this stone house, with its simple classical elements, became their new home.

Statement of Cultural Heritage Value/Statement of Significance

The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.

This stone house was likely built in the 1860s and appears on the Ordnance Plan of 1869. Built in limestone, this small house is one of the earliest surviving stone dwellings in or near the former Cataraqui Village. This makes the property a rare example of a small vernacular stone dwelling from the mid-19th century in this area of Kingston/formerly Cataraqui Village.

The property is a good example of a simple, functional dwelling in a former village. It was designed with a simple form with no overt detailing and in the Georgian tradition of placing the main entrance in the centre flanked symmetrically by large windows. While only one survives, likely a matching chimney was originally constructed to balance at each gable end.

The property has contextual value because it is important in defining, maintaining or supporting the character of an area.

The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.

With its shallow setback, limestone construction, age and location on Sydenham Road, the property shares a visual and historical relationship with its surroundings and is an important part of the historical context of the neighbourhood and helps to maintain the character of the former village. Together with the stone building at 998 Sydenham Road, the brick house at 991 Sydenham Road and the Cataraqui Cemetery National Historic Site, the dwelling at 995 Sydenham Road helps to define the historic Village of Cataraqui's rural character as it extends south to Princess Street.

Heritage Attributes

Key exterior elements that contribute to the property's cultural heritage value include its:

- One-and-a-half-storey, three-bay massing, of limestone construction with regular coursing on the façade and random coursing on the sides;
- Medium pitched gable roof, with brick chimney; and
- Regular pattern of original window and door openings with stone voussoirs.

995 Sydenham Road





East Elevation



North Elevation

South Elevation

