



**City of Kingston**  
**Report to Kingston Heritage Properties Committee**  
**Report Number HP-25-005**

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**To:** Chair and Members of the Kingston Heritage Properties Committee

**From:** Jennifer Campbell, Commissioner, Community Services

**Resource Staff:** Kevin Gibbs, Director Heritage Services

**Date of Meeting:** December 18, 2024

**Subject:** Supplemental Report – Notice of Intention to Designate – 2973 Orser Road

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**Council Strategic Plan Alignment:**

Theme: Corporate business

Goal: See above

**Executive Summary:**

The following is a supplemental report to the Heritage Properties Committee recommending a further deferral of a recommendation contained in [Report Number HP-24-039](#), which was presented to the Heritage Properties Committee at a regular meeting on September 18, 2024. That report recommended serving Notices of Intention to Designate (NOIDs) on multiple properties, including 2973 Orser Road, known as the Orser Farmstead, as a property of cultural heritage value.

At the September 18, 2024, meeting the Committee voted to defer consideration of the recommendation to serve a NOID on 2973 Orser Road to the next Committee meeting on October 16, 2024, to provide the property owner time to seek legal consultation regarding the impact of designating the property, particularly about the cost and availability of insurance on a heritage designated agricultural property.

At the October 16 meeting, Committee again voted to further defer the recommendation to serve a NOID on 2973 Orser Road, in this case to the December 18, 2024, meeting. Per By-Law Number 2023-204, the *Committee By-Law*, the maximum time a committee can defer a report is

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90 days. As such, no further deferrals are permissible by the Committee. However, Council can refer a recommendation back to Committee for further consideration at a future date.

To provide the owner of 2973 Orser Road additional time to carry out their ongoing consultation and research, staff recommend that Council refer the report back to Committee for further consideration at a future meeting. This would also align with Staff's direction to temporarily pause new heritage designations as Staff investigate broader issues associated with the costs of heritage designations. Deferring the issuance of a NOID on the property is possible due to an extended provincial deadline to designate or de-list all properties listed on municipal heritage registers.

**Recommendation:**

**That** the Kingston Heritage Properties Committee recommends to Council:

**That** the following recommendation in Report Number HP-24-039, Notice of Intention to Designate – 2973 Orser Road, be referred back to the Kingston Heritage Properties Committee for consideration at a meeting not later than Q1 2026:

**That** Council direct staff to serve a Notice of Intention to Designate the property located at 2973 Orser Road, known as the Orser Farmstead, 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-24-039; 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 2973 Orser Road, known as the Orser Farmstead, attached as Exhibit I to Report Number HP-24-036, 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.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Jennifer Campbell,  
Commissioner, Community  
Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

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**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
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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## Options/Discussion:

### Background

Section 29 of the *Ontario Heritage Act* (OHA) 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 shall, before giving notice of its intention to designate a property, consult with its municipal heritage committee.

On January 1, 2023, changes to the OHA resulting from Bill 23, the *More Homes Built Faster Act*, came into effect, including a requirement to designate or de-list properties listed on municipal heritage registers by January 1, 2025. On June 6, 2024, the province passed Bill 200, the *Homeowner Protection Act*, which extended this deadline to January 1, 2027.

Through Report Number [HP-23-018](#), Council directed Staff to designate or de-list over 300 properties included on Kingston's heritage register. One of these properties is 2973 Orser Road, known as the Orser Farmstead.

At the Heritage Properties Committee meeting on September 18, 2024, Report Number [HP-24-039](#) recommended that Council serve Notices of Intention to Designate (NOIDs) on multiple properties, including 2973 Orser Road. At this meeting the Committee voted to defer the recommendation to serve a NOID on the property to the next Committee meeting on October 16, 2024. This was to provide the property owner sufficient time to seek legal consultation regarding the impact of designating the property, particularly about the cost and availability of insurance on a heritage designated agricultural property.

At the October 16 meeting, Committee again voted to further defer the recommendation to serve a NOID on 2973 Orser Road, in this case to the December 18, 2024, meeting. As per By-Law Number 2023-204, the *Committee By-Law*, the maximum time a committee can defer a report is 90 days, after which a committee must promptly report the matter to Council with no recommendation. Therefore, no further deferrals are permissible by the Committee. However, Council can refer a recommendation back to Committee for further consideration at a future Committee meeting.

### Analysis

Staff recommend that Council refer the report back to the Heritage Properties Committee for consideration at a meeting not later than Q1 2026. Given the extended deadline to designate or de-list properties on municipal heritage registers provided by Bill 200, the *Homeowner Protection Act*, there is sufficient time to further defer issuing a NOID on the property until Q1 2026.

This will allow the owner of the property sufficient time for legal consultation and to sufficiently investigate any perceived impacts of a heritage designation on the agricultural property,

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including the cost of insurance. Additionally, Staff are in the process of consulting with insurance providers to investigate claims that heritage designations are resulting in increased premiums, despite clear guidance from the province that this should not be the case.

Referring the recommendation to issue a NOID on 2973 Orser Road back to Heritage Properties Committee will allow time for additional information to be gathered for Committee's and Council's consideration on the recommendation. It also aligns with Staff's direction to temporarily pause new heritage designations while new evidence is being collected.

**Existing Policy/By-Law**

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

*Homeowner Protection Act, 2024*

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

*Committee By-Law, By-Law 2023-204,*

**Notice Provisions**

Notice of Intention to Designate, Notice of Passing and 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*.

**Financial Considerations**

None

**Contacts:**

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

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

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

**Other City of Kingston Staff Consulted:**

Derek Ochej, Deputy City Clerk, City Clerk's Department, 613-546-4291 extension 1252

Iain Sullivan, Committee Clerk, City Clerk's Department, 613-546-4291 extension 1864

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**Exhibits Attached:**

None