



**City of Kingston
Report to Council
Report Number 25-041**

To: Mayor and Members of Council
From: Jennifer Campbell, Commissioner, Community Services
Resource Staff: Kevin Gibbs, Director, Heritage Services
Date of Meeting: February 4, 2025
Subject: Notice of Objection to Proposed Heritage Designations
Address: 4226 Florida Road and 262 Wellington Street
File Numbers: R01-062-2024 & R01-060-2024

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

This report is to provide Notices of Objection for Council's consideration, which were received as part of the heritage designation process currently underway for two properties, namely a rare wood framed farmhouse at 4226 Florida Road and rare Bay-and-Gable style brick duplex at 262 Wellington Street.

A notice of Intention to Designate the properties was provided to the owners and published in the newspaper on October 8, 2024. The owner of 4226 Florida Road provided a Notice of Objection on October 15, 2024, while the owner of 262 Wellington Street provided a Notice of Objection on October 29, 2024. The Notices of Objection are attached as Exhibit A and Exhibit B, respectively. 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 to proceed with the designation process. This timeline will expire on February 5, 2025.

Recent updates to the *Ontario Heritage Act* clarify that, if a property owner has been served a Notice of Intention to Designate and then Council decides to withdraw the Notice of Intention,

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the municipality shall remove the property from the Municipal Heritage Register and cannot designate the property for a period of five (5) years.

The draft designation by-laws were prepared and provided to the owners in accordance with *Ontario Heritage Act* requirements. In the time since the owners' objections were received, staff have met with each property owner. Minor changes to the draft by-law for 4226 Florida Road were made at the request of the owner. No changes to the draft designation by-law for 262 Wellington Street have been requested.

The subject properties exceed 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 properties under Section 29 of the *Ontario Heritage Act* and staff recommend giving all three readings to the proposed by-laws and serving a Notice of Passing.

Attached to this report (Exhibit F) is a document, prepared by Heritage staff, to address several common misconceptions related to heritage designations. It is hoped that these responses can help alleviate some of the fears and misinformation surrounding heritage conservation in Ontario and the designation of properties in Kingston under the *Ontario Heritage Act*.

Recommendation:

That Council acknowledges receipt of the Notice of Objection from Tim and Tracey Burley dated October 15, 2024 to the proposed designation of the property located at 4226 Florida 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), has decided not to withdraw the Notice of Intention to Designate the property; and

That Council give all three readings to the Designation By-Law for 4226 Florida Road, attached as Exhibit C to Report Number 25-041, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act; and

That Council acknowledges receipt of the Notice of Objection from Marta Klar dated October 29, 2024 to the proposed designation of the property located at 262 Wellington Street, 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), has decided not to withdraw the Notice of Intention to Designate the property; and

That Council give all three readings to the Designation By-Law for 262 Wellington Street, attached as Exhibit D to Report Number 25-041, and directs the City Clerk to serve a Notice of Passing as prescribed under Section 29(8) of the Act.

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

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Options/Discussion:

This report provides an update on the heritage designation process currently underway for two (2) separate properties and circulates the Notices of Objection that have been received for each property.

The property at 4226 Florida Road is a 53-hectare rural parcel located on the west side of the road in the former Township of Kingston. It contains a portion of a one-and-a-half-storey frame farmhouse constructed in the mid to late 1800s for Hiram and Mercy Walker. The Walker Farmstead is a representative example of a Georgian influenced farmhouse; also commonly referred to as Ontario Cottage style. Where many have been lost to neglect and redevelopment, this building is a relatively rare example in the City of Kingston of a surviving wood frame Ontario vernacular farmhouse (now clad in modern siding), as opposed to those of brick or stone construction. The property is associated with the Walker family who built the house and lived on the property for at least two generations. Hiram and Mercy Walker owned a great deal of land in the area at one time, and with their large family (14 children), were well-known in the community. With its simple vernacular design, unpaved circulation routes and various agricultural buildings, and the proximity of these features to the road, the Walker Farmstead supports and maintains the scenic and historic rural character of the road and shares a visual and historical relationship with its surroundings as part of the historical rural context of the area.

The property at 262 Wellington Street is located on the west side of the street, just north of Barrack Street, in downtown Kingston. It includes a two-and-a-half storey red-brick double house constructed in 1888 to plans by Thomas Power. The property at 262 Wellington Street is a representative and relatively rare example of a Bay-and-Gable style brick duplex in Kingston. The defining feature of this architectural style is the symmetrical façade, with multi-storey bay windows topped with steep gables. The building is associated with the work of well-known Kingston architecture firm Power & Sons, and specifically Thomas Power. John Power opened his architectural firm in 1846 and hired and trained his sons Joseph and Thomas. While Joseph Power is a well-known local name in architecture in Kingston and beyond, Thomas is seldom referenced, usually noted as a draughtsman. At the time of construction, the dwelling at 262 Wellington Street was owned by Thomas Power in partnership with Samuel Anglin and it is likely that Thomas had a hand in its design, making it a rare example of his work as an architect in Kingston. The property is significant in defining and maintaining the character of the streetscape along the west side of Wellington Street, between Barrack and Ordnance Streets, which retains its historic residential character of two and two-and-a-half storey duplexes. With its shallow setback, symmetrical fenestration pattern, red-brick construction and location close to the lot lines, 262 Wellington Street shares a visual and historical relationship with its surroundings.

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 October 1, 2024, with respect to Report Number [HP-24-039](#), passed the following motions:

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That Council direct staff to serve a Notice of Intention to Designate the property located at 4226 Florida Road, known as the Walker 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 4226 Florida Road, known as the Walker Farmstead, attached as Exhibit J to Report Number [HP-24-039](#), 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

That Council direct staff to serve a Notice of Intention to Designate the property located at 262 Wellington Street, 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 262 Wellington Street, attached as Exhibit H to Report Number [HP-24-039](#), 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.

The 2020 changes to the *Ontario Heritage Act* created a two-tier appeal process for new designations. After a notice of its intention to designate a property has been provided to the owners and published in the newspaper, anyone can object by providing a Notice of Objection to the City Clerk. The objection must be received within 30 days of the publication of the notice in the newspaper.

A Notice of Intention to Designate the properties at 4226 Florida Road and 262 Wellington Street was provided to the owners, published in the newspaper and posted on the City's website on October 8, 2024. The Notice of Objection for 4226 Florida Road was provided to the City on October 15, 2024 (Exhibit A). The Notice of Objection for the 262 Wellington Street was provided on October 29, 2024 (Exhibit B). Both letters were received within the 30-day objection period.

Staff met with the owner of 4226 Florida Road on December 10, 2024. Several minor changes were made to the draft designation by-law (Exhibit C) to more accurately reflect the heritage attributes of the property.

Staff met with the owner of 262 Wellington Street on December 6, 2024. Staff assisted the owner in alleviating several misconceptions the owner had around heritage designation. No specific amendments were requested for the draft designation by-law (Exhibit D).

When Notices of Objection are 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

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period, as per Section 29(6) of the *Ontario Heritage Act*. This timeline will expire on February 5, 2025. Council's decisions regarding the objections are 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.

Recent updates to the *Ontario Heritage Act* clarify that, if a property owner has been served a Notice of Intention to Designate and then Council decides to withdraw the Notice of Intention, the municipality shall remove the property from the Municipal Heritage Register and cannot designate the property for a period of five (5) years.

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 designation.

Since the passing of Bill 23 on November 28, 2022, the City of Kingston has served a Notice of Intention to Designate on 137 properties under Part IV on the *Ontario Heritage Act*. To date, Council has reviewed 17 formal objections to their Notices of Intention to Designate, not including the subject notices. All but one (163 Brock Street) has been advanced to designation, and only one of those has appealed to the Ontario Land Tribunal (888 Montreal Street). On October 1, 2024, Council voted against the serving of a Notice of Intention to Designation on 831 Montreal Street, due to the owners' objection; making it the only address recommended for designation by Kingston Heritage Properties Committee to be rejected by Council.

Common objections/misconceptions to a designation include such matters as increased insurance costs, limitations on future changes to property, impacts on resale value, increase in costs for maintenance, the integrity/authenticity of the building and questioning the cultural heritage value of the property. An overview of these concerns and responses from staff are available as 'Exhibit F – Common Concerns'. Concerns specific to the properties at 4226 Florida Road and 262 Wellington Street are discussed in the Cultural Heritage Analysis which follows.

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 objections and reconsider their intention to designate the properties, before relinquishing decision making authority on the fate of the designation to the Ontario Land Tribunal, should the matter be appealed under tier two.

Walker Farmstead - 4226 Florida Road

The property at 4226 Florida Road meets four of the nine criteria for determining heritage value, as outlined in Ontario Regulation 9/06. A property needs to meet two or more of the criteria to be Part IV designated in the province. The criteria met for 4226 Florida Road are: design value as a representative and rare example of mid to late-19th century Georgian-influenced wood framed dwelling; associative value due to its connections to the Walker family; and contextual value as a building that maintains and supports the historic rural character of this area of Florida

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Road; and further contextual value as the building's simple frame vernacular construction shares a visual and historical relationship with its surroundings.

The Notice of Objection for the property at 4266 Florida Road (Exhibit A) outlines the owners' concerns, primarily regarding the impact to their insurance premiums and inaccuracies in the draft by-law due to modifications previously made to the property.

The potential impact to insurance premiums is a common concern provided by property owners. The document attached as Exhibit F provides a response regarding this (and other) matters. As a summary, while Insurance companies may increase premiums for older buildings for a variety of reasons such as outdated wiring, old heating systems, etc., there is no reason that insurance premiums should go up because of a heritage designation on its own. There is nothing in the *Ontario Heritage Act* that requires a property owner to replace or replicate a lost heritage building. The Province of Ontario has clearly outlined this, stating that "if a building on a heritage property is completely or partially destroyed, the designation by-law does not require the owner to replicate any lost heritage attributes."

The owners note a requirement from the insurance company to replace the metal roofing on the main house due to its age. The heritage designation does not require the owners to make changes to the property – including this insurance requested change to the roof. The proposed designation by-law (Exhibit C) also does not include the roofing material as a heritage attribute, making replacement of the roofing a supportable alteration if the property were designated and if the owners wish to do so.

In reviewing the Notice of Objection (Exhibit A) and meeting with the owner, staff acknowledge that the chimneys have been removed and have amended the draft by-law accordingly. The draft designation by-law does not include the front porch as a heritage attribute and has specifically noted the later additions as "non-heritage attributes" thereby confirming their lack of contributing heritage value to the property.

Staff met with the owner of 4226 Florida Road and discussed their concerns. Minor edits were made to the draft designation by-law at the suggestion of the owner. The draft designation by-law is attached as Exhibit C. Photographs of the property are also included as Exhibit E.

262 Wellington Street

The property at 262 Wellington Street meets four of the nine criteria for determining heritage value, as outlined in Ontario Regulation 9/06. A property needs to meet at least two criteria to be designated. The criteria met for the property are: design value as a rare and representative example of Bay-and-Gable style duplex in Kingston; associative value with the architectural firm Power & Sons and Thomas Power; contextual value as a building that maintains and defines the character of the streetscape; and contextual value as it is visually and historically linked with its surroundings, particularly the brick and stone buildings to its north.

The Notice of Objection from the owner of 262 Wellington Street (Exhibit B) outlines their primary concerns, being the perceived increase in maintenance and repair costs following the

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designation. It is a common misconception that heritage designations will directly result in more expensive repairs and higher standards of maintenance. This is simply not true. A heritage designation does not, on its own, mean that building maintenance will cost more, and owners of protected heritage properties are not held to a higher standard than any other property owner in the City.

Older buildings, generally, may have particular maintenance needs. For example, a 19th century building that is constructed of brick may be more challenging to repair than a modern building with only a masonry veneer. This can sometimes mean hiring a mason who specializes in structural masonry, and it can sometimes take longer to do the repairs and to source replacement materials. However, this is a result of the age of the building and not due to the heritage designation. The administration of a heritage designation through the heritage permit process will not stipulate who does the work and will not require additional works that are not already planned by the owner.

The City has made strides to improve the efficiency of the permitting process. For example, the use of the Development and Services Hub ([DASH](#)) program allows applications to be submitted online and at the owner's convenience. Recent updates to the Procedural By-Law for Heritage have also granted further delegated authority to the Director of Heritage Services to approve minor changes to designated properties, such as repairs to existing features, window repairs/replacements, masonry pointing and alterations that have no significant impact on the property's heritage attributes. This avoids the need to attend multiple committee and Council meetings for minor upkeep matters. If the property is designated, staff will work with the owner to ensure future heritage permits are processed as efficiently as possible.

See 'Exhibit F' for a detailed discussion on other common misconceptions regarding heritage designation.

Staff met with the owner of 292 Wellington Street and discussed their concerns; however, no changes to their objection was made and no edits were requested for the draft designation by-law (Exhibit D). Photographs of the property are also included as Exhibit E.

Summary

Kingston is fortunate to have a wealth of built heritage resources, unique in Ontario, which is a defining characteristic of the City. This collection of historical buildings supports tourism and promotes a desirable urban environment that attracts settlement to the City. Heritage designations ensure this irreplaceable feature of Kingston is preserved for future generations.

The draft by-laws were prepared in accordance with *Ontario Heritage Act* requirements. The subject properties were 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 properties exceed the minimum tests of the criteria. Heritage staff, the Heritage Properties Working Group and the Kingston Heritage Properties Committee support the designation of the properties at 4226

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Florida Road and 262 Wellington Street under Section 29 of the *Ontario Heritage Act*. Staff recommend giving all three readings to the by-laws 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*.

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:

None

Exhibits Attached:

Exhibit A Notice of Objection – 4226 Florida Road

Exhibit B Notice of Objection – 262 Wellington Street

Exhibit C Draft Designation By-Law – Walker Farmstead

Exhibit D Draft Designation By-Law – 262 Wellington Street

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Exhibit E Photographs of Properties

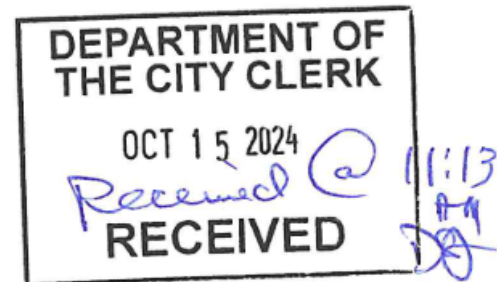
Exhibit F Common Concerns with Heritage Designation



Heritage Designation 4226 Florida Rd. Harrowsmith, ON

Objection to Heritage Designation:

To Whom it may Concern:



Property 132.2 acres we bought in 2006, located in the furthest Northwest part of the City. Florida Rd. One part of the road is South Frontenac, then the City for a couple miles then turns into Loyalist Township. We are a working hobby farm; we have horses and cows. We are not a registered farm, we can not write off our expenses like insurance, maintenance, or repairs.

I watch the last Heritage Committee meeting online when one lady mentioned her insurance rates would be increased immensely. I in turned contacted our current insurance broker (please see attachment) and he said our current company will end our coverage if this Heritage Destination goes through and IF he can find us another company it will be triple of what we pay now. Our insurance alone would be over \$1000.00 a month (if I take what we pay now and triple it). Our insurance is already higher than average people due to having livestock, distance from firehall, age and size of barn and house.

There is no way we could or can afford that, along with already renewing our mortgage a couple of months ago now with the current interest rates our mortgage payments have also increased. So IF I can find an insurance company that will cover our property our insurance policy will have a huge increase, significantly impacting our financial situation. I am medically retired, and my husband has already put in for his retirement for the end of the year. We will be living on a fixed income. This would force us to sell (before we lose it to the bank, no bank will carry us without insurance) and also have an impact on our sale value, who wants to buy a house and can't find insurance for it and if they do the cost of it.

I have contacted several insurance companies, most shut me down as soon as I tell them what I am looking for, for coverage.

I did also contact McDougall Insurance & Financial (please see attachment for his response) You will see he can't find us anyone because our roof is over 40 years old.

Our roof is old but is in great condition, it is the original pressed tin interlocking tiles, which adds to the character of our home. It would be a shame to have to rip off this roof that adds character to the house and replace it with modern steel. Seems like an oxy-moron, the heritage committee doesn't want the exterior changed but could cause a modern day feature of galvanized sheet steel if we could afford to have it done.

I am so scared about not having insurance coverage, I have contacted roofing companies and had them give us quotes to replace it. So far 2 estimates have come in (please see attachments), one is for over \$65,000 and the other is over \$70,000. For our roof all the tin must be removed and sheeting (plywood) as there are just random boards running the length of the house, so the new steel can be attached. There is no way we can afford to replace our roof, and it is madding as there is nothing wrong with it besides it is old.

Another issue I have is some of the attributes the Heritage Committee are claiming on the house. I have attached a photo of the house they sent me from 1991. In that photo, it is clear there was no front porch, or second storey door it was a window. There were two huge trees that were growing right up tight to the house in front of the front door (which was boarded up). When we bought this property Oct. 2006, we couldn't even open the front door because of the trees. We removed the trees, and a couple years later WE added the porch, removed the window and placed a door, for a fire escape. Chimneys have since been removed at the request of our insurance company. The three windows they mention, we put in as it was a door with two side windows. They mention an earlier house that was on the property which the old foundation is located south of the house in the field, but there is also another old foundation north of the house. What was that? Could it be from the house built in 1855 something happened to it? Which could make this house newer than what is claimed, I am not saying our house is not old but are we sure it is the 1855 house.

When we bought this property (2006), the main house was boarded up inside and no one lived in it for at least 30 years. The older couple (late 70's) we purchased it from only lived in the addition party (they added when they got married and had children) (South Wing) His parents lived in the main house, once they passed away, they just closed/boarded up this side of the house and had nothing to do with it. The main house had no plumbing, windows broken, no electricity, no source of heat. The barn was also rough in shape with old electrical wiring, broken windows, loose/ missing boards, loose roof tin, which we have repaired and brought up to code. This has been time consuming and costly and ongoing. With these additional financial burdens all additional work to preserve this property will have to stop eg. (painting of barn roof, to stop rusting away) etc. We are even maintaining/enhancing the original character of the inside of the house which I know isn't a concern to the Heritage Committee.

Appendix A: Background Material

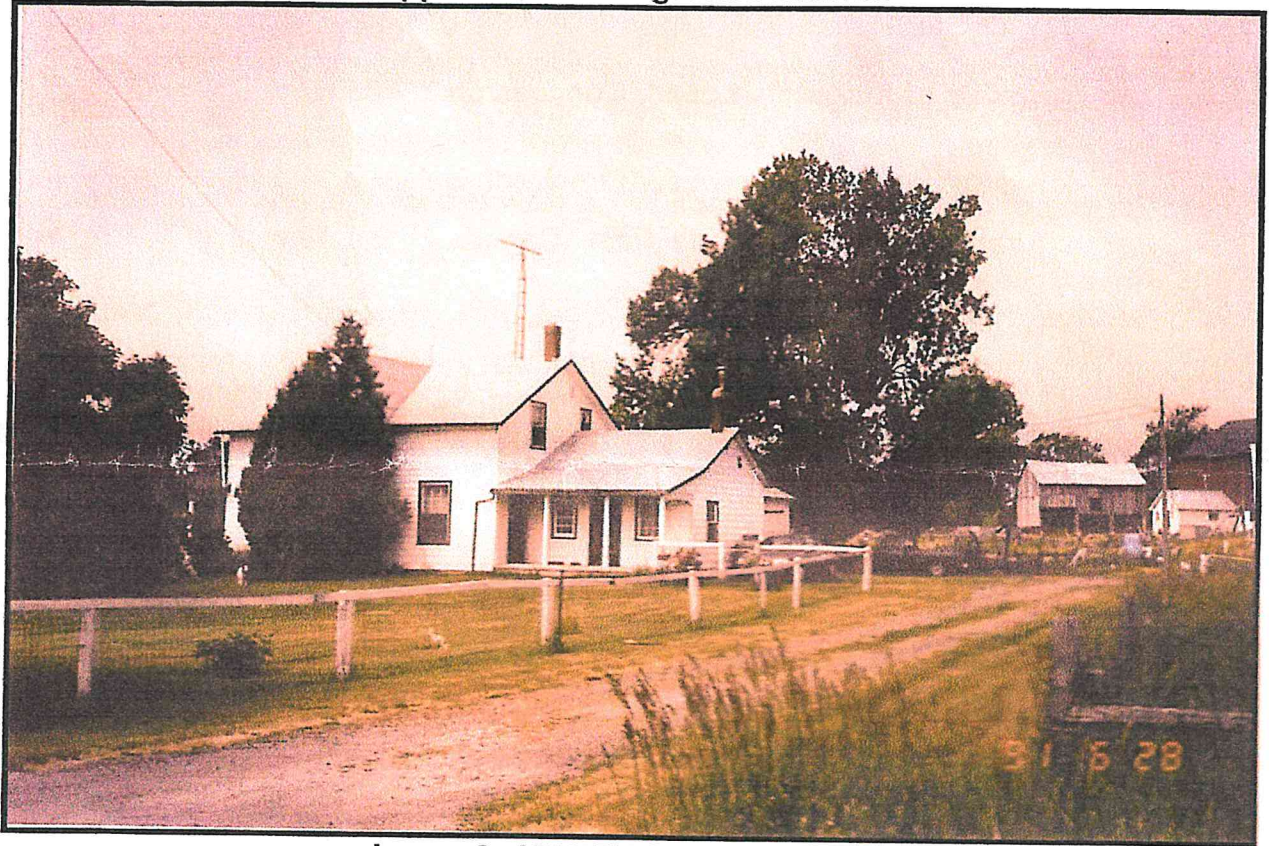


Image 3: 4226 Florida Road, 1991
(1991 Inventory)



We replaced broken windows, new wood where it was missing,
new doors, nailed down loose roof tin.

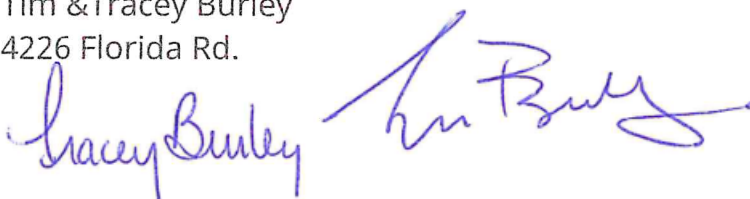
I hope anyone can see in a current photo of the work we have done here and how much pride we have in our property. We are not interested in altering any exterior feature of the house and barn, but to bring it back to its original glory, and to preserve it for many more years. I feel like we are being punished and put an undue burden on us for fixing/ restoring the property. We could have easily severed off a lot and built a brand-new house and left this one to sit and rot or torn it down, but I knew this house needed help and love. Our goal is to eventually pass this on to our grandson and keep it in our family.

As I mentioned we own 132.2 acres here in the farthest Northwest part of the City, I can't see in the near future of any highway, bridges, apartment/housing developments happening out here. Until the City runs water out here, which again I can't see happening for quite a while if ever, the water table out here will not and can't support anything. So, what is the hurray to designate something so far out of the hustle and bustle of the City?

I do appreciate what the Heritage Committee does, and I am proud they acknowledge we have something special here, but not if it causes me to have to move or in a worse case lose it that is when I have a problem. Adding stress and time to me continuing hoping to find an affordable insurance company (in which I know no other insurance company will be as low as we pay now), then going through all the inspection process again, and paying out money to have the woodstove re-wett certified, etc. We have tons of personal issues going on right now, and currently we have 8 additional people residing here, the house is in Chaos, that I don't feel I should have to go through that burden again for something that will no doubt cost us more money.

If the Heritage designation proceeds with this designation, it will jeopardize our property, our lives, and cause us financial harm. I have retained a law firm, to be on standby, if this designation proceeds. One group of people that don't have a dime invested should not be able to affect pain, stress, suffering, and financial hardship on to property owners.

Tim & Tracey Burley
4226 Florida Rd.





Insurance/Historical Designation

TH

Timothy Hegarty<tim.hegarty@makesitsimple.ca>



To:You

Fri 2024-10-04 10:33 AM



You forwarded this message on Fri 2024-10-04 1:47 PM

Tracy, as per our conversation, if your home is designated as historical, your current insurer will not insure you. There are very few insurance companies that will insure a dwelling that has an historical designation, and none that I know of that will insure an active farm that has a historical designation. If I am able to acquire you insurance for an active farm that has been historically designated, your insurance premiums will quite likely triple and you coverage will be inferior to what you have now.

Tim Hegarty

Broker

Phone 613-542-6573 **Mobile** 613-540-4290

Email timothy.hegarty@makesitsimple.ca

Visit me at 2001 Highway 15 R.R.#6 Kingston, ON K7L 4V3
650 Cataraqui Woods Drive, Unit 1 Kingston, ON K7P 2Y4

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
The contents of this e-mail, including any attachment(s), are confidential and may be privileged. If you are not the intended recipient, please notify the sender immediately and delete this e-mail. Do not print, forward, copy or disseminate the information.


RE: Home/Farm Insurance

EB

Evan Brown

 Reply

 Reply all

 Forward





To: You

Tue 2024-10-08 4:07 PM



You replied on Tue 2024-10-08 8:58 PM

Hi Tracey,

Can you confirm the metal/tin roof update on the home and an approximate year? I don't have a company that will entertain this if the metal/tin roof is over 40 years old.

Thanks,

Please [click here](#) to leave me a review on Google

Evan Brown, RIBO

Account Executive

McDougall Insurance & Financial

90 Industrial Blvd, Napanee, ON K7R 4B7

t 613-354-2152 x 3201

f 613-354-4106

tf 877-522-2152

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From: tracey burley <traceyburley@hotmail.com>

Sent: Monday, October 07, 2024 12:47 PM

To: Evan Brown <EBrown@mcdougallinsurance.com>

Subject: Re: Home/Farm Insurance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Again,

From: Evan Brown <EBrown@mcdougallinsurance.com>
Sent: October 7, 2024 12:03 PM
To: 'traceyburley@hotmail.com' <traceyburley@hotmail.com>
Subject: Home/Farm Insurance

Hi Tracey,

If you can send me some current photos of the home and the barn and any other outbuildings that would be great.

Thanks,

Please [click here](#) to leave me a review on Google

Evan Brown, RIBO
Account Executive
McDougall Insurance & Financial
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Bill Friendship<BFriendship@hotmail.com>

? Reply

? Reply all

? Forward

?

?

To: You

Sat 2024-10-12 12:32 PM

4226 Florida Rd. - Oct 12 2024 - 12-27 p.m..pdf

662 KB

?

Start reply with:

There is a quote on galvalume sheet steel, summerside dosent come in galvalume. Does come in other colours such as light gray, looking at around **65,000.00tax incl.** for that. Let me know if you have any questions thank you Bill

Begin forwarded message:

<BFriendship@hotmail.com>

Subject: 4226 Florida Rd. - Oct 12, 2024, 12:27 p.m.

Sent from my Bell Samsung device over Canada's largest network



ESTIMATE

Wolfram's Premium Roofing

Brandon Wolfram
6137706305
wolframpremiumroofing@hotmail.com
1447 Simmons Rd Odessa

Bill To
Tracy Burley
6133863682
Traceyburley@hotmail.com
4226 Florida road Harrowsmith ON

Estimate #EST129
Issued 10/11/2024

Description	QTY	Price, CAD	Amount, CAD
Metal Roof replacement plus install of roof deck GST number: 705792613RT601	1	\$62,640.00	\$62,640.00
		Subtotal	\$62,640.00
		Tax 13%	\$8,143.20
		Total	\$70,783.20

Notes & Payment instructions

This quote includes 28 gauge metal for the metal roof, new vent, a new pipe flange, new valleys. New 1 x 4, studs to secure the metal on new screws, metal capping on all hips of the roof also installing 1/2 plywood. My warranty for this roof is valid until 2040 which covers material and labour.

Bill 190, Property Rights and Responsibilities Act, 2009

Rights and responsibilities

9.1 (1) Every person has a right to own the real and personal property that he or she has acquired in accordance with law and, except to the extent provided by law, to the **peaceful enjoyment** and free disposition of the property.

<https://nationaltrustcanada.ca/what-you-can-do/advocacy-action/insurance-and-heritage-properties>

Insurance and Heritage Properties

In the past year, the National Trust has received numerous reports of insurance policies on heritage properties are being cancelled with 24-hour notice, not being renewed, or being rejected with no clear rationale. This is putting buildings at risk and putting inappropriately large financial burden on the owners of these buildings. Why is this happening, and what can be done?

The bigger picture is that the Canadian insurance industry is in near-crisis mode, and heritage properties are playing a small but significant role in the turmoil. As in the mid-2000s when there were similar insurance pressures, the industry is currently in a very “hard” market: it is having to pay out massive claims due to extreme weather events and is now going to great lengths to minimize any other risks it can. The result is that any property that has unknown factors or risks – whether real, perceived or misunderstood – are being questioned or rejected. Older buildings, especially designated heritage buildings, appear to have become a target of this approach.

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://a-us.storyblok.com/f/1003207/x/12a7307150/heritage-properties-en.pdf

Why Your Heritage Property May Be More Expensive to Replace With heritage properties, replacing after a loss isn't quite as easy as with regular properties. Here's why:

- Planning approvals. There are often more layers of bureaucracy involved in repairing or rebuilding a heritage property. This can increase the time period that insurers pay for your living arrangements while repairs are done.

- Claims settlement costs. Extra time for approvals and repairs can also mean a lengthier claims process.

<https://www.insurancehotline.com/resources/insuring-heritage-properties-in-canada>

Insuring your heritage home

Insuring heritage properties can also be more complex due to their unique characteristics and potential risks.

Heritage homes tend to be more expensive to insure because of the repair and maintenance required. These homes were not necessarily built to meet today's building and safety standards.

They also pose challenges due to dated wiring, roofs, plumbing, poor sewer backups, and heating systems.

Insurers are generally more willing to cover newer builds that are well-constructed and well-maintained.

Can your lender cancel your mortgage if your home insurance is cancelled?

Home insurance not only provides financial protection in the event of a disaster, but it is often required by mortgage lenders as a condition of the mortgage. In most cases, a mortgage lender will request proof of home insurance prior to funding your mortgage, along with the lender being named on your home insurance policy as a beneficiary in case of a loss. However, what happens to your mortgage if your home insurance gets cancelled, or you cancel it, and your mortgage lender finds out?

Beyond the common benefits of having home insurance and the potential risks of not being covered in case of a loss, there are potential consequences if your lender discovers that you do not have adequate coverage.

What Happens if Your Home Insurance Gets Cancelled or You Cancel It?

If your home insurance policy is cancelled, or you cancel it, you are no longer protected against loss or damage to your home or personal property. This can be a significant risk for homeowners, as the costs of repairing or replacing a home can be enormous. Without insurance, homeowners could be left with no financial assistance to rebuild or repair their home and may be forced to pay for these expenses out of pocket.

What Happens to my Mortgage if my Insurance is Cancelled?

If you have a mortgage registered on your property, your lender will typically require you to maintain adequate insurance coverage on the property. The simple reason for this is if your property sustains damages, your mortgage lender wants to ensure their "collateral" (which is your property), is adequately protected. If a homeowner fails to maintain the required coverage, they are introducing risk to the lender that may be in breach of the terms of the mortgage. This could put their mortgage in jeopardy. In some cases, the lender may even have the right to foreclose on the property if they discover that the homeowner does not have insurance.

What Happens if Your Lender Discovers That You Do Not Have Adequate Coverage?

Most mortgage lenders will conduct periodic audits of their borrower's insurance coverage. They can do so by either asking the borrower to provide proof of coverage from the insurance company, or in cases, by subscribing to databases that notify them about potential risks to properties in their mortgage portfolio. If your lender discovers that you do not have adequate insurance coverage on your property, they may take action to protect their interests. The specific actions that a lender may take will depend on the terms of the loan, the lender's policies, and your mortgage terms and conditions.

Here are a few potential scenarios:

Penalties or Fines: Some mortgage lenders may impose penalties or fines on homeowners who do not maintain adequate insurance coverage. These penalties may be a flat fee or a percentage of the outstanding loan balance.

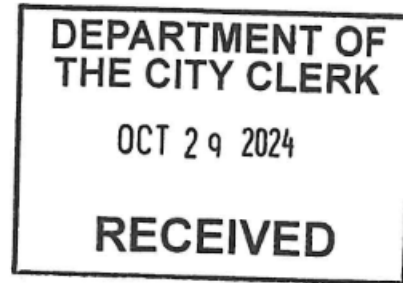
Recall the Mortgage: In some cases, a lender may even have the right to recall the mortgage, meaning you'd have to pay all of it back at once. If you cannot pay it, the lender may even have to resort to foreclose or forcing a power of sale on the property. This is a drastic measure that is typically reserved for cases where the homeowner has repeatedly failed to maintain adequate insurance coverage.

Fwd: 4226 Florida Rd. - Oct 12, 2024, 12:27 p.m.

[?](#)

October 29, 2024

Janet Jaynes
Office of the City Clerk
The Corporation of the City of Kingston
216 Ontario Street,
Kingston, ON, K7L 2Z3



Marta Klar
2737142 Ontario Inc.
1801 Moore Lane
Kingston, ON, K7L 4V1

Re: Notice of Intention to Designate **262 Wellington Street**

Dear Janet Jaynes,

Please accept this **Notice of Objection** in response to the Notice of Intention to Designate the property located at 262 Wellington Street as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act.

The property at 262 Wellington was purchased in 2020 and converted from a 2-unit plus commercial building to a 5-unit residential property. At that time the property was deemed to have heritage value, and every effort was made by ourselves and our builder to preserve the character of the building. Intentionally, the large front bay windows and wooden doors were repaired, resealed and sanded and painted to preserve the original look of this Bay-and-Gable style brick duplex. The delicately crafted and extremely detailed wooden gables were peeling and becoming water damaged at the time the building was purchased and due to the high cost of such a repair, we personally spent hundreds of hours sanding, repairing and repainting this gable to preserve its original beauty and craftsmanship. We specifically hired a company that specializes in heritage repairs to maintain and not alter any exterior character. In addition, eavestroughs were replaced on the side of the building, and heritage approved eavestroughs were chosen to fit with the character of this building.

Our intention was to keep this property for the long term as a multi-unit rental, and we spent close to 2 years of time, significant financial investment and effort to convert it from a commercial unit to a multi-unit dwelling. Although we wanted a building with character, we intentionally did not buy a heritage designated property because as much as we are committed to maintaining the beauty of our building, we do not have the time or rental income to be applying for additional permits and attending additional meetings and paying even more inflated costs for maintaining a heritage building. I am aware of the grants and tax rebates available however, in our experience, they do not make up for the high price associated with the heritage designation.

We have reviewed the City of Kingston's Property Owner's Guide to Heritage Designation document. We have also spoken with multiple owners of heritage designated properties who note significant increased costs and time in managing these properties despite what this document outlines. This property is a rental property and in speaking with our property management company, they too have had significant headaches and costs with properties designated as heritage that they maintain. In addition, we have been made aware of the potential for increased property insurance costs and decrease number of insurance providers willing to insure a heritage designated property.

We have invested a significant amount of money in this property and all the renovations to have a 5-unit rental property, that we were proud to own and that could one day pay itself off. However, with the already increased building costs and the current intention to have this property designated as heritage we are very concerned about this building being able to support itself on the current rental income. The increased costs will inevitably have to be translated to ourselves or to our renters which will only decrease the number of affordable housing units available in Kingston. Additionally, if this unit does not make financial sense at a time that we plan to sell it, the resale cost will be significantly affected. Despite the information provided in the City of Kingston's Property Owner's Guide to Heritage Designation, we have spoken with multiple investors that avoid heritage designated buildings due to financial concerns and therefore the pool of potential buyers for this 5-unit rental will inevitable be affected.

We would appreciate your consideration for our strong opposition to converting this property into a heritage designated property. Please contact us at 613-893-3320 with any concerns.



Marta Klar
2737142 Ontario Inc.
1801 Moore Lane
Kingston ON
K7L 4V1

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the property at 4226 Florida 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 September 18, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally at 4226 Florida Road (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On October 8, 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 October 8, 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

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* and *Council* considered the objection at its meeting of February 4, 2025.

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 all Three Readings and Passed XXX, 2025

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation
Walker Farmstead

Civic Address: 4226 Florida Road
Legal Description: Part Lot 13-14 Con 7 Wester Addition Kingston Part 3,
13R18702, Except Parts 1 & 2, 13R18793; City of Kingston,
County of Frontenac
Property Roll Number: 1011 080 230 10050

Introduction and Description of Property

The subject property, located at 4226 Florida Road, is situated on the north-west side of the road in the former Township of Kingston, now the City of Kingston. The approximately 53-hectare rural property contains a one-and-a-half storey frame farmhouse, built in the mid to late-19th century for farmers Hiram and Mercy (nee Timmerman) Walker. Various rear additions have been added to the dwelling, and several detached agricultural buildings are present on the property.

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.

The Walker Farmstead is an example of a mid-19th century agricultural property with farmhouse, barn and outbuildings. The one-and-a-half storey Georgian influenced (also commonly referred to as Ontario Cottage style) farmhouse is a rare wood frame example in Kingston. Where many have been lost to neglect and redevelopment, this building is a relatively rare example of a surviving wood frame Ontario vernacular farmhouse (now clad in modern siding), as opposed to brick or stone construction. The Walker farmhouse’s simple vernacular architecture is expressed by its restrained profile with regular plan. The medium-pitched side gable roof with central steeply-pitched gable and formally with a gable end brick chimney (now lost) is common for the Georgian-influenced Ontario vernacular style. The front façade is symmetrical, featuring a modern second storey door to a newer balcony over the main front entranceway. The entranceway is flanked by rectangular window openings. The north elevation is two-bay and has rectangular window openings and an entranceway. The south elevation includes a hip roof porch. There is a single-storey wing abutting the north elevation that features a saltbox-like roof, a central triple window opening, and a shed-roofed verandah with simple square columns that run across the front façade of the wing.

A wooden barn with a medium-pitched gable roof is located to the west of the farmhouse. Multiple outbuildings characterize the agricultural nature of the property.

The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.

The Walker Farmstead is associated with the Walker family. The Walkers owned a great deal of land in the area at one time, and with their large family, were well-known in the community.

Hiram Walker was granted the Crown Patent for the east $\frac{3}{4}$ of Lot 14, Concession 7 in 1857; however, census data indicate that the Walkers were living and farming the property as early as 1851. During that time, the family was living in a one storey log house, though by 1860, the Walkers built the one-and-a-half storey frame house on the property. Hiram Walker (1807-1879) married Mercy Timmerman (1810-1910) in 1828 and they had fourteen children: George, William, Lucinda, Martha, Lydia, Hiram Jr., Israel, Catherine, Nelson, Anne, Sabra, Steward, and James. The Walker family members were Primitive Methodists. Hiram Walker deeded $\frac{1}{4}$ acre to build a school on the southeast corner of his property in the early 1860s (at 4300 Florida Road). A few years before his death, Hiram deeded to his eldest son, George Walker, 100 acres in the east part of the lot for "\$1.00 and other considerations". Hiram continued living in his frame house until his death in 1879.

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.

The Walker Farmstead has contextual value with its simple vernacular design, unpaved circulation routes and various agricultural buildings, and the proximity of these features to the road, supports and maintains the scenic and historic rural character of the road.

With its Ontario vernacular style and simple frame construction, the Walker Farmstead shares a visual and historical relationship with its surroundings and is an important part of the historical rural context of the area.

Heritage Attributes

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

- One-and-a-half storey frame farmhouse, with medium-pitched gable roof and central steep-pitched gable;
- Symmetrical front façade;

City of Kingston By-Law Number 2024-XX

- One storey wing on the north elevation with a medium-pitched side gable roof, and a porch with a shed roof with simple square columns;
- Unpaved circulation routes; and
- Medium-pitched gable roofed wooden barn.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Later additions to house; and
- Detached outbuildings.

City of Kingston By-Law Number 2024-XX

A By-Law to Designate the properties at 262 Wellington Street 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 2010;

On September 18, 2024, Council of the City of Kingston ("*Council*") consulted with its municipal heritage committee regarding the designation of the property municipally at 262 Wellington Street (the "*property*") in accordance with subsection 29(2) of the *Ontario Heritage Act*;

On October 8, 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 October 8, 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

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* and *Council* considered the objection at its meeting of February 4, 2025.

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 all Three Readings and Passed XXX, 2025

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule “A”
Description and Criteria for Designation

Civic Address: 262 Wellington Street
Legal Description: Pat Lot E Original Survey Kingston City as in FR352614
except the easement therein; City of Kingston, County of
Frontenac
Property Roll Number: 1011 030 100 11400

Introduction and Description of Property

The subject property at 262 Wellington Street is located on the west side of the street, just north of Barrack Street, in downtown Kingston. The approximately 320 square metres residential lot, contains a two-and-a-half storey red-brick double house constructed in 1888 to plans by Thomas Power.

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.

262 Wellington Street is a representative and relatively rare example of a Bay-and-Gable style brick duplex in Kingston. Adopting elements of Gothic-styled buildings and English villas, the Bay-and-Gable is a distinct residential style that emerged in Canada in the 1860s and was popular until the late 1890s. The most prominent feature of this style is the large multi-storey bay windows that occupy most of the front façade and extend from ground level, surmounted by a gable roof. The Bay-and-Gable housing form can be found in stand-alone structures, but it is more commonly found as a semi-detached or row-house dwelling. While ubiquitous in older sections of Toronto, the Bay-and-Gable style is less common in Kingston.

The defining feature of this architectural style is the symmetrical façade, with multi-storey bay windows topped with steep gables. At 262 Wellington Street, these features commence at grade from a rough-faced, evenly coursed limestone foundation, and extend two-and-a-half storeys to twin projecting gables with central single window, decorative brackets, pargetting and wide detailed vergeboard. This building also features several other embellishments including brick detailing below the first and second floor windows in the bays and as a belt-course through the second floor on the main façade. Limestone sills and a central shed-roofed wooden porch with decorative cornice and turned posts, off-set the red brick construction.

The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

The building at 262 Wellington Street is associated with the work of well-known Kingston architecture firm, Power & Sons and specifically Thomas Power. Patriarch and principal of the Power firm, John Power (1816-1882) immigrated to Kingston in 1846 where he opened his architectural firm and hired and trained his sons Joseph (1848-1925) and Thomas (1858-1930). While Joseph Power is a well-known local name in architecture in Kingston and beyond, Thomas is seldom referenced, usually noted as a draughtsman. A newspaper article from 1894 instead notes Thomas as “an architect of rare skill and ability and a member of the Ontario Association of Architects.” While the beautifully rendered architectural drawings of Thomas’ time are only identified by the firm’s name, it is likely that Thomas was responsible for many of them.

At the time of construction, the dwelling at 262 Wellington Street was owned by Thomas Power in partnership with Samuel Anglin. While not specifically recorded, it is likely that Thomas had a hand in its design, making it a rare example of his work as an architect in Kingston.

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.

The property located at 262 Wellington Street is significant in defining and maintaining the character of the streetscape along the west side of Wellington Street, between Barrack and Ordnance streets. While the east side of the street has seen significant redevelopment, the west side of Wellington Street retains its historic residential character of two and two-and-a-half storey duplexes. With its shallow setback, symmetrical fenestration pattern, red-brick construction, and location close to the lot lines, 262 Wellington Street shares a visual and historical relationship with its surroundings, particularly the brick houses to the north at 270-288 Wellington Street, as well as the adjacent limestone dwelling at 266-268 Wellington Street. As part of this group of buildings, the subject duplex helps maintain the historic residential character of this portion of Wellington Street.

Heritage Attributes

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

- Two-and-a-half-storey, red-brick double-house on a dressed, evenly-coursed limestone foundation, with symmetrical façade and side gable roof;
- Twin full-height bay windows topped by projecting gables with single window opening, decorative bracketing, pargetting and wide detailed vergeboards;
- Central twin main front doors with transom lights, protected by a shed-roofed porch with decorative ornamentation and turned posts;
- Central half-round arched twin window openings on the second floor;
- Brick detailing below the first and second floor windows in the bays and as a belt course through the second floor on main façade; and

- Limestone windowsills throughout.

Non-Heritage Attributes

Elements that are not included in the Statement of Cultural Heritage Value of the property include:

- Rear additions.

262 Wellington Street



Google 2018

4226 Florida Road
Walker Farmstead



Common Concerns with Heritage Designation

Heritage Services staff prioritize transparency and collaboration, and work to ensure open dialogue with property owners. In their conversations a number of common concerns have been indicated, which are discussed below.

Property Insurance:

A concern of some property owners is that their insurance premiums will rise, which is sometimes also voiced by insurance companies. This is a concerning trend that reflects a "hard market" scenario and misunderstood factors that are being perceived as risks. Insurance companies may increase premiums for older buildings for a variety of reasons such as outdated wiring, old heating systems, etc. However, there is no reason that insurance premiums should go up because of a heritage designation on its own.

The Insurance Board of Canada and the Provincial government have made attempts to educate the industry on the implications (if any) of heritage designations for many years (<https://www.ontario.ca/page/heritage-properties-and-insurance>). The perception that the municipality is going to require specialty 19th century workmanship or materials to restore a building, is not the case. There is nothing in the *Ontario Heritage Act* that requires a property owner to replace or replicate a lost heritage building.

Some companies may not insure buildings over a certain age, but designation itself does not place additional requirements on the insurer and should not affect premiums. The Province of Ontario has clearly outlined this, stating that "if a building on a heritage property is completely or partially destroyed, the designation by-law does not require the owner to replicate any lost heritage attributes."

The National Trust for Canada and Community Heritage Ontario have published articles on this matter. Staff would be pleased to share upon request.

Resale Value:

While it may be that some purchasers are apprehensive about buying a designated heritage property, particularly those who wish to purchase the property for the land and not the building itself, there is evidence that properties designated under the *Ontario Heritage Act* perform well in the housing market. A study completed by Dr. Robert Shipley on almost 3,000 designated properties in 24 communities in Ontario, published in the *International Journal of Heritage Studies*, found that there was no negative impact on property values as a result of heritage designation. In fact, the study demonstrated that 74% of designated properties fared better in housing markets than those comparable properties that were not designated. [Shipley, Robert. "Heritage Designation and Property Values: Is there an Effect?", in *The International Journal of Heritage Studies*. Volume 6, Number 1 (2000)].

A more recent study, completed by McMaster University for the City of Hamilton, found that heritage designations are “positively associated with sale prices of residential properties” in that city. The authors concluded that their work supports the findings of a growing number of studies that uncover connections between heritage designation and an increase in residential property values [Correia, Rebecca, Otto Liao, Isaac Kinley, Sarah Lashley, Tanzir Rahman Khan, and Evan Gravely. “Investigating the Impact of Heritage Property Designation on Real Estate Value”, published by McMaster’s Research Shop (March 2023)].

Professional heritage staff and volunteers at the City’s Heritage Resource Centre are available to discuss concerns with new purchasers and to provide guidance and advice on heritage conservation and what it means to own a designated heritage property.

Integrity/Authenticity of Resource:

It is understood that properties undergo regular maintenance and evolve and change over time, which some property owners interpret as a loss of heritage value. However, oftentimes this evolution provides an opportunity to appreciate the changing heritage of a community, business or people. It is important to note that the heritage evaluation of a property is completed as it currently exists, and staff consider unoriginal or modern interventions to original structures. A structure does not need to be exactly as it was at the time of construction in order for it to have heritage value. In some instances, additions and major changes can tell us about how communities or individuals repurposed buildings for changing uses. Provincial guidance, located within the Ontario Heritage Toolkit, has indicated that this information can contribute to the building’s heritage value rather than detract from it. Therefore, a property that has undergone significant change can satisfy Provincial criteria for determining cultural heritage value (O.Reg. 9/06) and is still eligible for heritage designation.

A property’s physical heritage value is reflected in the short list of Heritage Attributes (included in draft designation by-laws). However, in many cases the cultural heritage value of a property is not limited just to its physical components. In the case of a church, for example, the presence of an unadorned modest church building provides an understanding of the history of the area as well as the religious practices of a community.

Typically, modern features are not noted as heritage attributes; however, there are cases where these features are replicas (or interpretations) of important character defining elements of the building that need to be noted as attributes to ensure any future changes to them are considered with respect to the overall heritage value of the property. An example is the mid-twentieth century columns on the front of Kingston City Hall, which replicate the original columns that were removed.

Restrictions on Change:

The purpose of a heritage designation is to clearly define the cultural heritage value and features of the property and to require consideration of this value when making changes

to the property, in order to conserve the heritage value for the people of Kingston. A heritage designation will not, on its own, impede the owners' ability to change their property. The evolution of a protected heritage property is a natural and expected occurrence. It is important that a heritage building continue to be relevant and useful.

Alterations and additions to heritage buildings, even substantial modifications, are not uncommon and are regularly supported by Committee and Council. Typical home improvements such as new roofing, windows, doors and general repairs (many of which do not require any prior approval) are encouraged. Large redevelopment projects, which involve a greater level of consideration, are also supportable in many cases. The key consideration when making changes to a designated property is its suitability to the era and character of the building/property. New roofing, windows and doors should look like they belong on the building (albeit with new materials). New additions should be designed to compliment the heritage value of the building and not compete with it. There are plenty of examples of successful additions to heritage buildings throughout Kingston.

Designated properties do sometimes require additional approvals, outside of the typical building permit and planning approvals. Heritage Procedural By-Law Number 2023-38 outlines several activities that can be completed without a heritage permit, including all interior work, maintenance and most landscaping. Minor alterations that have no significant impact to heritage attributes of the property do require a heritage permit, but these can be approved by the Director of Heritage Services through delegated authority. Significant alterations that would impact the heritage value of the property require review by the Heritage Properties Committee and sometimes approval from Council.

In the event that an application is submitted that is not supported by staff or Committee, the application will be brought to Council where the heritage value can be assessed alongside other considerations.

Ontario Heritage Act approvals (heritage permits) continue to be free of charge and many can be approved through the authority granted to the Director of Heritage Services within a couple of weeks (typically faster than a building or planning approval). Professional heritage staff are available to assist owners in navigating the approval process in an efficient and collaborative manner and concurrently with other approvals.

Increase Costs on Maintenance/Repairs:

It is a common misconception that heritage designations will result in more expensive repairs and higher standards of maintenance. This is untrue. A heritage designation does not, on its own, mean that building maintenance will cost more, and owners of protected heritage properties are not held to a higher standard than other property owners in the City. For example, a 19th century building that is constructed of stone or brick may be more of a challenge to repair than modern buildings with only a masonry veneer. As a property owner, this can sometimes mean engaging trades that have experience working with older buildings, and it can sometimes take longer to do the repairs and to source replacement materials, which may add to the cost. A heritage

designation; however, does not change this. The administration of a heritage designation through the heritage permit process will not stipulate who does the work and will not require additional works to be done that are not already planned by the owner. The heritage permit process is designed to review the nature of the work, not the parties doing the work.

Further, the City strives to make the heritage permitting process as efficient as possible. Many recent changes have been made to improve the heritage permitting process including the introduction of the Development and Services Hub ([DASH](#)) application processing system and the refinements to the Heritage Properties Committee mandate and reporting process. As well, Council has increased the number of alteration types that can be approved through delegated authority, thus shortening the approval time. Heritage permits remain free of charge and staff are always available to assist.

What the designation can do is provide the owner (and their contractor) with vital information on how best to repair older buildings. Staff can also provide a list of trades that work on older buildings, but owners will not be required to choose any of these particular firms.

Cultural Heritage Evaluation:

While property owners may express a variety of concerns with respect to a heritage designation, Heritage Planning staff and the volunteers on the Kingston Heritage Properties Committee are ultimately tasked with evaluating and presenting to Council the merits of designation as they relate to the provincial criteria for designation (O.Reg. 9/06).

The Province of Ontario, through the *Ontario Heritage Act* and Provincial Planning Statement, and the City of Kingston, through its Official Plan, directs conservation of heritage resources in the city. A heritage designation is intended to protect the heritage value of a property beyond the tenure of a single owner. The City must consider long-term conservation, if (and when) a property changes hands to an owner who wishes to remove or permanently alter heritage attributes of the property. Heritage designation is the tool the province has established to ensure the long-term conservation of heritage resources.

Process:

The evaluation of the cultural heritage value of each property is an in-depth multi-stage process, beginning with the compiling of historic information on the address. This includes, in some cases, information from the Queens Archives, the Heritage Resource Centre, the Land Registry Office, internal files and publications, and public online sources. Information is compiled by heritage staff or, in some cases, professional heritage consultants or experienced volunteers. Staff visit each property to confirm the presence of heritage attributes (all site inspections are completed from the public road allowance).

The experienced professional heritage planning staff (members of the Canadian Association of Heritage Professionals) from the City of Kingston review the available data and complete an evaluation form for each property to confirm if the property meets at least two of the Provincial Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06).

If the evaluation determines that the property contains sufficient cultural heritage value, staff prepare a draft designation by-law outlining the heritage value and listing the heritage attributes of the property. The by-law is then reviewed by Heritage Planning staff, members of the Heritage Properties Working Group and the Kingston Heritage Properties Committee. The by-law is provided to the property owner for review and comment, sent by registered mail to ensure the documents are received.

Property owners are invited to discuss the process with staff via telephone, virtual meetings, in-person appointments, regularly scheduled open house sessions or drop-in visits at the Heritage Resource Centre in City Hall.

Criteria:

The City of Kingston is fortunate to have a wealth of built heritage resources, unique in Ontario, which are the backbone of the City's identity. This collection of historical buildings supports tourism and promotes a unique cultural and visual experience that attracts settlement in, and prosperity to, the City.

Determining which properties contribute to this character and identity, and thus should be designated, is based on the Provincial criteria provided in Ontario Regulation 9/06. This includes nine separate criteria in three broad categories of value: physical and design value, historical and associative value, and contextual value.

Physical and design value is the most visible criteria. It is the appearance of the building, its architectural style, building technique and craftsmanship. This criterion is satisfied if the building is a representative, rare or unique example of architectural style, if it displays a high degree of craftsmanship or artistic merit, or if it demonstrates a high degree of technical achievement.

A heritage property may not always include an impressive architectural building but may still warrant designation due to its historical associations, and thus the second group of 9/06 criteria relates to the property's history. A property may satisfy these criteria if it is directly associated with a prominent person, event or organization, or if it demonstrates the works of a well-known architect, builder, designer, etc. A heritage designation may also be warranted if the property helps one to understand a community or culture.

The final group of criteria relate to the property's impact on and connection with its immediate area. Properties that contribute to or define the character of an area, such as an old rural farmhouse in a former rural settlement area, could be designated for their contextual value. If a property is a landmark or is functionally, visually or historically linked to an area, such as mill on a former millpond in an area so named for, it would satisfy these criteria.