

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Corporate Leader - Growth and Sustainability



To: Mayor and Members of Council

From: Tammie Ryall, Corporate Leader – Growth and Sustainability

Date: April 10, 2025

Subject: Heritage Planning - St. Joachim Church (2722 County Road 42)

Recommendation

This report is presented for information at the May 6, 2025 Council meeting.

Strategic Objectives

This report does not relate to a Strategic Objective.

Background

WSP was retained by the Municipality of Lakeshore Administration to prepare a Cultural Heritage Memorandum for the St. Joachim Church located at 2722 County Road 42 (the Subject Property). The Subject Property was acquired from the Roman Catholic Diocese of London and is currently under the ownership of a non-profit group of volunteers. The Subject Property is designated under Part IV of the Ontario Heritage Act. The church is unoccupied, but renovations have been undertaken to remove and replace the side entrances. It is understood that this work was completed to prevent further water damage to the building. However, a building permit was not applied for. Further renovations are proposed so that the church may be repurposed for a new use. The new use is not known at this time. The Municipality requested that WSP advise of the administrative process required to permit the redevelopment of the property.

The previous owner of the subject property requested around 2019 that the designating by-law be amended to remove references to the monument, known as the Sacred Heart of Jesus, formerly associated with the church. The amendment of the designating by-law was not completed. It is understood that the monument has been re-located to a nearby cemetery and is therefore no longer an attribute of the property.

Comments

Applicable Legislation

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS), 2024 prioritizes the long-term conservation of the Province's cultural heritage resources, including built heritage resources, as they provide economic and social benefits.

Section 4.6 of the PPS requires that:

- 1) Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.
- 2) Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.
- 3) Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.
- 4) Planning authorities are encouraged to develop and implement:
 - a. archaeological management plans for conserving archaeological resources; and
 - b. proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.
- 5) Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.

The Planning Act requires all planning decisions to be consistent with the PPS.

The Ontario Heritage Act

The Ontario Heritage Act gives municipalities the authority to protect heritage properties and archaeological sites through Part IV and V of the Act. The Act empowers Council to "designate" individual properties as being of "cultural heritage value or interest" if they meet at least two of the nine criteria of Ontario Regulation 9/06 for determining whether it is of cultural heritage value or interest.

Once a Council designates a property, it is recognized through a by-law and added to a "Register" maintained by the municipal clerk. The subject property is currently designated under Part IV of the Ontario Heritage Act through by-law 130-2007, however the existing conditions of the property have been altered since the designating by-law was approved. Therefore, it may be necessary to update the by-law to ensure that the list of heritage attributes reflects the current condition of the property.

Recent amendments to the Ontario Heritage Act provide an alternative process for applications related to buildings for religious purposes. Applications to alter a building or portion of a building used for religious purposes may be approved without conditions if the building, or a portion of the building, is primarily used for religious practice, if the alterations are connected to a religious practice, the alteration is required for religious practices, or the applicant provides an affidavit or sworn declaration confirming the application meets the conditions of the Act. This section no longer applies as the building is no longer owned by the Diocese or used for religious purposes.

Lakeshore Official Plan

Section 4.2.3.1 of the Official Plan addresses Cultural Heritage Resources and states:

- a) Municipality will encourage the preservation of significant built heritage resources and cultural heritage landscapes and may use the Ontario Heritage Act to do so.
- g) The Municipality will also maintain a list of properties worthy of designating under the Ontario Heritage Act and endeavour to have these properties designated. Signage will be erected to indicate that a property is a designated heritage property.
- j) To ensure that heritage properties remain in their context, the relocation of heritage buildings or structures will be discouraged.

Section 4.2.3.5 of the Official Plan regarding Development Policies provides direction for the conservation and protection of cultural heritage resources whenever considering development or redevelopment that has the potential to impact those resources.

By-law 130-2007

The designating by-law for St. Joachim's Church, By-law 130-2007, is currently out of date since the existing conditions of the property have changed. Under Section 30.1(1) of the Ontario Heritage Act, Council may amend a designating by-law for a variety of reasons, including to amend the statement of cultural heritage value or the property's heritage attributes.

An amendment may be initiated by the Municipality, or the property owner. If supported by Council, there would be a notice served on the property owner and a 30-day objection period will apply.

The owner has 30 days from the notice date to appeal the decision to the Ontario Land Tribunal (OLT), which can dismiss the appeal, amend, or repeal the designating by-law.

Following the objection period Council may either withdraw the proposed amendment or pass the amended designation by-law. If passed, the municipal clerk will then register the amending by-law on the title of the property.

By-law 130-2007 includes the following Heritage Attributes:

- the monument to the Sacred Heart of Jesus
- the silhouette of the front facade of the church
- all surviving historic features, including: the brick walls and limestone accents, the buttresses emphasizing the three bay division, the round-arched openings, the slope of the roof, the spire, and the five-tiered bell-tower
- the round-arched windows
- the casement windows of the sacristy
- the buttresses, brick and limestone wall materials and roof slope
- the chimney and cap above the sanctuary's roof
- the 1891 cornerstone and the date of 1929 inscribed in the paved foundation
- the five columns that separate the wider nave from the narrower aisles
- the barrel vault over the nave
- the flat roofed side aisles decorated with stylized crosses
- the moulded cornice beams
- the gallery balustrade
- the round-arched windows
- the raised platform of the sanctuary
- the tableau painted on a sanctuary wall by Roland Jobin
- the paneled wainscoting
- the paneled embrasures around the doorways
- the sacristy's casement windows

This list is extensive, and includes many attributes on the interior and exterior of the building. Any modifications to the building could potentially impact the attributes listed and trigger the requirement for a Heritage Impact Assessment, or further amendments to the designating by-law. Administration will need to review a detailed summary of planned and completed alterations to determine the next steps to ensure compliance with the Ontario Heritage Act.

As mentioned above, the previous owner of the subject property requested in 2019 that the designating by-law be amended to remove references to the monument to the Sacred Heart of Jesus, formerly associated with the church. However this request was not completed due to inaction on the owner's part. It is understood that the monument has been re-located to a nearby cemetery and is therefore no

longer an attribute of the property. Any other attributes that are no longer present, or cannot be restored, may also be removed from the by-law. Any modifications to the remaining heritage attributes will be subject to a Heritage Permit.

Heritage Permit

As a designated heritage property, the property owner is required to consult with the Municipality prior to making alterations to the property. If the proposed alterations will affect the heritage attributes of the property, then approval from the municipality is required in the form of a heritage permit.

Under Section 33 of the *Ontario Heritage Act*, a heritage permit is required if an alteration is likely to affect the property's heritage attributes as set out in the description of the property's heritage attributes in the designating by-law.

Under Section 34 of the *Ontario Heritage Act*, the property owner requires approval from the municipality for the demolition or removal of any of the property's heritage attributes, or the demolition or removal of a building or structure on the property, whether or not it would affect the property's heritage attributes.

In the case of St. Joachim, any changes to the exterior and interior of the church, as identified in the designating by-law, would require a heritage permit unless they are considered routine maintenance, repainting of architectural elements in the same colour, or soft landscape work.

To support a heritage permit application, the applicant should submit the appropriate application form, with all required fields completed, and provide supporting documents as necessary, which may include:

- a site plan / survey plan showing relevant setbacks, structures, distances from adjacent properties and location of proposed work
- Architectural drawings to illustrate the proposed alterations
- Photographs of building exteriors and heritage attributes
- Visual samples and reference photos of materials proposed to be replaced
- A Heritage Impact Assessment prepared by a qualified professional that evaluates the impacts of the proposed development or alteration and recommends conservation strategies and mitigation measures to eliminate or reduce adverse impacts on the Heritage attributes.

Once Administration has the information required, a staff report will be presented to Council requesting direction to post notice of the intent to amend the designating by-law. Following a 30-day objection period administration will present a recommendation report and draft by-law to Council for a decision.

Conclusion

The current owner of 2722 County Road 42 has already renovated the side entrances and proposes to undertake additional renovations to the property which may affect

heritage attributes as identified by the designating by-law beyond the Monument to the Sacred Heart of Jesus.

Administration is of the opinion that a heritage permit is required for the renovations by the current land owner. This will trigger the need to amend the heritage designation by-law applying to the site. Administration proposes to work with the subject property owner to identify any, and all, amendments to the designating by-law that may be appropriate, and to initiate pre-consultation with the subject property owner regarding a heritage permit application to facilitate the proposed alterations to the property. The removal of the reference to the Monument to the Sacred Heart of Jesus can be removed at that time.

Financial Impacts

There is no fee under the User Fee By-law to apply for a Heritage Permit. However, there is a fee in the User Fee By-law for the review of a heritage impact assessment by a third party consultant.

There are no budget implications related to the Recommendation. The costs associated with preparing the Technical Memo are covered under the Planning Division Consulting Budget.

Attachments

Appendix A – WSP Technical Memorandum re: Heritage Planning Administrative Process for Designated Heritage Property - St. Joachim Church (2722 County Road 42)

Report Approval Details

Document Title:	Heritage Planning - St. Joachim Church (2722 County Road 42).docx
Attachments:	- Appendix A - WSP Technical Memorandum (2722 County Road 42).pdf
Final Approval Date:	Apr 29, 2025

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team