

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals
Secretary-Treasurer – Heritage Advisory Committee

Date: November 29, 2022

Subject: Demolition Request of Designated Heritage Property 7119 Tecumseh Rd,
Church of the Annunciation

Recommendation

Approve the demolition request of the structure at 7119 Tecumseh Road, pursuant to section 34 of the *Heritage Act*, subject to the applicant(s)/owner(s) properly removing and relocating the following heritage attributes to a storage location, to be confirmed and identified by Lakeshore Administration prior to commencing demolition;

- Round arched transom window over the entrance on the façade;
- Viable windows, or windows with the least deterioration;
- Belfry and bell;
- Pinnacles/spirelet;
- Corinthian columns located throughout the nave and upper gallery;
- Painted bible verse, cross and roundels are painted onto plain pressed tin/sheet metal panels;
- A selection of the best-preserved brick and stone masonry units;
- Foundation masonry units and voussoirs and keystone detailing around openings;
- Limestone cross on the church's façade;
- Date stone;
- Wooden exterior brackets;
- Pressed tin/sheet metal ceiling tiles;
- Decorative cornice with dentils and egg-and-dart patterning located throughout the nave and upper gallery;
- Curved pressed tin/sheet metal arcade spanning between the nave's Corinthian columns; and
- Columns, balustrade and brackets at the gallery.

Endorse the recommended procedures and attributes to be salvaged listed above and further described in the scoped peer review memo completed by WSP, dated December 1, 2022 and attached to the Demolition Request of Designated Heritage Property 7119

Tecumseh Rd, Church of the Annunciation report presented at the December 13, 2022 Council meeting;

Direct Administration to advertise to the community, local organizations, salvage companies and other interested parties of the heritage attributes available for donation; and

Direct Administration to bring a report for Council to consider a plan, including financial implications, for any unclaimed heritage attributes that are in good condition that Lakeshore would want to store or relocate within the community.

Background

The former Catholic Church, Church of the Annunciation located at 7119 Tecumseh Road (Appendix A) in the Community of Stoney Point is designated on the Heritage Registry under Part IV under the *Heritage Act* in 2007, see Appendix B for By-law 84-2007. Later in 2017, By-law 32-2017 amended the original designating by-law to simply correct the legal description of the lands. The church is proposed for demolition by the owners due to its structural condition and health and safety concerns.

An application for demolition permit was originally received in April 2020. Since that application has since expired, a new application was submitted by the applicants in October 2022 (see Appendix E). However, under the original demolition permit alongside a Planning Justification Report (Appendix F) application in 2020, the Heritage Advisory Committee held a meeting on June 3, 2020 and provided Council with the following resolution, found in the Meeting Minutes attached in Appendix I:

“The applicants present back to this Committee a Heritage Impact Study or Assessment, to inventory the historical items that might be salvageable; and

That the applicants also provide an amended engineer’s report, detailing what the cost would be to bring the church to a salvageable and safe condition.”

Carried

Council did not approve the demolition and provided the Owner with such required notice under the *Ontario Heritage Act* dated June 26, 2020 (Appendix G). The notice of refusal states the reason being “due to a lack of information, and should the applicant decide to re-apply, re-apply with the economic and heritage impact assessment required to fully assess the merits of the application”.

As a result of Council’s decision, In June 2022 the applicants provided the Heritage Advisory Committee with the Engineering Structural Report and Site Investigation (Appendix H) which concluded that the building is “a danger of the public safety and wellbeing” with an ultimate recommendation to demolish the building. In addition, the applicants provided a letter requesting the demolition of the building (Appendix D). It was communicated to the applicants that the Heritage Impact Assessment or Study including an inventory of historical items that might be salvageable, are still outstanding. Shortly after in July 2022, Lakeshore Building and By-law were called to the property to

investigate the unsafe conditions which lead to the issuance of an Order to Comply and Property Standards Violation (see Appendix J). As a result, the applicants obtained Archaeological Research Associates (ARA) to complete the Scoped Heritage Impact Assessment and Commemoration Strategy (see Appendix K). This report also includes several pictures of the building and in particular showing the items of heritage interest. At the October 20, 2022 Heritage Committee Meeting, the applicants requested that the application for demolition be deemed complete in that all the requested documents have been provided. The following resolutions, found in the meeting Minutes in Appendix L include:

“That the Heritage Advisory Committee acknowledges that the application for the requested demolition of 7119 Tecumseh Rd., Church of the Annunciation, is complete and the relative reports and studies are received.”

Carried

“That the Heritage Advisory Committee approve the requested demolition of 7119 Tecumseh Rd., Church of the Annunciation, with deciding on which items will be salvaged, and how they can be incorporated into the community.”

Carried

Following this meeting, a letter was provided to the applicant confirming that the application for demolition of the designated heritage building was deemed complete by the Heritage Advisory Committee (Appendix M). The Heritage Advisory was unable to make quorum prior to bringing this report to Council to decide which items identified in the ARA Scoped Heritage Impact Assessment and Commemoration Strategy should be salvaged and how to incorporate these items into the community. As a result, administration retained WSP to provide a peer review of the ARA document with a particular focus on providing a review of the Conservation Strategy in Section 11 of the report and will confirm or provide revised recommendations for the heritage attributes that should be salvaged as a condition of a development request approval under the *Ontario Heritage Act*. The full report is available in Appendix N.

Comments

Ontario Heritage Act

Subsection 34 (1) of the *Ontario Heritage Act* states that no owner of a property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, unless the owner applies to the Council of the municipality in which the property is situated and receives consent in writing to the demolition or removal.

After receiving an application for demolition, Council is required to issue a Notice of Complete Application to the applicant under the *Ontario Heritage Act* ss.34(4). The Notice of Complete Application was issued on October 31, 2022 (see Appendix M)

following the Heritage Meeting on October 20, 2022. Within 90 days of issuing the receipt, Council must issue a decision, or else Council will be deemed to have consented to the application. In accordance with the provisions of the *Ontario Heritage Act* s.34(4), Council is required to issue a decision within 90 days of this date, which in this case is January 29, 2023.

Following the completion of the demolition project, the owner(s)/applicant(s) are then advised to make application to the Municipality to remove the property from the Heritage Register by way of repealing the designating by-law, as outlined under Section 32 of the *Ontario Heritage Act*.

Planning Act / Provincial Policy Statement (2020)

The *Planning Act* and associated *Provincial Policy Statement* guide development in the Province. Under the *Planning Act*, section 2 (d) the "conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" is a matter of Provincial interest. The *Provincial Policy Statement* is issued under Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the *Provincial Policy Statement*. The Provincial Policy Statement, 2020 provides policy direction on matters of provincial interest related to land use planning and development. The *Provincial Policy Statement* sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. Council's planning decisions are required to be consistent with this statement. Policy 2.6.1 of this statement reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Official Plan

Section 4.2.3.5, Development Policies of the Municipality of Lakeshore Official Plan, contains a series of heritage conservation policies that apply to the subject property, due to the application to demolish the structure. The policies encourage conservation and protection of heritage resources, where feasible and 2 are specifically highlighted, below. The Recommendations are in keeping with the Official Plan policies below.

"f) The Municipality will ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and reuse when considering demolition applications for designated heritage properties.

g) The Municipality will ensure that all cultural heritage resources to be demolished or significantly altered are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alternation and that such documentation will be the responsibility of the applicant in consultation with the Heritage Committee and the Ministry of Culture."

Conclusion:

The Community Planning Division concurs with the Heritage Advisory Committee to approve the demolition request of the heritage designated building in that both the Building and By-law Divisions have health and safety concerns if the building remains as is. Further, it is imperative that any salvageable heritage attributes be removed properly and promptly at the cost of the applicant/owner to avoid any further damages. (Recommendation 1, as per the Recommendation Section of this report).

Administration endorses the procedures and attributes to be salvaged, as recommended in the WSP peer review memo (Recommendation 2).

Strong efforts will be made to donate and relocate these attributes within the community and to local organizations and other interested parties as suggested in the report provided by WSP (Recommendation 3).

Council may want to consider keeping or re-using any unclaimed heritage attributes that are in good condition. However, administration will need to first organize a plan for the storage space needs as well as the cost of proper storage, possible rehabilitation, eventual transport and relocation of these items. This plan would also include how and where these items may be implemented within public areas and buildings and any ongoing maintenance costs that may be required. (Recommendation 4).

Others Consulted

Administration retained WSP to conduct a peer review of ARA's Scoped Heritage Impact Assessment and Commemoration Strategy and provide professional heritage opinion on the heritage attributes that should be salvaged, including confirming or providing revised recommendations for the heritage attributes that should be salvaged.

Financial Impacts

There is the potential for Lakeshore to incur sizable costs associated with the storage of such items, as well as the re-use of the heritage attributes. The cost of the WSP peer review is covered under the Heritage Advisory Committee budget. The organization of the plan for donating the heritage attributes to interested parties, as outlined in Recommendation 3, and implementing Recommendation 4 will require a considerable amount of administrative time, in addition to the regular duties and responsibilities.

Attachments

Appendix A – Location Map

Appendix B - Designating By-law 84-2007 Church of the Annunciation

Appendix C – By-law 32-2017 amending by-law 84-2007 to amend legal description

Appendix D – Application to Remove from Heritage Register (June 2022)

Appendix E – Demolition Permit Application (October 2022)

Appendix F – Planning Justification Report

Appendix G – Notice of Decision to Refuse removal of Heritage Designation (June 2020)

Appendix H - Engineering Structural Report & Site Investigation (April 2022)

Appendix I – Heritage Meeting Minutes June 3, 2020

Appendix J – Order to Comply and Property Standards Violation (July 2022)

Appendix K - ARA Scoped HIA and Commemoration Strategy 7119 Tecumseh Road (Sept 2 2022)

Appendix L – Heritage Meeting Minutes October 20, 2022

Appendix M - Complete Application for Demolition Request Letter to Owner (October 31, 2022)

Appendix N - WSP Scoped Peer Review (December 1, 2022)

Report Approval Details

Document Title:	Demolition Request of Designated Heritage Property 7119 Tecumseh Rd .docx
Attachments:	<ul style="list-style-type: none">- Appendix A - Location Map.pdf- Appendix B - Designating By-law 84-2007 Church of the Annunciation.pdf- Appendix C - By-law 32-2017 amending by-law 84-2007 to amend legal description.pdf- Appendix D - Application to Remove from Heritage Register (June 2022).pdf- Appendix E - Demolition Permit Application (October 2022).pdf- Appendix F - Planning Justification Report (March 30, 2020).pdf- Appendix G - Notice of Decision to Refuse (June 2020).pdf- Appendix H - Engineering Structural Report and Site Investigation (April 2022).pdf- Appendix I - Heritage Meeting Minutes June 3 2020.pdf- Appendix J – Order to Comply Property Standards Violation (July 2022).pdf- Appendix K - ARA Scoped HIA and Commemoration Strategy 7119 Tecumseh Road (Sept 2 2022).pdf- Appendix L - Heritage Meeting Minutes October 20 2022.pdf- Appendix M - Complete Application for Demolition Request Letter to Owner (October 2022).pdf- Appendix N - WSP Scoped Peer Review (December 1 2022).pdf
Final Approval Date:	Dec 8, 2022

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

Prepared by Kristina Brcic

Submitted by Aaron Hair and Tammie Ryall

Approved by Krystal Kalbol, Justin Rousseau and Truper McBride