



# Municipality of Port Hope

## Staff Report

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**Report Title:** Heritage Demolition Permit Application - 121 Cavan Street (Block 2)

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**Report to:** Council

**Date of meeting:** March 19, 2024

**Report Author:**

Jason Williams, Director of Protective Services

Sagar Babbar, Planner

**Department responsible:**

Protective Services

**Report Number:** PS-06-24

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**Recommended Action:**

Whereas Council considered Report PS-06-24 regarding the Heritage Demolition Permit Application - 121 Cavan Street (Block 2); and

Whereas the issuance of the heritage demolition permit for this property aligns with the recommendations of a structural assessment report provided by the Owner and peer reviewed by the Municipality through D.M. Wills & Associates; and

Whereas the subject property on Block 2 of 121 Cavan Street poses immediate safety concerns;

NOW THEREFORE BE IT RESOLVED THAT Council approve the issuance of a heritage permit for the demolition of Block 2 of the structure at 121 Cavan Street as identified in Attachment 4 of PS-06-24.

**Highlights:**

- An Emergency Order under the *Ontario Building Code Act* was issued by the Municipality of Port Hope's Chief Building Official to the owner of 121 Cavan Street, due to structural integrity and public safety concerns. The Order is specifically addressing Block 2 as per Attachment 2.
- The Owners of the property have filed a demolition permit application as well as a heritage permit application to undertake the work in order to remedy the immediate public safety concerns related to the structural collapse of Block 2.
- The property is designated under Part IV of the *Ontario Heritage Act* by By-law 30/88 (Attachment 5).

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## Background:

The *Ontario Heritage Act* outlines the required procedures for proposed alterations to a designated heritage property. Unless authority is delegated to an employee or an official of the Municipality, all alterations require a Council decision following consultation with the Municipal Heritage Committee.

In accordance with Advisory Committee By-law 05-2021, staff are in the process of recruiting members of the Port Hope Heritage Advisory Committee, as the previous committee's term ended in 2023. It is anticipated that the selection committee for the Port Hope Heritage Advisory Committee will be making recommendations for Council's consideration in the coming weeks. As the committee is not currently in place and recruitment is ongoing, the application was not sent for consultation and this application is presented directly to Council for approval. Staff have prepared a timeline associated with the recent events and developments regarding 121 Cavan Street.

## Timeline (2024):

**February 6-** Building Services contacted by resident who reported bricks falling onto Cavan Street from western wall of 121 Cavan Street also referred to as the "File Factory".

**February 6-** Building Officials attend location and photographs taken of location. Owner contacted and northbound lanes of Cavan Street partially closed due to safety concerns.

**February 7-** Building Services issued Unsafe Building Order under the *Ontario Building Code* to the owner of the property. Requirement to have engineer perform structural assessment of structure to ensure safety of public.

**February 12-** Municipal Building Officials and Owner/Representatives meet on site to discuss safety concerns and information regarding required permits and processes were provided.

**February 21-** Owner's engineering firm on site to perform site inspection.

**February 23-** Drone video obtained by Municipality which further supports concerns related to public safety and structural collapse of Block 2.

**February 27-** Cavan Street closed on west side of 121 Cavan Street.

**February 29-** Owners provided structural assessment from LEA Consulting Ltd. (Ref. #24337- Attachment 1). Engineers indicated "*block 2 impose the immediate safety concern to the public and should be demolished immediately.*"

**February 30-** LEA Consulting Report sent to D.M. Wills Associates Ltd for the purposes of peer review.

**March 07-** D.M. Wills Associates perform site inspection of 121 Cavan Street.

**March 07-** Chief Building Official issues *Emergency Order* for immediate action to make building safe (Attachment 2)

**March 08-** D.M. Wills Associates provided report (Attachment 3) in relation to their condition assessment Project No. 24-9317.

**March 12-** Owner submitted an application for demolition permit under the *Ontario Building Code Act* for Block 2 as well as a Heritage Permit to perform required work to make structure safe under the *Ontario Heritage Act*.

## **Recommendations**

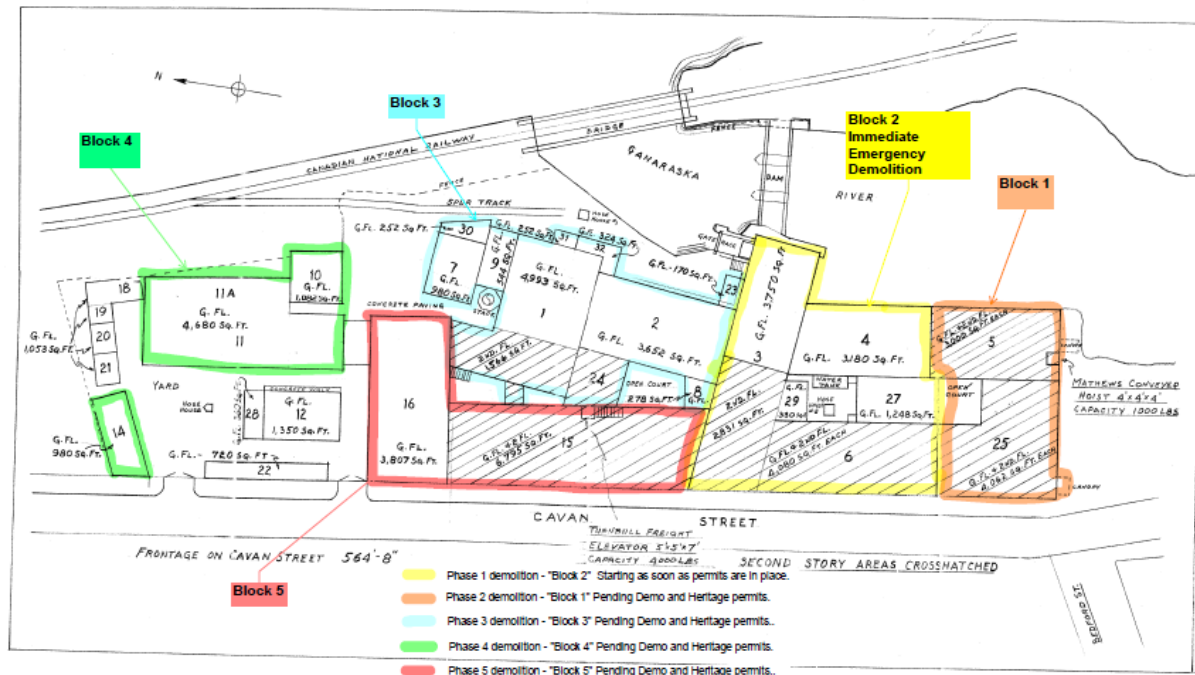
The following recommendations were included in the Peer Review report provided by D.M. Wills & Associates. (Attachment 3)

1. Maintain full road closure including safety/security fencing, as currently established, until building has been made safe and Engineer's Report has been prepared in support of the road reopening.
2. Immediately issue Emergency Order under Section 15.10 of the Ontario Building Code Act including proper Notice ("service") requiring the building to be made safe (structurally stable for all reasonable loading conditions as well as site and building security to unwanted entry).
3. The Emergency Order should require the Owner to prepare and submit an Engineer's Report that specifically identified immediate actions required to make the building safe and ensure structural stability to all components and elements of the building.
4. Further to Item 3, a proper Demolition Plan should be submitted by the Owner's Demolition Engineer in support of an Application for a Permit to Construct or Demolish, as required under the Building Code Act.
5. While closure of Cavan Street is an unfortunate outcome of the Owner's neglect, adequate time should be afforded to the Owner and the Municipality to properly execute the work and to ensure that qualified and experienced Demolition Engineer and Contractor are retained to execute the work.
6. At all times, public safety and occupational health and safety must be considered paramount to the work.

## **Discussion:**

The property at 121 Cavan Street, often referred to as the File Factory, is designated heritage property under Part IV of the Ontario Heritage Act by By-law 21/85 and amended through By-law 30/88 (Attachment 5). The building including the façade are considered heritage attributes of the property. Removing whole or part of the heritage attributes on a designated property requires Council approval. Staff has received a heritage permit application from the Owner of the property to demolish the portion of the building which is described as Block 2 in the structural assessment letter prepared by LEA Consulting Limited (Attachment 1).

Block 2 was constructed in 1853 and represents the oldest section of the building. In later years new additions were added to the original structure. As per the assessment letter, this block has experienced the most severe damage and requires immediate demolition.



121 Cavan Street Site Plan (Attachment 6)

## Ontario Heritage Act:

Section 34 (1) of the *Ontario Heritage Act* outlines requirements for demolition of designated properties. The owner of a designated property must apply to Municipal Council and receive consent in writing to the demolition.

Section 34 (2) requires an application to be accompanied by prescribed information and material and Section 34 (3) enables Council to request an applicant to provide other information or material that it may need. Section 34 (4.2) states that council, after consultation with the Municipal Heritage Committee, if one is established, shall:

- i. Consent to the application,
- ii. Consent to the application, subject to such terms and conditions as may be specified by the council, or
- iii. Refuse the application.

Heritage staff has reviewed the structural assessment for 121 Cavan Street and recommend that Council approve a heritage permit for the demolition of Block 2 as indicated in the structural assessment letter prepared by LEA Consulting Limited as it imposes an immediate safety concern to the public.

The condition of the remaining blocks (1, 3, 4, 5) is poor. The future of these blocks is unknown at this time. Next steps will be determined based on additional consultation with the Owner and recommendations from structural engineers and other professionals as deemed necessary. This will include consulting with the heritage community.

Municipal staff are conscious of the heritage value that this building provides and will shift focus to how to appropriately address the remaining blocks once the life safety

concern has been alleviated. Municipal staff will keep Council informed as the situation unfolds.

**Financial Considerations:**

There are no direct financial implications to the Municipality related to this heritage permit application.

**Communication and Public Engagement:**

This application has not been circulated to the Heritage Advisory Committee as the selection committee is still finalizing the recommendations for appointments to this committee. It is anticipated that these recommendations will be presented to Council in the coming weeks.

Information regarding the status of the building and road closures has been made public through public notices and social media issued by the Municipality. Local media have covered the matter extensively.

The Heritage Port Hope Advisory Committee will be in place this year and will be able to provide comments on any future applications related to heritage aspects of this property.

**Conclusion:**

Staff recommend the approval of the Heritage Permit for the portion of the building located at 121 Cavan Street deemed as Block 2 to alleviate significant safety concerns. This recommendation is in alignment with the structural engineer report provided by the Owner and the peer review conducted by D.M. Wills & Associates.

**Attachments:**

Attachment 1 – LEA Consulting Ltd. Structural Assessment Ref. #24337

Attachment 2 – Emergency Order to Comply

Attachment 3 – D.M. Wills Associates Ltd. Condition Assessment Report

Attachment 4 – Heritage Permit Application

Attachment 5 – Ontario Heritage Designation By-law

Attachment 6 – Site Plan