



# Municipality of Port Hope Staff Report

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## Report Title: 65 Ward Street Designation Report

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**Report to:** Planning & Development Committee

**Date of meeting:** June 7, 2022

**Report Author:**

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**Department responsible:**

Planning & Development

**Report Number:** PD-20-22

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### Recommendation:

1. That staff be directed to prepare a report and draft resolution that supports the designation of 65 Ward Street to be brought forward to the Heritage Port Hope meeting of June 20, 2022 for discussion and endorsement; and
2. That Council direct staff to prepare a report to come direct to the Council meeting of June 21, 2022 with the appropriate by-law to designate 65 Ward Street.

### Highlights:

- The development agreement for the property known as 65 Ward Street expired on May 31, 2022 without achieving its intended outcome.
- The current Notice of Intention to Designate for the property will be withdrawn through Provincial legislation July 1, 2022 without an appropriate municipal by-law to designate the property in place.
- Should council wish to complete the designation under this NOID staff are seeking direction and endorsement for the process

### Background:

The following is a brief timeline related to the Municipality of Port Hope's Notice of Intention to Designate (NOID) as related to the property and development project commonly known as 65 Ward Street:

- April 19, 2018 - Original NOID is published as per Council decision - 95 objections were filed, and this matter went to the Conservation Review Board (CRB) to be heard and decided.
- March 13, 2019 - CRB decision issued that supports the designation of 65 Ward Street.
- September 19, 2019 – Municipality of Port Hope enters into the development agreement that will withdraw the NOID if all the required permits and approvals

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necessary to construct a LTC facility on the site are achieved by December 30, 2020.

- November 11, 2021 - Second amending agreement that extended the approvals window to May 31, 2022.

The second amending agreement has expired without achieving the intended outcome and as a result the Municipality is not required to lift the NOID on 65 Ward Street as per its terms. Regardless of the development agreement there is some urgency to Council determining how to proceed with designation of the property.

Bill 108 the More Homes, More Choices Act made changes to several pieces of provincial legislation including the Ontario Heritage Act, R.S.O. 1990, c. O.18 (OHA). Included in these changes to the OHA were amendments to timelines for decisions related to NOIDs. These took effect on July 1, 2021 and included in the transition provisions from section 18 of Ontario Regulation 385/12. Generally, the regulation outlines that in the cases of an outstanding NOID, municipalities have until June 30, 2022 to pass the by-law, after which the notice is deemed withdrawn. The regulation does allow for this deadline to be extended by agreement, since the current development agreement has expired there is no agreement for extension. Any designation will be subject to the OHA as amended.

Based on these current circumstances with the terms of the Development Agreement not fulfilled and the NOID set to expire July 1, 2022, staff is seeking direction from Council regarding next steps.

**Discussion:**

Staff consulted with Letourneau Heritage Consultants (LHC) regarding the current NOID, the timelines related to expiration and for advice related to an appropriate process should Council wish to designate 65 Ward Street before the expiration of the notice on July 1, 2022.

To ensure that the Municipality meets the requirements of the OHA related to enacting a designation by-law a report and draft resolution of support for designating 65 Ward Street should come before the next Heritage Port Hope meeting on June 20, 2022. While these minutes will not formally and procedurally come forward to Council in time to meet the deadline, the role, decision and resolution of this committee is advisory. Any resolution could be reported verbally at the Council meeting by the deputy mayor who is a committee member.

Concurrently, staff would need to be directed to bring forward a report and appropriate designating by-law directly to Council for consideration and decision at the June 21, 2022 meeting. This would meet the transitional timeline established in O.REG 385/21 and designate the property before the NOID expires. It will require the report, discussion and decision to come directly to the Council meeting missing the Committee of the Whole. If Council would like to move forward with immediately designating the property, they should pass the recommendation as presented with this report.

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Should the NOID expire on July 1, 2022 the Municipality has the ability under the OHA to bring forward a new NOID that would be considered according to the timelines and requirements of the current legislation. Posting, public consultation and notice periods with an opportunity for formal objections would be required before a designation by-law could be considered by Council. Council may wish to reset the designation process in consideration that the NOID was published more than 4 years ago, it renews opportunities for public consultation and provides the property owner the 30 day notice period.

To limit the amount of time the property is unprotected by a NOID and reset the process staff would recommend that the current recommendation be amended in clause 2 to direct the report to Committee of the Whole on June 21 while replacing the word by-law with the phrase Notice of Intention to Designate. This would be ratified at Council on July 5<sup>th</sup> and published shortly after refreshing the NOID and starting the notice period. It should be noted that in this scenario while the property would be undesignated for a very short period of time, it is not a long enough to allow for any type of demolition permit to be sought or executed.

Should Council not want to designate 65 Ward Street this could be accomplished by allowing the NOID to expire. To achieve this outcome the current recommendation should be defeated or withdrawn, and this report would simply need to be received for information.

**Financial Considerations:**

There are no significant financial considerations specific to the process of designating the property at 65 Ward Street.

**Communication and Public Engagement:**

For the purposes of this report there are no communication or public engagement considerations. Staff would indicate that this matter has received a substantial amount of public interest even before the Notice of Intention to Designate was published in 2018. All manner of engagement has occurred through-out the years including public meetings, consultation, and delegations to Council.

**Conclusion:**

When the development agreement for 65 Ward Street expired on May 31, 2022 the Municipality was released from the terms that would require the municipality to release its Notice Of Intention to Designate the property. Provincial legislation will cause the NOID to be withdrawn on July 1, 2022 unless the Municipality passes a by-law prior to that date designating 65 Ward Street. Should Council wish to complete the designation under this NOID staff are seeking direction and endorsement for the process.

**Attachments:**

None