



# Municipality of Port Hope Staff Report

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## Report Title: Repeal the Active Heritage Permit for 65 Ward Street

**Report to:** Planning & Development Committee

**Department responsible:**

**Date of meeting:** December 6, 2022

Planning & Development

**Report Author:**

**Report Number:** PD-35-22

LHC Planning and Archaeology Inc.

### Recommendation:

1. That a resolution be presented to Council to repeal the approved heritage permit for subject lands municipally known as 65 Ward Street.

### Highlights:

- A Heritage Permit for the demolition of the extant buildings and structures on the Property was approved by Council on February 15, 2022.
- The heritage permit was granted under the conditions of a development agreement between the Municipality and Southbridge.
- The agreement expired without planning approval for the proposed long-term care facility on the Property.
- The proposed development on the Property will not be moving forward as envisioned in the agreement between the Municipality and Southbridge.
- Since the approved heritage permit was for demolition subject to a specific plan that is not proceeding, the heritage permit should be repealed.

### Background:

A summary of the heritage designation and permit process for 65 Ward Street is as follows:

March 2018	<ul style="list-style-type: none"> <li>• The Municipality received a Heritage Impact Assessment (HIA) for the Property prepared by MHBC—heritage consultants for Southbridge.</li> </ul>
13 April 2018	<ul style="list-style-type: none"> <li>• Council issued a Notice of Intention to Designate (NOID) for the property at 65 Ward Street, Port Hope.</li> </ul>
19 April 2018	<ul style="list-style-type: none"> <li>• The NOID was published.</li> <li>• The Owner objected to the NOID and the matter was referred to the Conservation Review Board (CRB).</li> </ul>
11 February 2019	<ul style="list-style-type: none"> <li>• A CRB hearing commenced under case number CRB1813.</li> </ul>

13 March 2019	<ul style="list-style-type: none"> <li>The CRB recommended that the Property be designated under the OHA. A non-binding CRB recommendation was received by Council in accordance with the requirements of the OHA.</li> </ul>
6 September 2019	<ul style="list-style-type: none"> <li>Southbridge and the Municipality of Port Hope entered into a development agreement. This agreement was intended to ensure the development of a long-term care facility on the site.</li> <li>A condition of this agreement was that if specific conditions were met including relevant heritage and planning applications, the NOID would be withdrawn.</li> </ul>
15 December 2020	<ul style="list-style-type: none"> <li>This agreement was amended on (the First Amending Agreement).</li> </ul>
February – August 2021	<ul style="list-style-type: none"> <li>LHC was retained to complete a peer review of the HIA and a forthcoming HIA Addendum.</li> </ul>
April 2021	<ul style="list-style-type: none"> <li>An addendum to the HIA for the property was received by the municipality based on revised designs and a municipal requirement to consider some adjacent properties.</li> </ul>
11 November 2021	<ul style="list-style-type: none"> <li>The agreement was amended (the Second Amending Agreement).</li> </ul>
October and November 2021	<ul style="list-style-type: none"> <li>MHBC applied for a heritage alteration permit for demolition of the buildings on the Property on behalf of Southbridge.</li> </ul>
26 November 2021	<ul style="list-style-type: none"> <li>The heritage permit application was deemed complete and notice of a complete application was sent to MHBC.</li> </ul>
15 February 2022	<ul style="list-style-type: none"> <li>Council resolved to approve the heritage alteration permit application – file number 2021-27 – with the condition that the recommendations of MHBC in their HIA addendum including a Cultural Heritage Documentation and Salvage Report and a Commemoration Plan.</li> </ul>
31 May 2022	<ul style="list-style-type: none"> <li>The agreement between the Municipality of Port Hope and Southbridge expired without receiving planning approval.</li> </ul>
21 June 2022	<ul style="list-style-type: none"> <li>Municipal Council passed a resolution to designate the Property under Part IV Section 29 of the OHA.</li> </ul>
30 June 2022	<ul style="list-style-type: none"> <li>Staff posted the notice of designating the property in the newspaper.</li> </ul>
1 August 2022	<ul style="list-style-type: none"> <li>By-law 45/2022 to designate the property came into effect.</li> </ul>

**Discussion:**

Heritage Permit 2021-27 for 65 Ward Street was approved with the condition that the recommendations from the HIA and HIA Addendum by MHBC be included as conditions of Site Plan Approval.

The zoning by-law amendment for the proposed development was not approved and the Agreement (Second Amending Agreement) expired without all of the conditions being met. A caveat on the Notice of Decision for the Heritage Alteration Permit for 65 Ward Street included stated:

It is the proponent's responsibility to ensure that any other necessary approvals have been obtained, that the work adheres of the terms of the legal agreement for 65 Ward Street—the Second Amending Agreement between CVH (No. 6) and the Southbridge Health Care GP Inc. and the Municipality of Port Hope for the Redevelopment of 65 Ward Street--and that all applicable zoning provisions are adhered to.

Since the conditions of the Agreement have not been met and the heritage permit was granted as a part of the planned development subject to the Agreement, it is recommended that Council formally withdraw its approved Heritage Permit 2021-27.

**Communication and Public Engagement:**

The decision of Council would be communicated to the property owner through written correspondence. The previous decisions surrounding 65 Ward Street have been well communicated by the Municipality and extensively covered by local media. This matter is a housekeeping requirement and does not require further public engagement.

**Financial Considerations:**

There are no anticipated negative financial implications imposed on the Municipality as a result of implementing staff's recommendations as outlined in this report.

**Conclusion:**

It is the recommendation of the Municipality's consultants LHC that the Council withdraw the previously approved heritage permit – File Number 2021-27 – for 65 Ward Street.