



Town of Erin Heritage Committee (TEHC)

Agenda

Monday, November 18 2024

7:00 pm

Town Hall – Meeting Room

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Declaration Pecuniary Interest**
- 4. Adoption of Minutes**  
Meeting of October 21, 2024
- 5. Business Items**
  - 5.1 Proposed Amendment to the Heritage Designation By-laws of Seven Properties in the Village of Hillsburgh**
  - 5.2 2025 Projects**
  - 5.3 Correspondence**
- 6. Other Business**
- 7. Next Meeting**  
December 16, 2024
- 8. Adjournment**



Town of Erin Heritage Committee (TEHC)

Minutes of the October 21, 2024 Meeting  
7:00PM  
Town Hall Root Room

**Present:** Margaret Barnstaple, Jamie Cheyne, Alex Keller, Erin Montgomery, Bob Wilson and David Waters, Manager of Planning and Development for the Town

**Absent:** Phil Gravelle and Frank Huarte

### **1. Call to Order/Council Introduction**

Chair Erin Montgomery called the meeting to order at 7:00 PM. Marg Aitken was a visitor.

### **2. Approval of the Agenda/Additions to Agenda**

Adoption of the Minutes of March 18th was added and agenda items re-numbered.

**Moved By** B. Wilson

**Seconded By** A. Keller

That the agenda and addition be accepted.

**Carried**

### **3. Declaration of Pecuniary Interest**

None.

### **4. Adoption of Minutes**

**Moved By** E. Montgomery

**Seconded By** B. Wilson

That the minutes of March 18, 2024 meeting be accepted.

**Carried**

### **5. Topics for Discussion**

#### **5.1 Heritage Plaque Application, HPA2024-01 68 Trafalgar Road, Hillsburgh**

This application was submitted on September 29 by Leah-Anne Goyeau, with a photo of the date stone and excerpts from the Centennial History of Erin 1842-1967. It was built

for Robert Alexander Reed and his descendents. She filled in some of the history and house details. She will slightly re-word information for the plaque.

## **5.2 Heritage Plaque Application, HPA2024-02 5785 First Line, Erin**

This application was submitted on September 30 by Eleanor Rowan Metcalfe, with detailed back-up of owners and an Ontario 150 Certificate on July 2017. The original owners were Henry and Ann Reed in 1855 and is still owned by descendents. Details of the Reed and Rowan descendants were presented by her. There is a link between these two properties in that Robert and Mary Reed moved to 68 Trafalgar Road upon retirement.

**Moved By** J. Cheyne

**Seconded By** B. Wilson

That the plaque applications

2024 HPA-68 Trafalgar Road Hillsburgh and

2024 HPA-5785 First Line Erin

be approved.

**Carried**

## **5.3 Heritage Designation Updates**

D. Waters had sent a Corporate Report to our Committee members detailing not only eight new properties in Erin village to receive Notice of Intent to Designate, but an update on the previous seven Hillsburgh properties which are awaiting approval. Heritage Designation By-Laws and the seven Hillsburgh properties are expected to be presented to Council in the first quarter of 2025.

## **5.4 2025 Budget**

Members are asked to bring items to our next meeting.

## **6. Other Business**

Jamie is invited to Mono to show them our plaque.

### **6.1 Erin Township Historical group.**

The Busholme provided a room for the inaugural get-together on Saturday March 16th at 11:30. Next meeting was in May at Hillsburgh Baptist Church.

## **7. Date of Next Meeting**

Monday, November 18, 2024 at 7 p.m. in Town Hall.

## **8. Adjournment**

The meeting adjourned at the hour of 9:00 p.m.



# Town of Erin Corporate Report

<b>To:</b> Town of Erin Heritage Committee	<b>Meeting Date:</b> 11/18/2024
<b>Presented/ Prepared By:</b> David Waters, Manager of Planning and Development	

## Subject

Proposed Amendment to the Heritage Designation By-Laws of Seven Properties in the Village of Hillsburgh.

## Recommendation

**That the Town of Erin Heritage Committee (TEHC) supports the recommendation of Town staff to Council to amend the title description of seven Heritage Designation By-Laws identified in Appendix “A” of this report in accordance with Section 30.1 of the *Ontario Heritage Act*.**

## Highlights

In November 2023 Town Council passed the Heritage Designation Bylaws for twelve properties located in the Village of Hillsburgh. One of the By-Laws was appealed to the Ontario Land Tribunal (OLT) by the owner of 92 Trafalgar Road. The OLT has scheduled a merit hearing for March 2025.

Through the review of the Designation By-Laws by Town’s external Counsel it was discovered that the title description of seven By-Laws were inaccurate and the Notices of Intention to Designate (NOIDs) and Notices of the Passage (NOP) of all twelve By-Laws did not comply with the notice requirements of subsections 29(3) and 29(4) of the *Ontario Heritage Act*. The notice errors do not render the NOIDs or By-laws non-compliant with the *Ontario Heritage Act*.

Based on the advice received from the Town’s external Counsel to remedy the deficiencies in the seven By-laws and proceed to register them except for the By-Law under appeal (92 Trafalgar Road), following the requirements of Section 30.1 of the *Ontario Heritage Act*. This includes providing written notice to the owners of the designated property, consulting with TOEHC, and Council considering any objections received by the landowner. The amended By-laws will be subject to appeal.

Assuming no objections are submitted against the amended Heritage designation by-laws, the Town will send the Notices of the Passage (“NOP”) of the By-laws to each

landowner and publish the NOP in the Wellington Advertiser. The Amended By-Laws will be registered on title for each property.

## **Background**

In September 2023, the Town of Erin Heritage Committee (“TOEHC”) reviewed a report to Designate Twelve Properties within the Village of Hillsburgh. The TOEHC resolved to support staff’s recommendation to Council that the properties identified in Appendix “A” to this report be designated under Part IV, Section 29 of the OHA. Planning staff also sent a non-statutory letter to the twelve property owners advising them of the heritage designation process.

In October 2023, Erin Council received the recommendation from the TOEHC after which Council authorized and directed staff to publish Notices of Intention to Designate the twelve properties. The Notices of Intention to Designate (“NOID”) were published on October 16, 2023, in the Wellington Advertiser, sent to the landowners, and the Ontario Heritage Trust. On November 23, 2023, Town Council passed the Heritage Designation By-laws for each property. On December 1, 2023, the Notices of the Passage (“NOP”) of the By-laws were sent to each property owner. On December 7, 2023, the NOP was published in the Wellington Advertiser.

An appeal to the Ontario Land Tribunal (OLT) was received for one of the Designation By-laws for the property at 92 Trafalgar Road in Hillsburgh. The OLT has scheduled a merit hearing for March 2025.

## **Discussion**

The Designation By-Laws that were not subject to the OLT appeal were sent to the Town’s external Counsel for registration on title at which time it was discovered that the Property Identification Numbers (“PINs”) were inaccurate and a number of the legal descriptions were likewise deficient. Schedule A attached to this report lists the incorrect and correct PINs and legal descriptions for each of the following seven properties: 58A Trafalgar Road, 83 Trafalgar Road, 96 Trafalgar Road, 109 Trafalgar Road, 118 Trafalgar Road, 120 Trafalgar Road and 132 Trafalgar Road.

The advice received from the Town’s external Counsel is for the Town to remedy the deficiencies in the By-laws and proceed to register them except for the Designation By-Law under appeal (92 Trafalgar Road) in accordance with the *Ontario Heritage Act* following the requirements of Section 30.1. This includes issuing written notice to the owners of each designated property, consulting with TOEHC, and Council considering any objections received by the landowner. The amended By-laws will be subject to appeal.

## **Analysis**

Section 30.1(2) of the OHA specifies that the statutory rules pertaining to amending a designating by-law do not apply where the amendments either:

1. Clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes.
2. Correct the legal description of the property.
3. Otherwise revise the by-law to make it consistent with the requirements of the OHA.

As prescribed by Section 30.1(5), the initial step is to consult with the TOEHC before giving notice of a proposed amendment to the owner of property following Council receiving the recommendation from TOEHC and directing staff to publish updated Notices of Intention to Designate the properties based on the amended By-Laws.

If no notice of objection is filed or a notice of objection is served within the 30-day period but the Council decides not to withdraw the notice of the proposed amendment, Council may pass the amending by-law to be followed by:

- Publishing the Notices of Intention to Designate ("NOID") for each property in the Wellington Advertiser;
- Sending the NOID to each property owner and the Ontario Heritage Trust;
- Presenting the amended By-Laws that are not subject of an OLT appeal to Council for adoption following the 30-day period appeal period;
- Sending the Notices of the Passage ("NOP") of the By-laws to each landowner and publishes the NOP in the Wellington Advertiser; and,
- Registering the Amended By-Laws on title for each property.

## **Strategic Pillar**

Healthy Lifestyle & Vibrant Community

## **Financial Impact**

The Town also pays \$350 to register the By-law on title to the property. The funds to pay for the heritage evaluation reports are sourced from the Operating Budget of Planning and Building.

## **Conclusion**

Based on the advice received from the Town's external Counsel to remedy the title deficiencies of the seven Designation By-laws by following the requirements of Section 30.1 of the Ontario Heritage Act. This includes providing written notice to each owner of the subject property, consulting with TOEHC before presenting the Designation By-Laws to Council and considering any objections received by the property owner. The amended By-laws will be subject to appeal.

Following the passing of the amended designation by-laws, the Town will send the Notices of the Passage (“NOP”) of the By-laws to each landowner and publish the NOP in the Wellington Advertiser. The Amended By-Laws will be registered on title for each property.

## **Attachments**

Appendix A – List of Affected Heritage Properties

David Waters, MCIP, RPP, PLE

Manager of Planning & Development

Rob Adams

Chief Administrative Officer

Appendix "A"

58A Trafalgar Rd – PIN 71143-0498 (LT)

Legal description in PIN: PT LT 24 CON 7 ERIN PART 3 , 61R1497; ERIN  
Legal description in by-law: PLAN 276 PT STN STREET BEING RESERVE;  
PART LOT 24 CON 7  
ERIN PART 1,4,5,6,61R-1497, EXCEPT PART 1 & 3 61R-2362; S/T RO726271,  
Town of Erin

83 Trafalgar Rd – PIN 71143-0166 (Registry)

Legal description in PIN: PT LT 25 CON 8 ERIN AS IN MS56785;; ERIN  
Legal description in by-law: UNREG PLAN 62 PT LOT 4 LOT 5 TO 6, Town of  
Erin

96 Trafalgar Rd – PINs 71139-0152, 71139-0221, 71139-0219 (all in Registry)

Legal description in PIN 71139-0152: PT ROAD PL 62 ERIN ABUTTING LT 12;  
PT LT 12 PL 62 ERIN; ERIN  
Legal description in PIN 71139-0221: LT 5 PL 187 HIRAM HILL'S SURVEY  
ERIN; PT LT 4 PL 187 HIRAM HILL'S SURVEY ERIN; ERIN  
Legal description in PIN 71139-0219: PT LT 25 CON 7 ERIN PT 1, 61R4208; ERIN  
Legal description in by-law: PLAN 187 LOT 5 PART LOT 4 &; CON 7 PART LOT  
25 RP 61R4208; PARTS 1 TO 2, Town of Erin

109 Trafalgar Rd – PIN 71143-1188 (LT)

Legal description in PIN: LOT BB PLAN 62 ERIN; PART OF LOT CC PLAN 62  
BEING PART 1 ON 61R11908; SUBJECT TO AN EASEMENT IN FAVOUR OF  
ENBRIDGE GAS DISTRIBUTION INC. AS IN WC377486; SUBJECT TO AN  
EASEMENT OVER PART 1 ON 61R11908 IN FAVOUR OF PT LT CC PL 62  
BEING PART 2 ON 61R-11908 AS IN WC575410; TOWN OF ERIN  
Legal description in by-law: WSCP 201 LEVEL 1 UNIT 1, Town of Erin

118 Trafalgar Rd – PIN 71139-0102 (LT)

Legal description in PIN: LT 22 PL 62; TOWN OF ERIN  
Legal description in by-law: LOT 22, UNREGISTERED PLAN 62, PART LOT 25,  
CONCESSION 7, Town of Erin



120 Trafalgar Rd – PIN 71139-0101 (LT)

Legal description in PIN: LT 23 PL 62 ERIN; LT 24 PL 62 ERIN; ERIN

Legal description in by-law: LOT 23, UNREGISTERED PLAN 62, PART LOT 25,  
CONCESSION 7, Town of Erin

132 Trafalgar Rd – PIN 71139-0100 (LT)

Legal description in PIN: PT LT 25 CON 7 ERIN AS IN ROS242623; ERIN

Legal description in by-law: LOT 25 CON 7 E, Town of Erin