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JUL 29 2019

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## The Corporation of the City of Kawartha Lakes

### By-Law 2019-009

#### **A By-law to Designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes**

A By-law to Designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

#### **Recitals**

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.
2. Notice of Intention to Designate, the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls, City of Kawartha Lakes, described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Reasons for Designation are set forth in Schedule A.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-009.**

#### **Section 1.00: Definitions and Interpretation**

1.01 **Definitions:** In this by-law,

**"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**"Council" or "City Council"** means the municipal council for the City;

**"Director of Development Services"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**"Property"** means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: Designation**

2.01 The Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls, City of Kawartha Lakes is designated as being of architectural and historic interest and value, described further in Schedule A. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the Municipal Heritage Committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

## **Section 3.00: Enforcement, Offence and Penalties**

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act and to any other applicable penalty.

## **Section 4.00: Administration and Effective Date**

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

By-law read a first, second and third time, and finally passed, this 15th day of January, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

## **Schedule A to By-law 2019-009**

Being a By-law to designate the Sellen Log Cabin on Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls in the City of Kawartha Lakes, as being of cultural heritage value and interest.

### **Description of Property**

Sellen Log Cabin

Legal Description:

PT E1/2 LT 24 CON 1 SOMERVILLE PT 1, 57R3472; CITY OF KAWARTHA LAKES

PIN: 63118-0415 (LT)

### **Reason For Designation**

Architectural Design or Physical Value:

The two storey log home is an excellent example of a traditional log cabin within the region that is extraordinarily well-preserved and thoughtfully restored. Many interior fixtures, furnishings and tools that were used to construct the cabin still remain here.

Historical Value:

The property also has historical significance, having served as the base for the logging camp that sent white pine down the Burnt River for export, and was also home to some of the earliest settlers in Somerville Township. The building stands as a time capsule of early farm life and generations of the Graham family. The cabin was built by Robert Graham in 1860, and has been inhabited by successive generations of the Graham family.

Attributes to be Conserved:

The original log walls visible on portions of the exterior and the interior of the building, the original windows and doors and the interior wood plank flooring, ceiling beams, stairs and rails should be conserved.