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AUG 19 2019

RECEIVED

The Corporation of the City of Kawartha Lakes

By-Law 2018-182

A By-Law to Repeal and Replace By-Law 2007-124, Being a By-Law to designate 1185 Ballyduff Road, Pontypool, 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 1185 Ballyduff Road, Pontypool, 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 2018-182.

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 1185 Ballyduff Road, Pontypool, City of Kawartha Lakes, is designated as being of 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 Economic Development 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

Section 5.00 Repeals

5.01 Repeal: By-law 2007-124 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018-182

Being a By-law to designate 1185 Ballyduff Road, Pontypool, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This Gothic style red brick home is situated on the north side of Ballyduff Road, just west of Porter Road in Pontypool.

Legal Description:

CON 6 PT LOT 20

PIN: 63266-0410

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The home has many architecturally significant attributes which contribute to its rich historical importance. The house is a fine example of the center gable red brick Gothic style home that has become synonymous with Ontario Farm House style, with common bond brickwork (header and courses at regular intervals). The floor plan is suggestive of traditional Mennonite/Amish house construction where each room leads into another without the wasted space of hallways. The second storey hall and staircase railing was designed for quilt making with the banisters angled in such a way as to support a quilt frame for the quilters in the community to sit around and sew. While the majority of the wood trim and flooring in the home is original with the exception of the family gathering room (the original kitchen) where the pine floor was replaced with balsam wood from the property in the 1930's after a fire damaged the floor.

Historical Significance:

In 1844 the William Fallis family, who were Irish settlers, acquired the land from the Canada Land Company where they established and built what is now named Fallingbrook Farm. The resources needed to make the home were harvested and kilned from the property directly. As one of the first families to settle in Manvers, this farm home has been an integral part of the community for many generations. The Fallis family lived on the property for over five generations.

Attributes to be conserved:

Exterior:

- Red brick finish
- Gothic front second storey window with original decorative trim
- Center gabled roof
- The front door with sidelights and a transom

- A sympathetic wrap around verandah on two sides of the home

Interior:

- The floor plan is suggestive of traditional Mennonite/Amish house construction
- The house retains mostly all the original wood moldings and trim
- The pine floors are all original, with the exception of the family gathering room
- The second storey staircase railing and the angled banister
- Original door knobs
- Large wooden beam which was once a part of the verandah, located in the back room acting as the newel for the staircase leading into the basement