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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016-031

A BY-LAW TO DESIGNATE 637 BALLYDUFF ROAD, FORMER GEOGRAPHIC TOWNSHIP OF MANVERS, 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 637 Ballyduff Road, Former Geographic Township of Manvers, City of Kawartha Lakes, being the Ballyduff Presbyterian Church, 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 2016-031.

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.

"Heritage Victoria" means the municipal heritage committee established by By-law 2007-219 pursuant to the Ontario Heritage Act.

"Foundation" means the Ontario Heritage Foundation

"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

- 2.01 637 Ballyduff Road, Former Geographic Township of Manvers, City of Kawartha Lakes, is designated as being of architectural, historic and contextual 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 City 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 Foundation, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement 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 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 3.02 **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 9th day of February, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

Schedule 'A' to By-law 2016-031

A By-law to designate 637 Ballyduff Road, Former Geographic Township of Manvers, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

637 Ballyduff Road, Former Geographic Township of Manvers, City of Kawartha Lakes

Legal Description: PT LT 11 CON 6 MANVERS PT 1 & 2, 9R1102; KAWARTHA LAKES (PIN 63266-0149(LT))

REASON FOR DESIGNATION

Architectural Design Value

The structure is a representative example of early Colonial Gothic architectural style

Historical Significance

As the oldest church in Manvers, Ballyduff Presbyterian Church is considered a landmark. It was built by the community and therefore has direct association with an activity and institution that is significant to a community.

Contextual Significance

The structure is still functioning as a church for this community.

PROPERTY ATTRIBUTES TO BE CONSERVED:

- Original clapboard siding
- Original eaves and overhang
- Original windows
- Interior original early 1900 frescos
- Interior tin ceiling
- Interior pews