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October 20, 2022

Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5C 1J3



File 12-04

Re: Amendment of Designation By-law 80-2021 regarding 2651 Harmony Road North, Oshawa, Ontario under Section 30.1(9) of the *Ontario Heritage Act*

I confirm that the Council of the Corporation of the City of Oshawa passed By-law 143-2022 on September 26, 2022 amending Designation By-law 80-2021 concerning the property legally described as:

- PIN 16260-0089 (LT); Part Lot 4 Concession 5 East Whitby, Part 1, Plan 40R30044; City of Oshawa, Regional Municipality of Durham

The purpose and effect of By-law 143-2022 is to amend Designation By-law 80-2021 to legally describe that portion of the property having cultural heritage value or interest in accordance with Part IV of the Ontario Heritage Act, as Part 1 on Plan 40R-31694.

For clarity, the lands described as Part 1 on Plan 40R-31694 are the lands that contain all of the heritage attributes of the property as described in Designation By-law 80-2021. Once amended, Designation By-law 80-2021 will no longer apply to those lands described as Parts 2 and 3 on Plan 40R-31694.

Please find served upon you pursuant to subsection 30.1(9) of the *Ontario Heritage Act* a copy of By-law 143-2022.

The property owner may, on or before the 21st day of November, 2022, send by registered mail or deliver to the City Clerk, a notice of appeal setting out the objection to the passing of By-law 143-2022 and the reasons in support of the objection and the associated fee charged by the Ontario Land Tribunal. If a notice of appeal is received, the Council of the City of Oshawa will, within 15 days of receipt of the objection, refer the objection to the Ontario Land Tribunal for a hearing and a decision.

If you require further information or clarification, please contact me at the address shown or by telephone at (905) 436-3311, extension 2945 or by email to hwhilsmith@oshawa.ca.



Harrison Whilsmith, Planner A – Interim
Policy, Planning Services

HW/k

Attachment

- c. Sam Yoon, City Solicitor
Ontario Heritage Trust
10 Adelaide Street West
Toronto, ON M5C 1J3



By-law 143-2022
of The Corporation of the City of Oshawa

being a by-law to amend the legal description contained in By-law 80-2021 of The Corporation of the City of Oshawa with respect to the designation under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 of the property located at 2651 Harmony Road North, described in By-law 80-2021 as PIN 16260-0089 (LT); Part Lot 4 Concession 5 East Whitby, Part 1, Plan 40R-30044; City of Oshawa, Regional Municipality of Durham.

Recitals:

1. Section 29, Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "Act") authorizes the Council of a municipality to enact by-laws to designate a property to be of cultural heritage value or interest.
2. As per City Council's decision on April 26, 2021, the City of Oshawa has consented to Heritage Oshawa's request that the property, known municipally as 2651 Harmony Road North and legally described as PIN 16260-0089 (LT); Part Lot 4 Concession 5 East Whitby, Part 1, Plan 40R-30044; City of Oshawa, Regional Municipality of Durham (the "Property"), be designated under Section 29 of the Act.
3. On June 21, 2021, City Council passed By-law 80-2021 which designated the Property under Part IV of the Act as a property of cultural heritage value or interest.
4. On October 28, 2021, a Land Division application (File: LD 2021-00054) was submitted to the Regional Municipality of Durham (the "Region of Durham") by Minto Communities, owner of the Property, seeking to divide the Property along the Urban Area Boundary outlined in Schedule "A", Land Use, of the Oshawa Official Plan, which would have the effect of severing Part 2 on Plan 40R-31694 (i.e. the part south of the Urban Area Boundary) as well as Part 3 on Plan 40R-31694 (being a road widening along the east side of Harmony Road North to be conveyed to the Region of Durham), from Part 1 (i.e. the part north of the Urban Area Boundary).
5. Application LD 2021-00054 was approved by the Land Division Committee for the Region of Durham on December 6, 2021. The lands which have been severed from 2651 Harmony Road North (i.e. Parts 2 and 3 on Plan 40R-31694) do not contain any heritage attributes listed within By-law 80-2021. It is therefore appropriate to amend By-law 80-2021 to revise the legal description of the lands designated under Part IV, in order to remove Parts 2 and 3 on Plan 40R-31694 from the designation.
6. Section 30.1 of the Act sets out the process to amend a by-law designating a property under Part IV of the Act. Subsection 30.1(5) of the Act requires the Council of a municipality to consult with its municipal heritage committee before giving notice of a proposed amendment to a designation by-law to the owner of the associated property under Subsection 30.1(3) of the Act.
7. On May 20, 2022, Heritage Oshawa had no objection to the proposed revision to the legal description contained within By-law 80-2021, which would have the effect of removing Parts 2 and 3 on Plan 40R-31694 from the designation.
8. On June 20, 2022 the Council of the Corporation of the City of Oshawa proposed to amend By-law 80-2021 under Section 30.1 of the Act through their endorsement of DS-22-142 – Sixth Report of the Heritage Oshawa Committee.
9. On July 12, 2022, the City forwarded to the Ontario Heritage Trust and the registered owner of the Property a Notice of Proposal to Amend Designation By-law 80-2021.
10. The last day for serving a Notice of Objection to the Notice of Proposal to Amend was August 11, 2022. No Notice of Objection to the proposed amendment was served on the City Clerk.

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its Council, as follows:

1. By-law 80-2021 is amended by deleting "PIN 16260-0089 (LT); Part Lot 4 Concession 5 East Whitby, Part 1, Plan 40R30044; City of Oshawa, Regional Municipality of Durham"

and substituting "PT PIN 16260-0089 (LT); Part Lot 4 Concession 5 East Whitby, Part 1, Plan 40R31694; City of Oshawa, Regional Municipality of Durham" in the introductory paragraph, the Second recital, Section 1 and the Legal Description set out in Schedule "A" to By-law 80-2021.

2. As prescribed under Section 30.1(9) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, the City Clerk is hereby authorized to serve a copy of this amending by-law on the Ontario Heritage Trust and the registered owner of the Property subject to By-law 80-2021, and to publish notice of the passing of this amending by-law in the *Oshawa This Week* newspaper having general circulation in the City of Oshawa.
3. Once the appeal period prescribed under Section 30.1(9) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 has concluded, a copy of this amending by-law shall be registered against the subject property in the Land Registry and Land Titles Offices for the Land Registry Division of Durham (No. 40), and the City Clerk is hereby authorized to serve a copy of the registered amending by-law on the Ontario Heritage Trust.

By-law passed this 26th day of September, 2022.



Mayor

City Clerk