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Notice of Passing of By-law to Repeal and Replace Designation By-law

Township of Cavan Monaghan

Take notice that on the 20th day of March, 2023, the Council of the Corporation of the Township of Cavan Monaghan passed By-law No. 2023-22 to repeal and replace Village of Millbrook By-Law 84–12, designating the property known municipally as 37 King Street East, described further below, as being of Cultural Heritage Value or Interest pursuant to section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18.

Legal Description of Property

Lot 3 and Part of Lot 4, South side of King Street and West side of Gravel Road, Part of Lots 3, 4, and 5, North of Dufferin Street, West of Gravel Road, Being Part of Lot 13, Concession 4, Formerly in the Village of Millbrook, Now Township of Cavan Monaghan, Geographic Village of Millbrook, County of Peterborough.

Additional Information

A complete copy of By-law No. 2023-22 is attached.

Appeal

Any person may object to By-law No. 2023-22 by filing with the Clerk of the Township of Cavan Monaghan and the Ontario Land Tribunal (OLT), no later than May 1, 2023, a notice of appeal setting out the objection to By-law No. 2023-22 and the reasons in support of the objection. The notice of appeal must be accompanied by a certified cheque, money order, or credit card payment in Canadian funds in the amount of \$1,100. Certified cheques and money orders should be made payable to the Minister of Finance. If you wish to appeal to the OLT, forms are available on the OLT website at <https://olt.gov.on.ca>.

Dated at the Township of Cavan Monaghan this 30th day of March, 2023.

Cindy Page
Clerk

988 County Rd 10
Millbrook, Ontario L0A 1G0

www.cavanmonaghan.net

Phone: 705-932-9319

Fax: 705-932-3458

The Township of Cavan Monaghan

By-law No. 2023-22

Being a by-law to Repeal and Replace sections of Village of Millbrook By-Law 84-12, Designating 37 King Street East in the Township of Cavan Monaghan (formerly Village of Millbrook) as being of Cultural Heritage Value or Interest under Part IV of the *Ontario Heritage Act*

Whereas Section 31 of the *Ontario Heritage Act*, R.S.O. 1990, provides that the Council of a municipality may repeal a by-law passed under Section 29 of the Act designating a property within the boundaries of the municipality at Council's initiative;

And Whereas a Notice of Intention to Repeal sections of Village of Millbrook By-Law 84-12 designating 37 King Street East, Township of Cavan Monaghan (formerly Village of Millbrook), described further in Schedule A, has been given in accordance with Section 31 of the *Ontario Heritage Act*;

And Whereas no objection to the proposed repeal of sections of the designating by-law has been served on the Clerk of the municipality within the prescribed time under the *Ontario Heritage Act*;

And Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest;

And Whereas a Notice of Intention to Designate 37 King Street East, Township of Cavan Monaghan has been given in accordance with Section 29 of the *Ontario Heritage Act*;

And Whereas no objection to the proposed designation has been served on the Clerk of the municipality;

And Whereas Council has consulted with its Municipal Revitalization and Heritage Advisory Committee;

And Whereas the reasons for designation are set out in Schedule A;

Now Therefore the Council of the Township of Cavan Monaghan enacts as follows:

1. The property located at 37 King Street East is designated as being of cultural heritage value or interest, as described further in Schedule A. This designation shall not preclude alterations to the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the Township.
2. The Township is hereby authorized to have a copy of this by-law registered against the property described above in the Land Registry Office.
3. The Clerk is hereby authorized to serve a copy of this By-law to the owner of the property and to the Ontario Heritage Trust and to provide notice of the passing of this by-law in a newspaper having general circulation in the municipality.
4. The following excerpts from By-Law 84-12 are hereby repealed:
 - 1) "7. 37 King Street East"
 - 2) "(7) '37 King Street East' being more particularly described in Schedule 'A-7' attached hereto and forming part of the By-Law. The reasons for the designation of this property are set out in Schedule 'B-7' attached hereto and forming part of this By-Law."
 - 3) Schedule A-7
 - 4) Schedule B-7
5. All other relevant provision of By-Law 84-12, as amended, shall apply unless previously amended.

Read a first, second, and third time and passed this 20th day of March, 2023.



Matthew Graham
Mayor



Cindy Page
Clerk

Schedule A to By-law No. 2023-22

Section 1: Description of Property

37 King Street East, Township of Cavan Monaghan

Section 2: Location of Property

Located on the South side of King Street East, East of Distillery Street and West of Gravel Road. Property extends from King Street East to the North to Dufferin Street to the South.

Section 3: Legal Description

Lot 3 and Part of Lot 4, South side of King Street and West side of Gravel Road, Part of Lots 3, 4, and 5, North of Dufferin Street, West of Gravel Road, Being Part of Lot 13, Concession 4, Formerly in the Village of Millbrook, Now Township of Cavan Monaghan, Geographic Village of Millbrook, County of Peterborough.

Section 4: Reasons for Designation

The property at 37 King Street East is worthy of designation under Part IV, Section 29 of the *Ontario Heritage Act* for its cultural heritage value, and meets Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the categories of design/physical value, historical/associative value, as well as contextual value within the Township of Cavan Monaghan. The property is a representative example of a 19th century architectural style, has direct association with a notable family that is significant to the community, and is important in supporting the character of the surrounding area.

Section 5: Statement of Cultural Heritage Value or Interest

The house located at 37 King Street East in Millbrook, Ontario is in excellent condition and is unique to the region, being representative of Second Empire and Queen Anne styles of architecture. The massing of the house is characteristic of Second Empire design, while the extravagant detailing is indicative of Queen Anne influence. The house, clad in yellow painted clapboard siding, was built circa 1870 as a brick veneer and frame building, which was later re-clad. The building features a hip roof with projecting gables, decorative bargeboard, and deeply overhanging eaves with detailed wooden

brackets below. There is also a small Tuscan tower with wrought iron cresting and small windows atop the front elevation of the house.

Robert Deyell, one of five sons of the first settler in the township, John Deyell, built this two-storey house in 1870 on lands extending from King Street to Dufferin Street. While only the house remains, the property once included a tennis court and summerhouse.

The house was used as a funeral parlour in 1945 by George T. MacPherson, who owned a furniture and undertaking business in downtown Millbrook. He sold the property to John Wallace Haw in 1954. The J. Wallace Haw Funeral Home was purchased by Comstock's of Peterborough in 1965 and continued operating until 1972. After this point, the house became a private residence once more. It later served as a cooking school and fine dining establishment, and as a bed and breakfast.

This property presents both historical and architectural significance within the Millbrook community as it was built by one of Millbrook's first citizens and is adorned by many of his trademarks. The house has served the Millbrook community through various uses for nearly 150 years. The house also presents many unique features representative of the Queen Anne Style and stands out within the community as a rare example of the style in excellent condition. The property contributes greatly to the historic King Street view corridor and forms a great part of the historic character of the neighbourhood.

Section 6: Heritage Attributes

- Placement and orientation of the building set well back on the property, between King Street East and Dufferin Street
- Scale, form, and massing of the 2 storey building with a primarily square plan
- Hip roof with projecting gables on north, east, and west elevations
- Painted wood clapboard siding
- Cut field stone foundation
- Decorative cornice with wood dentil moulding, supported by eave brackets under a deep overhanging wood soffit
- Decorative wood frieze, with alternating angled or vertical v-groove boards, terminated at the underside with a carved trim board, typical for verandah, second floor and tower
- Tuscan tower with wrought iron cresting

- Fenestration pattern and style, including wood shutters
- North Entrance Door opening with rectangular transom above and associated wood detailing
- Stained glass semi-circle windows on north elevation
- 1 over 1 hung wood windows with a mixture of 1 over 1, 2 over 2, 3 pane and 4 pane wood storm windows
- Wood window sills on second storey and wood window sills with aprons on ground floor level
- Wood window cornice with dentil detailing and flat lintel on south elevation windows
- Verandah with decorated wood columns with fan brackets and wood railings wrapping around north and east façades
- Brick chimney with detailing above roof line and along west elevation
- Elaborate wood detailing in gables