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File No. 340433.000278

March 23, 2023

DELIVERED BY E-MAIL

Provincial Heritage Registrar
Ontario Heritage Trust
10 Adelaide Street East
Toronto, Ontario M5C 1J3
Canada
Email: registrar@heritagetrust.on.ca

RECEIVED
2023/03/23
(YYYY/MM/DD)
Ontario Heritage Trust

Dear Sir/Madam:

Re: Notice of Intention to Repeal By-Law 134-2006

We are counsel to the Corporation of the City of Cornwall (the “**City**”).

We write to provide notice to the Ontario Heritage Trust (the “**Trust**”) that the City’s Council has taken steps to repeal By-law 134-2006, which designates the Cornwall Street Railway, Light and Power Company Electric Motor #17 (“**Locomotive #17**”) and real property surrounding Locomotive #17 at the south east corner of Brookdale Avenue and Ninth Street West of historical value and interest. This notice is being served upon the Trust as contemplated by Section 31 (3)(a) and (4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as it read on May 31, 2021 (the “**Act**”).

As background information:

- The City is the owner of Locomotive #17 and surrounding land. The City was required to re-locate Locomotive #17 to its present location in and around 2006.
- On June 26, 2006, City Council endorsed By-law 134-2006, which is a By-law to designate a portion of Municipal Property known legally as part of the West ½ of Lot 12, Concession 1, City of Cornwall and more particularly being lands upon which Cornwall Street Railway Locomotive Engine #17 is situated as being of Cultural (including Architectural and/or Historic) Heritage Value or Interest.
- As indicated in Report #14-06 dated May 1, 2006, prepared by the City’s Department of Planning and Housing Services in support of the designation, the sole reason for the designation of the identified lands was due to the location of Locomotive #17 on the site.

- On February 3, 2021, City Council approved a motion to donate Locomotive #17 to the Smith Falls Railway Museum of Eastern Ontario and to fund the cost of transporting the locomotive to the museum.
- On April 26, 2021, City Council directed the City's Administration to issue a Notice of Intention to Repeal By-law 134-2006.
- Starting on May 3, 2021, a Notice of Intention to Repeal By-law 134-2006 was published in the City's local newspaper, the Cornwall Standard Freeholder, and across the City's social media platforms, as required by section 31(3)(b) of the *Act* then in force (the "**Notice**"). The deadline to file an objection by the public was May 31, 2021. A copy of the Notice is enclosed for your reference.

It has come to the City's attention that it inadvertently failed to serve the Notice upon the Trust at that time, as required by section 31(3)(a) of the *Act* and is doing so now.

As set out in the enclosed Notice, the Reason for the Proposed Repeal is:

While many Councils have acknowledged the role of the Locomotive in the City's history, no commitment has been made to refurbish the locomotive or locate it in a more accessible place. In addition, the current costs refurbishment and relocation ranges from \$100,000.000 to \$150,000.00. It has been proposed that the Locomotive will be donated to the Smith Falls Railway Museum of Eastern Ontario where it will be appropriately refurbished and displayed. It will be held in a place of honor with appropriate signage to indicate its importance to Cornwall's history.

As additional information, a number of persons objected to the proposed repealing by-law, and the City provided the objections to the (then) Conservation Review Board as required by Section 31(6) of the *Act* then in force. As a result of subsequent legislative changes, the matter is now before the Ontario Land Tribunal (the "**Tribunal**") in Case No. OLT-22-003794. The City and the Objectors have attended a two Case Management Conferences, and the Tribunal has scheduled a two day hearing of this matter on May 24-25, 2023.

Please advise if the Trust requires any additional information regarding this Notice at this time, and/or wishes to be notified of any future steps in the Tribunal proceeding.

Yours very truly,



Emma Blanchard
EB/lr

Encls.



Corporation of
City of Cornwall

Notice of Intention to Repeal By-law 134-2006.

Take notice that Council hereby gives notice of their intention to repeal By-law No. 134-2006. This by-law designates the Cornwall Street Railway, Light and Power Company Electric Motor #17 (Locomotive #17) and real property surrounding the Locomotive at the south east corner of Brookdale Avenue and Ninth Street West of historical value and interest.

This notice is provided pursuant to section 31 of the Ontario Heritage Act.

Any objections must be received on or before May 31, 2021.

Objections can be filed in writing:

Manon L. Levesque, CMO, City Clerk, Clerk's Division
The Corporation of the City of Cornwall
PO Box 877, 360 Pitt Street
Cornwall, ON, K6J 3P9

Phone: 613-930-2787 ext 2316

Fax: 613-933-1860

Email: mlevesque@cornwall.ca

Description of Property

The Corporation of the City of Cornwall is the owner of Locomotive # 17 and surrounding land. It is located at the south east corner of Brookdale Avenue and Ninth Street, legally described as part of the West ½ of Lot 12 Concession 1.

Locomotive #17 was built in August of 1930 by Baldwin-Westinghouse in Philadelphia Pennsylvania. It was shipped to Salt Lake and Utah Railroad. It was the last new motor the company purchased until they ceased operation in 1946. The Grand River Railway purchased the Locomotive in 1946 where it was shipped to their shops in Preston, Ontario. The Cornwall Street Railway Light and Power Company purchased the locomotive in November of 1962. In 1971, Cornwall Street Railway Light and Power Company was purchased by Canadian National Railway, at which time the use of electric locomotives was retired. This ended a 75-year era of electric locomotives in Cornwall. Locomotive #17 was subsequently donated to the City of Cornwall.

Reason for Proposed Repealing and Subsequent Demolition

While many Councils have acknowledged the role of the Locomotive in the City's history, no commitment has been made to refurbish the locomotive or locate it in a more accessible place. In addition, the current costs refurbishment and relocation ranges from \$100,000.00 to \$150,000.00.

It has been proposed that the Locomotive be donated to the Smith Falls Railway Museum of Eastern Ontario where it be appropriately refurbished and displayed. It will be held in a place of honor with appropriate signage to indicate its importance to Cornwall's history.

Further Information

The full report to Council and archived video of the meeting can be found at www.cornwall.ca/councilmeetings - use the calendar to choose the meeting under April 26, 2021.

Dated this, Saturday, May 1, 2021 of the Ontario Heritage Act, R.S.O.

Notice of Intention to Repeal By-law 134-2006

Posted On Friday April 30, 2021

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Dated this, Saturday, May 1, 2021 of the Ontario Heritage Act, R.S.O.

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Contact Us

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Email Us

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