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This document was retrieved from the Ontario Heritage Act Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.



ONTARIO HERITAGE TRUST

NOV 08 2017

RECEIVED

November 3, 2017

Ms. Teresa Maljar-Hupel
Assistant Registrar
Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Ms. Maljar-Hupel:

Re: Repealing By-laws for Reverend William Leeming House, 5781 Highland Avenue, Niagara Falls
Repealing By-laws for Stamford White Oak Tree, Portage Road, Niagara Falls

Please find enclosed copies of the repealing By-laws for the above two noted properties for which you have previously received Notices of Passing.

If you have any questions, please do not hesitate to contact me.

Yours truly,

Peggy Boyle, CAHP
Assistant Planner

PB:ce
Attach.

S:\HISTORY\INV\Highland5781.dp\Appeal\OHT Ltr with Repealing By-laws.docx

Working Together to Serve Our Community

Planning, Building, &
Development
Ext 4334 Fax 905-356-2354
pboyle@niagarafalls.ca



ONTARIO HERITAGE TRUST

NOV 03 2017

RECEIVED

November 1, 2017

REGISTERED MAIL

Ms. Beth Hanna, Executive Director
Ontario Heritage Trust
10 Adelaide Street East,
Toronto, ON M5C 1J3

Dear Ms. Hanna:

**Re: Reverend William Leeming House
5781 Highland Avenue, Niagara Falls, ON
Notice of Passing of Repealing Designating By-law No. 2002-054**

On September 26, 2017, the Council of the Corporation of the City of Niagara Falls passed a by-law to repeal the designating by-law for the Reverend William Leeming House at 5781 Highland Avenue.

Enclosed is a copy of the Notice of Passing of the By-law to Repeal the Designating By-law which is served on you in accordance with the requirements of the Ontario Heritage Act.

Should you have any questions or require further information, please contact me.

Yours truly,

Peggy Boyle, CAHP
Assistant Planner

PB:pb

Attach.

c. owner, 5781 Highland Ave, Niagara Falls

S:\HISTORY\INV\Highland5781.dp\2015Repeal\Ltr to OHT re Repeal June 2015.docx

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**NOTICE OF PASSING OF BY-LAW TO REPEAL
DESIGNATING BY-LAW NO. 2002-054**

**PURSUANT TO THE PROVISIONS OF
THE ONTARIO HERITAGE ACT R.S.O. 1990,
SECTION 31**

TAKE NOTICE that the Council of the Corporation of the City of Niagara Falls passed a By-law No. 2017-104 on the 26th day of September, 2017,

**Rev. William Leeming House
5781 Highland Avenue**

PURPOSE AND EFFECT OF THE REPEAL

The purpose of By-law No. 2017-104 is to repeal By-law No. 2002-054 which was adopted to designate the subject property as a property of cultural heritage value and interest.

EXPLANATION OF THE REPEAL

Council approved the request of the owner to repeal on May 12, 2015, on the basis that the building was structurally deteriorated to such a state that it is not financially viable to restore the building.

Please note there is no appeal to this by-law. The decision of the Council of the Corporation of the City of Niagara Falls is final.

Dated at the City of Niagara Falls this 2nd day of November, 2017.

A handwritten signature in black ink, appearing to read "Alex Herlovitch", written over a horizontal line.

Alex Herlovitch
Director of Planning & Development
City of Niagara Falls
4310 Queen Street, P.O. Box 1023
Niagara Falls, ON L2E 6X5

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 1

Properties

PIN 64314 - 0055 LT
Description LT 19 PL 32 STAMFORD; LT 21 PL 32 STAMFORD; LT 23 PL 32 STAMFORD ;
NIAGARA FALLS
Address 5781 HIGHLAND AVENUE
NIAGARA FALLS

Applicant(s)

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE CITY OF NIAGARA FALLS
Address for Service City Hall
4310 Queen Street
P.O.Box 1023
Niagara Falls, ON L2E 6X5

This document is being authorized by a municipal corporation through Kenneth L. Beaman, City Solicitor, on behalf of The Corporation of the City of Niagara Falls.

This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-law See Schedules.

Signed By

Kenneth Lloyd Beaman 4310 Queen St. P.O. Box 1023 acting for Signed 2017 10 11
Niagara Falls Applicant(s)
L2E 6X5
Tel 905-356-7521
Fax 905-371-2892

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

THE CORPORATION OF THE CITY OF NIAGARA FALLS 4310 Queen St. P.O. Box 1023 2017 10 12
Niagara Falls
L2E 6X5
Tel 905-356-7521
Fax 905-371-2892

Fees/Taxes/Payment

Statutory Registration Fee \$63.35
Total Paid \$63.35

File Number

Applicant Client File Number : 2015-138

I, the undersigned, Clerk of the Corporation of the City of Niagara Falls, hereby certify the foregoing to be a true and correct copy of _____

CITY OF NIAGARA FALLS

By-law No. 2017- 104

of the said City. Given under my hand and the seal of the said Corporation this _____ day of _____ 2017.

Clerk

Being a by-law to repeal By-law 2002-054, a Designation By-law under the Ontario Heritage Act, designating the property known as the Reverend William Leeming House, 5781 Highland Avenue, as being of cultural heritage value and interest.

WHEREAS the Ontario Heritage Act, R.S.O. 1990, s.29 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and/or structures thereon, within the municipality to be of historic value of interest;

AND WHEREAS the lands and premises known municipally as 5781 Highland Avenue in the City of Niagara Falls were designated to be of cultural heritage value and interest by By-law 2002-054 passed on March 18, 2002 and registered on title to the property as Instrument number LT209600 on May 9, 2002;

AND WHEREAS the Council of the Corporation of the City of Niagara Falls granted approval to the request of the owner to repeal the by-law on May 12, 2015 on the basis that the building was structurally deteriorated to such a state that it is not financially viable to restore the building;

AND WHEREAS two objections were received from members of the public to the intention to repeal the by-law, one of which was later withdrawn;

AND WHEREAS a hearing was scheduled for July 12, 2017;

AND WHEREAS the Reverend William Leeming House suffered irreparable damage due to fire on May 24, 2017, thereby destroying the heritage attributes of the house;

AND WHEREAS the remnant components of the house were demolished and removed on May 27 and 28, 2017;

AND WHEREAS the Conservation Review Board deemed that the only heritage attribute listed in the designating by-law no longer exists, the issue is moot and the proceeding was dismissed without a hearing;

AND WHEREAS the Ontario Heritage Act, R.S.O. 1990, s.32 authorizes the Council of a municipality to repeal a designating by-law upon the request of the owner of the property;

NOW THEREFORE the Council of The Corporation of the City of Niagara Falls enacts as follows:

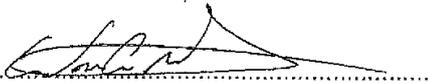
1. By-law Number 2002-054 is hereby repealed;
2. The Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, to cause

WILLIAM GLEN MATSON, a Commissioner, etc.,
Acting City Clerk, for the City of Niagara Falls,
Regional Municipality of Niagara,
Province of Ontario

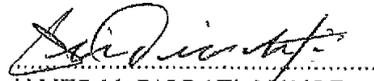
notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality and to cause reference to said property to be deleted from the Register established in subsection 27 of the Act; and

3. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the whole of the property described in Schedule "A" hereto in the proper land registry office.

Passed this twenty-sixth day of September, 2017.



BILL MATSON, ACTING CITY CLERK



JAMES M. DIODATI, MAYOR

First Reading: September 26, 2017
Second Reading: September 26, 2017
Third Reading: September 26, 2017