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Date: May 15, 2020

To: Mayor and Council

Author: Sandra Kitchen, Deputy Clerk-Council Services

RE: 183 Main St. East, Kingsville--Application for Consent to Demolish
filed by Solicitor Analee J. M. Baroudi on behalf of Brotto Investments
Inc.

Report No.: CS-2020-14

AIM

To inform Council of the receipt of an Application to Council for Consent in Writing to Demolish the dwelling located on 183 Main St. East, Kingsville (the "property").

BACKGROUND

As Council is aware, an Application for a Permit to Demolish was submitted under the *Building Code Act* by Brotto Investments Inc., as authorized agent for the property owners, Donna and Will Krahn, on or about February 13, 2020.

In response to that Application, Council referred the matter to the Kingsville Municipal Heritage Advisory Committee. The Committee researched and scored the property, presented its formal Report to Council at its March 9, 2020 Regular Meeting, and recommended that Council issue a Notice of Intention to Designate. Council initiated that process, which is now proceeding under the *Ontario Heritage Act*.

DISCUSSION

By correspondence received on April 29, 2020 from Analee J. M. Baroudi (Solicitor for Brotto Investments Inc.), Brotto Investments Inc. has applied to Council for consent in writing to demolish the property pursuant to Subsections 30(2) and 34(1) of the Act (Appendix "A").

Subsection 30(2) of the Act states:

Interim control of alteration, demolition or removal

30(2) Sections 33 and 34 apply with necessary modifications to property as of the day notice of intention to designate the property is given under subsection 29(3) as though the designation process were complete and the property had been designated under section 29.

Subsection 34(1) of the Act states:

Demolition or removal of structure:

34(1) No owner of property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal.

Council has ninety (90) days to review the application and seek the advice of its Municipal Heritage Committee. Within the 90-day period¹ and after considering the advice of the Committee, Council must decide whether to refuse the application, consent to it, or consent with terms and conditions. At minimum, Council should require full documentation of a heritage building or structure prior to its demolition, as well as documentation of any other heritage resources on the property that may be affected.

Council notifies the applicant and the Ontario Heritage Trust of its decision. Council also publishes its decision in a local newspaper. An owner may appeal Council's decision to deny the permit, or to consent to it with conditions, to the Ontario Municipal Board (OMB). A detailed flowchart outlining the demolition application process is provided as Appendix "B" to this report².

LINK TO STRATEGIC PLAN

None.

FINANCIAL CONSIDERATIONS

There are no financial considerations.

CONSULTATIONS

Director of Corporate Services

¹Failure of council to notify the owner within 90 days shall be deemed consent.

²Ontario, Ministry of Culture, "Designating Heritage Properties", Ontario Heritage Tool Kit (Ontario: Queen's Printer for Ontario 2006) at 40

RECOMMENDATION

That Council, pursuant to Subsection 34(1)(1.2), serves a notice of receipt of the Application for Consent to Demolish received under Subsections (30)(2) and 34(1) of the *Ontario Heritage Act* on the Applicant; And Further That Council refers the Application for Consent to Demolish 183 Main St. East, dated April 29, 2020 (as filed by Solicitor Analee Baroudi on behalf of her client) to the Kingsville Municipal Heritage Advisory Committee for the purposes of the Committee providing a recommendation to Council regarding the request.

Sandra Kitchen

Sandra Kitchen
Deputy Clerk-Council Services

Jennifer Astrologo

Jennifer Astrologo, B.H.K (hons.) LL.B.
Director of Corporate Services/Clerk