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D. Menard:

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	REPEAL OF DESIGNATION 275 THAMES STREET MEETING ON FEBRUARY 1, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, the attached by-law to repeal By-law No. L.S.P. -3432-10 **BE INTRODUCED**; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the repeal in compliance with the requirements of the Ontario Heritage Act..

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- 2015-11-02: Report to PEC- *Repeal of By-law L.S.P. 3432-10*
- 2013-12-10: report to PEC-*Fugitive Slave Chapel Update*
- 2013-09-24: Report to PEC -*Notice of Intent to Designate 275 Thames Street*
- 2013-06-23: Report to PEC -*Demolition Requests for 275, 277 & 281 Thames Street*

BACKGROUND

The property at 275 Thames Street is the site of the former Fugitive Slave Chapel building, a structure of historical value and interest with respect to its roles in the historical development of London. The property was designated under *Section 29* of the *Ontario Heritage Act* in 2013. Such designation expressed Municipal Council’s concern for the long-term conservation of the building notwithstanding an application for its demolition.

In May, 2014, following consultation with the London Advisory Committee on Heritage (LACH), Council permitted, through a Heritage Alteration Approval permit, the relocation of the building from its site at 275 Thames Street to a site at 432 Grey Street, a property owned by, and adjacent to, Beth Emanuel British Methodist Church. Staff noted that, at a future date, a request to repeal the designation of the property at 275 Thames Street would come forward in recognition that the principal heritage attribute, (the building itself), was no longer on the property. The building was relocated on November 12, 2014.

In November, 2015, a staff report to the Planning and Environment Committee recommended that notice of intention to repeal of By-law No. L.S.P. 3432-10 be given by the Clerk. It was noted that the LACH had been consulted on this matter. Municipal Council approved this recommendation at its meeting on November 10, 2015.

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On December 7, 2015, notice of Municipal Council's intention to repeal By-Law No. L.S.P. 3234-10 was given by the Clerk. This information was communicated to the property owner, James T. Donnelly, and to the Ontario Heritage Trust in accordance with the requirements of subsections 31(3) and 31(4) of the *Ontario Heritage Act*. Following the publication of Municipal Council's intent to repeal the by-law, the *Act* provides for a period of thirty days in which notice of objection to the repealing by-law may be served on the Clerk. Notice of Intent to repeal the by-law appeared in the *Londoner* on December 10. No appeals were received following notification.

Recommendation

Given the relocation of the Fugitive Slave Chapel, thereby removing the necessity of maintaining the designation of the property at 275 Thames Street and, further, given that there have been no objections to the notice of intention to repeal By-law No. L.S.P. 3432-10, then, in accordance with the provisions of the *Ontario Heritage Act*, it is recommended that Municipal Council introduce the attached by-law (Appendix 1) in order to accomplish the following: to repeal By-law L.S.P. 3432-10, to cause a copy of this (attached) by-law to be registered upon title in the proper Land Registry Office and to serve the (attached) by-law upon the owner of the property and upon the Ontario Heritage Trust in accordance with the information requirements of the *Ontario Heritage Act*.

PREPARED BY:	SUBMITTED BY:
DON MENARD HERITAGE PLANNER URBAN REGENERATION	JIM YANCHULA, MCIP, RPP MANAGER, URBAN REGENERATION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

2016-01-12

dm/

attach: Appendix 1- A by-law to repeal By-law No. L.S.P. 3432-10

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Appendix 1: A By-Law to Repeal By-Law No. L.S.P. 3432-10

Bill No.
2016

By-law No. L.S.P.-_____

A by-law to repeal By-law No. L.S.P.-3432-10 entitled, "A By-law to designate 275 Thames Street to be of historical and contextual value or interest".

WHEREAS the property located at 275 Thames Street was designated to be of historical and contextual value or interest by By-law No. L.S.P.-3432-10, on December 3, 2013;

AND WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic and contextual value or interest and may repeal said by-law;

AND WHEREAS it is now appropriate to repeal By-law No. L.S.P.-3432-10 as the approved removal of the building, with its heritage attributes, to another site, has removed the need to retain the heritage designation of the property;

AND WHEREAS notice of intention to repeal the designation of the property known as 275 Thames Street has been duly published and served and no notice of objection to such de-designation has been received;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law L.S.P.-3432-10 entitled, " A By-law to designate 275 Thames Street to be of historical and contextual value or interest" passed by Municipal Council on December 3, 2013 is hereby repealed.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" attached hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in the *Londoner*, and to enter the description of the aforesaid property, the name and address of its registered owner, and short reasons for its repeal of the designation in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force on the day it is passed.

PASSED in Open Council on _____ .

Matt Brown
Mayor

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D. Menard:

Catharine Saunders
City Clerk

First Reading -
Second Reading -
Third Reading -

SCHEDULE "A"

To By-law No. L.S.P.-3432-10

Part of Lot 26, S/W Bathurst Street, in the City of London and County of Middlesex as in Instrument W36699.