



## The Corporation of the Township of King Report to Council

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**From:** Growth Management Services – Planning Division

**Report Number:** GMS-HER-2025-007

**Date:** Monday, September 15, 2025

**Title:** **Notice of Intent to Demolish or Remove a Structure from 342 Kettleby Road**

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### **Recommendation**

1. That Council receive Report GMS-HER-2025-007 for information.
2. That Council take no further action with respect to the notice of intent to demolish or remove a structure from 342 Kettleby Road.
3. That the Owner provide documentation of the structure and that commemorative measures are agreed upon prior to the issuance of a demolition permit, to the satisfaction of Heritage Planning Staff.

### **1. Report Highlights**

- The subject property was listed on the Township's Municipal Heritage Register on June 14, 2010.
- In September 2021, the previous owner submitted a demolition permit application for the subject property. In response, Council issued a Notice of Intent to Designate, with extensions granted to allow for further assessment. Following review, staff and the Heritage Advisory Committee concluded that the property meets the criteria for designation under the Ontario Heritage Act due to its contextual and design/physical value.
- On June 23, 2025, the new owner submitted a notice of intention to demolish/remove a structure or building from the subject property with supporting documentation (photographs, structural assessment, hazardous materials assessment, and cultural heritage impact assessment). The owner intends to construct a new single detached dwelling on the subject property.
- Staff have reviewed the proposed demolition/removal and supporting documentation and believe that while the property exhibits contextual and design/physical cultural heritage significance to a degree, the structure is in a state of immense disrepair with no regular maintenance having taken place over a 20-year period. The property has become a source of concern for residents, contains hazardous materials (asbestos, lead, silica, and mould) and is a visual detractor within the area. As such, Staff recommend that Council take no further action in regard to this matter.

## 2. Purpose

The purpose of this report is to provide Council with background information and Staff analysis and recommendations in response to a demolition request submitted by the current owner of a listed heritage property under Section 27(3) of the Ontario Heritage Act. This report outlines the statutory timeline requirements, summarizes previous Council direction and heritage evaluations, and presents options for Council consideration regarding potential designation of the property following a review of the subject application.

## 3. Background

Designation a property under Part IV of the Ontario Heritage Act has the effect of formally recognizing its cultural heritage value and protects it from demolition, while allowing for flexibility through the planning process. Alterations to designated properties are subject to review to ensure they respect the property's identified heritage attributes. It is important to note that designation does not prevent change or compel owners to undertake specific work. Designated properties are also eligible for the Township's Heritage Property Grant Program.

The subject property is located north of Lloydtown-Aurora Road, west of Keele Street and on the north side of Kettleby Road. The property is approximately 0.32 hectares in area. Current land uses on the property include a single detached house, constructed circa 1890. The house is characterized as a vernacular Victorian style with Ontario Gothic elements.

In 2021, the previous owner of the subject property submitted a demolition request under Section 27(3) of the Ontario Heritage Act (the 'OHA'). Staff reviewed the request with the Heritage Advisory Committee and were of the opinion that the property had cultural heritage value and warranted designation under the OHA. At that time, Council issued a Notice of Intention to Designate the property, accompanied by a Statement of Significance, see **Attachment 1**.

The property owner subsequently signed a waiver to indefinitely extend the statutory deadline for passing the designation by-law related to this property. This waiver was intended to allow the Township additional time to complete the necessary heritage evaluation and consultation. A Heritage Impact Assessment (HIA), Structural Engineering Report and conceptual design elevations were submitted for the Township's consideration during the extension period. These were reviewed by Staff and the Heritage Advisory Committee at its March 2nd, 2023, meeting. A resolution was passed to defer a final decision on the demolition request pending further Staff review of potential alternatives, including the possibility of retaining the structure as an ancillary building.

Since that time, Staff have undertaken additional review and consultation, which is further detailed below. Based on the findings of the structural report, the nature of the proposed redevelopment, and the limited feasibility of retaining the structure in a meaningful way, Staff are now of the opinion that demolition is appropriate. While the property was initially identified as having cultural heritage value, the supporting documentation and site constraints have led to a reassessment of its heritage potential.

The property has since changed ownership. Under the OHA, the right to request demolition and the associated statutory timelines are tied to the current property owner. The waiver signed by the previous owner does not carry forward to the new owner unless explicitly assumed or registered on title, which is not the case in this instance.

On July 23, 2025, the new owner submitted notice of their intention to demolish or remove a structure/building from the subject property, see **Attachment 2**. The Township has a 60-day timeline, from the date of written notice submitted by the current owner to decide on whether to:

- issue a new Notice of Intention to Designate the property or,
- allow the demolition to proceed following the expiry of the statutory timeline.

In addition to the submitted application form, cover letter, survey, and pictures, the following documents were also included with the demolition request:

- Designated Substances and Hazardous Building Materials Assessment Report, prepared by Safetech Environmental Limited, dated February 11, 2022.
- Visual Non-Destructive Structural Review, prepared by Carvajal Structural Engineers Inc., dated December 2021.
- Cultural Heritage Impact Assessment, prepared by MW Hall Corporation, dated July 1, 2022.
- Neighbourhood Support Petition (**see Attachment 4**)

A heritage evaluation and a review of the above-mentioned submission documents were conducted by Staff and are outlined in the following section.

#### **4. Analysis**

Under the OHA, municipalities are responsible for identifying, evaluating, and conserving heritage properties. This responsibility is further emphasized through the Provincial Planning Statement, which states that Planning authorities are encouraged to develop and implement proactive strategies for conserving significant built heritage resources. The Provincial Policy Statement also states that protected heritage properties shall be conserved.

Section 27 of the OHA provides that the Clerk of a municipality shall keep a register of property that is of cultural heritage value or interest. In addition to properties designated under Part IV of the Act, the register may include property that has not been designated but that the council of the municipality believes to be of cultural heritage value or interest, and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the heritage structure within the property. These non-designated properties on the Municipal Heritage Register are commonly known as 'listed' properties.

Section 27(3) further provides that if a property is listed on the register under Subsection (1.2), “the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner’s intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure”. It should also be mentioned that there is no requirement to remove a property from the register if a demolition is permitted. Section 27(3) of the Act does not state that a property must be removed from the register if a demolition is approved. The Act also requires that the request be accompanied by plans and information as the Council may require, such as a Heritage Impact Assessment. If a municipality has a Municipal Heritage Committee, it must also be consulted with prior to the issuance of a Notice of Intention to Designate as per Section 29 of the OHA. This legislation allows time for Council to review the property’s cultural heritage value to determine if the property merits designation. Should Council determine that it intends to designate a property under Part IV of the OHA to be of cultural heritage value or interest, it shall cause notice of intention to designate the property to be given by the Clerk of the municipality.

The following is a review of the assessments submitted in support of the subject application conducted by Heritage Planning Staff.

### **Cultural Heritage Impact Assessment**

A Cultural Heritage Impact Assessment for the subject property was prepared by MW Hall Corporation in July 2022.

- The information provided in the Report does not provide an in-depth analysis of the cultural heritage significance or any notable heritage attributes as displayed on the 19th century dwelling (i.e. analysis of the design/physical architectural features of the Victorian style building or of the contextual value its linkage to the surrounding Hamlet and early buildings, etc.), lacking a high level of detail.
- Much of the report notes that the dwelling has a degree of cultural heritage significance, but that a similar new dwelling could be constructed on the property that is compatible and reflects the heritage character of other properties in the Hamlet of Kettleby.
- The report concludes in the Statement of the Significance that the property has been considered an important component of the existing heritage buildings in the area and that the multiple additions to the original two-storey building are not significant.
- Based on the cultural heritage research and evaluation conducted by the heritage consultant, the report notes that the property has cultural heritage significance, and the early house is historically and visually linked to its surroundings. The property is unique, features Victorian architecture and supports the character of the area.

It is the opinion of Staff that the property contains cultural heritage value and meets the criteria threshold to merit designation under the OHA. However, given the advanced deterioration of the structure and the long-standing burden this has placed on the surrounding community, both

in terms of safety and visual impact, staff acknowledge that the current condition of the structure presents significant challenges. While the heritage significance remains evident, the lack of maintenance over a roughly 20-year period has resulted in the property becoming a source of concern for residents and a visual detractor within the area. These factors must be carefully considered in determining an appropriate path forward, including whether designation at this time would serve the broader public interest and support meaningful conservation outcomes.

### **Designated Substances and Hazardous Building Materials Report**

A substances and hazardous building materials report prepared by Safetech Environmental in February 2022 was also submitted.

- The information in the report highlights that the subject structure at 342 Kettleby Road contains asbestos, lead, silica, and mould, which would require specific abatement procedures and regulatory compliance before the proposed demolition. Other substances such as mercury, PCBs, and ozone-depleting chemicals are either absent or manageable. With proper controls, trained personnel, and adherence to Ontario regulations, the proposed works can be undertaken safely and responsibly.

While the report identifies several hazardous materials requiring remediation, such as asbestos, lead, mould, and silica in varying levels of severity, it does not present any findings that would, in isolation, diminish the cultural heritage value of the property. The presence of these substances is typical of older buildings and does not inherently negate heritage significance.

It is acknowledged that the dwelling will require substantial remediation and repair prior to any re-use. However, the report does not include cost estimates or a detailed scope of work, making it difficult to assess the feasibility or impact of such interventions.

The physical condition of the property appears to be significantly deteriorated and altered. While heritage value is not solely dependent on original condition, it is closely tied to the survival of character-defining elements. Where the heritage integrity of these elements may be lost or severely altered, the heritage significance may no longer be able to continue to communicate and support the cultural heritage value or interest. In this case, the cumulative impact of hazardous materials, structural degradation, and compromised physical features suggests that the building may no longer effectively convey its historical or cultural significance. Additionally, restoration and remediation of the structure may result in further loss of heritage attributes due to the extent of neglect and current condition.

### **Structural Engineering Report**

A Structural Engineering Report was also prepared by Carvajal Structural Engineers Inc. and submitted to investigate any potential structural concerns associated with the dwelling.

- The report indicates that the building is in a state of significant deterioration, with multiple components posing serious health and safety concerns. The original log cabin and its west addition show signs of foundational instability, including soil shifting, water

infiltration, and lateral movement of basement walls, all of which have led to structural damage such as cracked walls and twisted joists.

- The north additions, which lack adequate foundations and exhibit advanced deterioration, are recommended for demolition by the consultant.
- Wide-spread severe mould contamination coupled with failed and leaking roof systems, as well as rotted window and door frames, further compromises the building's integrity and habitability.

It is to be noted that this structural assessment report reflects the structural condition of the subject structure as it appeared in December 2021. Staff have acknowledged that no maintenance or remediation has taken place since that time, and as such, it is likely that the structure has deteriorated further.

The findings from this report suggest that while the subject structure holds historical significance to a degree, its structural condition has degraded to the point restoration would require extensive intervention, including foundational replacement, environmental remediation, as well as the reconstruction/rehabilitation of key structural systems. The report concludes that several components pose immediate safety concerns and recommends urgent action. The feasibility of restoration and repair is uncertain.

### **Options Considered**

The following options have been developed for Council consideration:

#### **1. Take No Action (Recommended)**

If no action is taken by Council, the property would be removed from the Heritage Register, and the owner would be eligible to obtain a permit under the *Ontario Building Code Act* to demolish the house on the property. This option is recommended by Staff, provided that documentation of the structure is completed before removal and that commemorative measures are considered to acknowledge the site's historical importance.

Staff would work collaboratively with the Owner to facilitate this process, which may include photographic records, measured drawings, written histories, and/or other forms of documentation. Commemorative measures could involve interpretive signage, plaques, and/or digital storytelling to ensure the legacy of the site is preserved and publicly acknowledged.

#### **2. Issue a Notice of Intent to Designate**

If Council wishes to protect the property from demolition, Council must proceed to issue a notice of intent to designate the subject property under Part IV of the OHA. If a notice is issued, members of the public, including the owner, are entitled to submit written objections within a statutory 30-day period. These objections must be directed to the Clerk of the municipality and would be considered as part of the designation process. This option is not recommended by Staff.

## **5. Financial Considerations**

There are no financial considerations associated with this report. Should Council decide to designate the subject property under Part IV, Section 29 of the OHA, the owner may be eligible under the Township's Heritage Property Grant Program to receive a matching contribution of up to \$6,000.00 towards the preservation or restoration of any heritage attributes as defined by By-law 2014-100.

## **6. Alignment to Strategic Plan**

The 2023-2026 Corporate Strategic Plan (CSP) was adopted by Council on June 12, 2023. The CSP reflects the priorities of utmost importance to the community and defines the obligations and commitments of the Township of King to its citizens and to the public. The CSP is aligned with the Townships long-term vision defined in the "Our King" Official Plan. The CSP also aims to ensure that staff initiatives focus on and work towards supporting King's Vision, Mission and Values.

This report is in alignment with the CSP's Priority Area(s), and/or associated Objective(s) and/or Key Results(s):

Priority Area: Complete Communities

Objective: Enrich community well-being and make King the ideal place to live, work and play.

Key Result: Not Applicable.

## **7. Conclusion**

The owner of 342 Kettleby Road, a listed heritage property, has submitted a notice of their intention to demolish or remove the circa 1890 vernacular Victorian house on the property. Staff believe that while the property displays some contextual and design/physical cultural heritage significance, the structure is in severe disrepair with no regular maintenance. Therefore, Staff recommend that Council take no further action, allowing the proposed demolition, provided that documentation of the structure is completed before removal and that commemorative measures are considered to acknowledge the site's historical importance.

## **8. Attachments**

Attachment 1 – Statement of Significance

Attachment 2 – Cover Letter

Attachment 3 – Existing Conditions Photo Report

Attachment 4 – Neighbourhood Support Petition

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