



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 22-2002

Being a by-law to designate an area for the purposes of a Heritage Conservation District (Town of Orangeville; Central Business District);

WHEREAS the Town's Official Plan states that the Ontario Heritage Act may be implemented to protect areas of architectural and historical significance through the creation of heritage conservation districts;

AND WHEREAS subsection 41(1) of the Ontario Heritage Act, R.S.O. 1990 c.O.18, enables Council to designate, by by-law, any defined area of the municipality as a heritage conservation district;

AND WHEREAS on July 10, 2000, passed By-law 76-2000 designating a portion of the Central Business District as a Heritage Conservation District Study Area;

AND WHEREAS Staff, in cooperation with Heritage Orangeville and the Dufferin County Museum & Archives, have prepared the Downtown Orangeville Heritage Conservation District Study and the Downtown Orangeville Heritage Conservation District Guidelines;


AND WHEREAS at its meeting of March 18, 2002, Council approved the Downtown Orangeville Heritage Conservation District Study and the Downtown Orangeville Heritage Conservation District Guidelines;

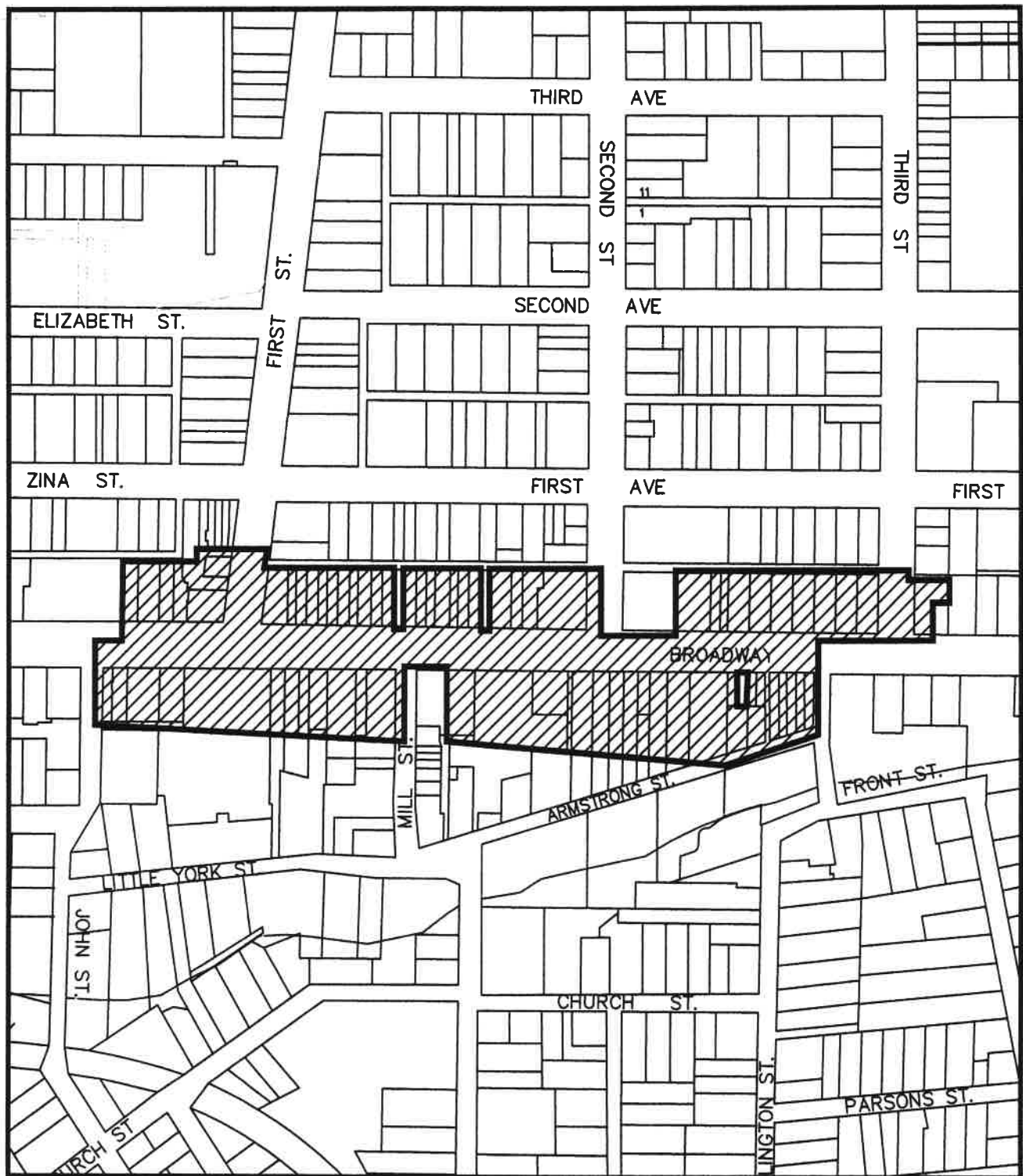
NOW THEREFORE THE CORPORATION OF THE TOWN OF ORANGEVILLE BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:

1. THAT the area identified on Schedule "A" attached hereto is hereby designated a Heritage Conservation District.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 18th DAY OF MARCH, 2002.


DREW BROWN, MAYOR


CHERYL JOHNS, CLERK



**THE CORPORATION OF THE
TOWN OF ORANGEVILLE**

SCHEDULE 'A'

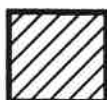


SCHEDULE "A" TO BY-LAW NO. 22-2002

PASSED THE 18th **DAY OF** March, 2002

Drew Brown

MAYOR



**LANDS SUBJECT TO DESIGNATION
AS HERITAGE CONSERVATION DISTRICT**

C. Johns

CLERK

ISSUE DATE:

Dec. 13, 2002

DECISION/ORDER NO:

1705



PL020245

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

The Town of Orangeville has applied to the Ontario Municipal Board under Section 41(17) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, for approval of By-law 22-2002 to designate an area within the Town of Orangeville as a Heritage Conservation District
OMB File No. M020029

APPEARANCES:

Parties

Town of Orangeville

Ruth Robertson

Counsel*/Agent

C.J. Williams *

AMENDING DECISION DELIVERED BY G.A. HARRON AND ORDER OF THE BOARD

This amending decision applies to Decision/Order No. 1443 issued on October 28, 2002. In that decision, the Board stated that **the appeal is hereby dismissed and By-law 22-2202 is hereby approved in accordance with Section 41(7) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18.**

The Board has noted that By-law 22-2202, as referenced on page 3 of Decision/Order No. 1443 issued on October 28, 2002, was referenced incorrectly. The correct By-law number that should have been referenced in its place is By-law 22-2002.

The Board, under Rule 110 of the Ontario Municipal Board Rules of Practice and Procedure, will proceed to correct this typing error through this Amending Decision and Order.

Therefore, By-law 22-2002 is hereby approved in accordance with Section 41(7) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18. In all other respects, Decision/ Order No. 1443 issued on October 28, 2002 shall remain the same.

pThe Board so orders.

"G.A. Harron"

G.A. HARRON
MEMBER

ISSUE DATE:
October 28, 2002
DECISION/ORDER NO:
1443



PL020245

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

The Town of Orangeville has applied to the Ontario Municipal Board under Section 41(7) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, for approval of By-law 22-2002 to designate an area within the Town of Orangeville as a Heritage Conservation District

OMB File No. M020029

A P P E A R A N C E S :

Parties

Counsel/Agent

Town of Orangeville

C. J. Williams

Ruth Robertson

**MEMORANDUM OF ORAL DECISION DELIVERED BY G.A. HARRON
ON SEPTEMBER 18, 2002 AND ORDER OF THE BOARD**

The matter before the Board is an application for approval of By-law 22-2002 (the By-law) enacted by the Town of Orangeville (the Town) to designate a Heritage Conservation District pursuant to the provisions of the *Ontario Heritage Act*.

The *Ontario Heritage Act* provides that prior to approving a by-law to designate a heritage conservation district, the Board is required to hold a hearing open to the public for the purposes of inquiring into the merits of the application and hearing any objections in connection with the application.

Ruth Robertson, the owner of a property located at 75 Broadway Street, that is included in the Heritage District, appeared and objected to having her property included.

James E. Stiver, a qualified planner, testified on behalf of the Town detailing the various studies completed and referring the Board to the applicable sections of the Official Plan. The history of establishing a Heritage District in the Town is summarized as follows.

On July 30, 1990, Council enacted a by-law to adopt a Community Improvement Plan (Pride Study) for the downtown. The Plan stated in part the following:

The designation of a Heritage Conservation District would enable the Town to maintain a more appropriate level of control over the important Downtown character.

It would be appropriate for Council to consider designation of "Downtown Orangeville" as a Heritage Conservation District. This would be conducted in consultation with LACAC, to provide a Heritage Conservation Plan, in accordance with Official Plan policies and formal designation, by by-law under the *Ontario Heritage Act*.

Throughout the years 2000 and 2001 a number of public meetings were held. Several policies resulting from the pride Study have now been incorporated into the Town's Official Plan in part as follows:

D4.2 Goals

To encourage the recognition of buildings and structures having historical and architectural significance.

D4.3.3.

- b) Criteria for identification of districts: An area identified as a potential Heritage Conservation District should contain a number of properties of architectural and historical value, which, when seen together, form a unit that reflects an aspect of the Town's historical or cultural development which warrants that the area be protected in its entirety.

The Town's planner testified that By-law 22-2002 before the Board, designating an area set out on Schedule "A" to the by-law as a Heritage Conservation District, conforms to the intent of the Official Plan and the Provincial Policy Statement (PPS) specifically Section 2.5.1., where it states significant built heritage resources and cultural heritage landscapes will be conserved.

Mrs. Robertson, the sole objector, was concerned that the Heritage designation placed on her property could affect the resale value of her rental property. She was also concerned that a recently enacted by-law, restricting the height of buildings in the downtown, would impact any future re-development plans. It was explained to Mrs. Robertson that the "height by-law" was not before this panel of the Board and the appeal of the by-law was to be heard at a different time, probably by a differently constituted panel of the Board.

In reply to Mrs. Robertson's concerns, counsel for the Town filed a study, by Robert Shipley of the University of Waterloo, where he concluded:

Historic designation of properties under the *Ontario Heritage Act* does not in itself have any demonstrable negative effect on the value of those properties.

While there was not sufficient appraisal evidence before the Board to enable the Board to either agree or disagree with Mr. Shipley's conclusions, the Board is satisfied based on the evidence introduced by the Town that Mrs. Robertson's property located at 75 Broadway should be included within the Heritage District Designation. The Town staff individually appraised each of the buildings and classified them accordingly. The photo filed of 75 Broadway depicts a unique historical building which was the conclusion of town staff.

Accordingly, the appeal is hereby dismissed and By-law 22-2202 is hereby approved in accordance with Section 41(7) of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18.

The Board so orders.

"G.A. Harron"

G.A. HARRON
MEMBER