



## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CDS-24-132 **COMMITTEE DATE:** 2024-07-30  
**DUE IN COUNCIL:** 2024-07-30  
**REPORT TO:** Council  
**SUBJECT:** Heritage Permit Application – 12 Princess Street – St. Saviour’s the Brock Memorial Church

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approves the Heritage Permit Application HER-22-2024, for the restoration of the exterior wooden elements on the elevations of 12 Princess Street, St. Saviour’s the Brock Memorial Church;
- 1.2 Council directs Staff to issue a heritage permit.

### 2. EXECUTIVE SUMMARY

- A Heritage Permit Application has been submitted for the church building at 12 Princess Street to restore the deteriorating wood work on the steeple and the round window on the façade.
- The church building was designated under Part IV of the *Ontario Heritage Act* in March 2024 as part of Council’s Planning for Progress work to move designations.
- Under new changes to the *Ontario Heritage Act*, the Council of a Municipality is required to consent to alterations requests for buildings used for religious practices without levying any terms or conditions.
- Town Staff supports approval of the heritage permit application as the information submitted by the applicant is substantial and complete and no negative impacts are anticipated to the heritage building.

### 3. PURPOSE

The purpose of the report is to provide a recommendation to Council regarding the Heritage Permit Application for restoration work at 12 Princess Street. The Heritage Permit application with details of the restoration work, quotes for the proposed work and steeple images is attached as **Appendix I**.

### 4. BACKGROUND

Town Staff, under the direction of Council, initiated a process of priority designations of heritage properties. This work is being undertaken as part of Council’s Planning for Progress work to move designations prior to properties being removed from the Town’s Municipal Heritage Register of Properties of Cultural Heritage Value or Interest (the “Heritage Register”). The process of designation and the timelines followed are based on section 29 of the *Ontario Heritage Act*, Designation by Municipal By-law.

Further to the direction to move designations, the Municipal Heritage Committee (the “MHC”) and Council endorsed a list of priority properties for individual designation through Staff recommendation reports. The priority properties were identified as those whose loss due to demolition, neglect, or inappropriate alteration would result in the substantial loss of a piece of Niagara-on-the-Lake history or identity.

As a result of this work, 12 Princess Street, St. Saviour’s, the Brock Memorial Church, was identified as a priority property and was among the first properties to be designated under Part IV of the *Ontario Heritage Act* (the “OHA”) in the Town.

12 Princess Street was designated by Council through By-law 2024-023 (**Appendix II**) in March 2024. The designation by-law sets out the reasons for designation and lists the heritage attributes of the building and property.

Recently, the applicant has reached out to the Town Staff about repair work required in the church building, as outlined in the heritage permit application, HER-22-2024 (**Appendix I**) and images from the site (**Appendix III**). As part of a complete application, the applicant has submitted a heritage permit application, a letter outlining the restoration work being proposed, a quote for the restoration work and images of the current condition of the steeple. The Town Staff has reviewed the information submitted and believe it to be complete for the proposed restoration work.

For the heritage permit application, HER-22-2024, the proposed restoration work is to the church’s steeple. The steeple is identified as a heritage attribute in the designation by law. The proposed repair work includes the following:

- Fabricate new wooden parts from clear pine to replace 16 rotted columns, 64 rotted louvers, and wooden trim pieces below the bell tower.
- Replace wood fascia board on the gable wall above the round window.
- Wooden frame of the round window to be scraped, sanded and repaired.
- All other exposed wood to be scraped and repainted.

The typical process for the Town is that the heritage permit application for restoration work on designated heritage properties is reviewed by the MHC and the final approval is provided by the Council with issuance of the permit contingent on fulfilling the conditions of the permit. However, through the recent amendments to the OHA Section 33(18) in June 2024, the Council of a Municipality is required to consent to alterations requests for buildings used for religious practices without levying any terms or conditions or the requirement of consulting with the MHC. These changes were introduced to the OHA to provide autonomy specifically to the stakeholders of religious heritage buildings to make their own decisions around alterations and restorations.

Section 33(18) reads:

*(18) The council shall consent to an application to alter or permit the alteration of a building, or part thereof, on property under subsection (1), without terms or conditions, where the following conditions are met:*

1. The building, or part thereof, to be altered is primarily used for religious practices.
2. The heritage attributes are connected to religious practices.
3. The alteration of the heritage attributes is required for religious practices.
4. Any prescribed conditions.
5. The applicant provides the council with an affidavit or sworn declaration that the application meets the conditions set out in paragraphs 1 to 4.
6. The applicant provides the council with any information and material prescribed under subsection (2).

The permit request process for religious buildings differs from the normal process that Town Staff follows for heritage permit applications, as outlined in **Table 1**.

**Table 1: Difference in Heritage Permit Applications**

<b>Normal Heritage Permit Application</b>	<b>Heritage Permit Application for Religious Buildings</b>
Policy basis <i>Ontario Heritage Act</i> Section 33 (1) to (8)	Policy basis <i>Ontario Heritage Act</i> Section 33 (18) to (26)
Staff prepare recommendation report, reviewed by Municipal Heritage Committee and approved by Council	Staff prepare memo report to be approved directly by Council
Approval of the application with conditions	Approval of application with no terms or conditions

## 5. DISCUSSION / ANALYSIS

The heritage permit application for the repairing and repainting of the woodwork on the church steeple meets the conditions as outlined in section 33(18) of the OHA. All information has been reviewed by Heritage Staff in relation to heritage designation by-law. There are no negative impacts anticipated from the repair work, as the treatment of the wood and the repainting is being carried out with in-kind materials and therefore no significant change to the elevation is expected.

## 6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

### Pillar

1. Vibrant & Complete Community

### Priority

- 1.2 Economic Development & Community Partnerships

### Action

- 1.2 b) Community Partnership

## 7. OPTIONS

1. Approve the heritage permit. (recommended)
2. Request additional information: Council may request any additional information it deems necessary for review. This is not recommended, as the information required for the review has been submitted and reviewed by Heritage Staff. Staff are supportive of the proposal as outlined in the heritage permit documentation. (not recommended)

**8. FINANCIAL IMPLICATIONS**

Not applicable

**9. ENVIRONMENTAL IMPLICATIONS**

Not applicable

**10. COMMUNICATIONS**

Once Council provides a decision on the Heritage Permit application, notice of the decision will be relayed to the applicant by the Town Staff.

**11. CONCLUSION**

Town Staff supports approval of the heritage permit application as the information submitted by the applicant is substantial and complete.

With Council’s approval, the heritage permit for 12 Princess Street, St. Saviour’s the Brock Memorial Church, will be issued to the applicant to permit the repair work.

**12. PREVIOUS REPORTS**

Not applicable

**13. APPENDICES**

- Appendix I – Heritage Permit Application
- Appendix II – Designation by-law
- Appendix III – Site Images

Respectfully submitted:

**Prepared by:**



**Sumra Zia, B. Arch., Dipl.  
Architectural Conservation  
Heritage Planner II**

**Recommended by:**



**Kirsten McCauley, MCIP, RPP  
Director, Community and Development Services**

**Submitted by:**



**Bruce Zvaniga  
Chief Administrative Officer (Interim)**