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**TO:** GENERAL COMMITTEE

**SUBJECT:** REPEAL AND REPLACEMENT OF DESIGNATING BY-LAW 90-230  
(70 AND 72 HIGH STREET)

**WARD:** 2

**PREPARED BY AND KEY CONTACT:** T. WIERZBA, PLANNER, EXT. 4403

**SUBMITTED BY:** M. BANFIELD, RPP, DIRECTOR OF DEVELOPMENT SERVICES

**GENERAL MANAGER APPROVAL:** A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That Designating By-law 90-230 be repealed to correct the inadvertent designation of 70 High Street as a heritage property and be replaced with the Designating By-law attached as Appendix "B" to Staff Report DEV038-20 to designate 72 High Street as a heritage property under Section 29 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*.

### **PURPOSE & BACKGROUND**

#### Report Overview & Purpose

2. The purpose of this report is to repeal Designating By-Law 90-230 in order to remove a heritage designation that was inadvertently placed on 70 High Street (see Appendix "A" for a location map) which may have occurred at the time the two lots were under the same ownership, and as such merged on title. In addition to the inadvertent designation of 70 High Street, the property description of 72 High Street in By-Law 90-230 is incorrect. The repeal of By-Law 90-230 will allow a new designating by-law to be passed only for 72 High Street with the correct property description.

#### Background

3. Designating By-Law 90-230 was passed by Council to recognize the cultural heritage value of a property municipally known as 72 High Street. The By-Law recognizes only the cultural heritage value of the single detached dwelling on the property, known as 'Maplehurst'. Further, the By-Law states that no other features of the property, such as the outbuilding located on the south-west corner, are recognized as having cultural heritage value. Therefore, the By-Law should not be registered on title of 70 High Street.
4. The owner of 70 High Street discovered that the property was designated under By-Law 90-230 when conducting research prior to applying for a building permit. Staff investigated the matter and determined that Designating By-Law 90-230 was inadvertently applied to 70 High Street through an administrative error. To remedy the error the owner of 70 High Street applied for a Repeal of Designating By-Law 90-230 under Section 32 of the Ontario Heritage Act, R.S.O. 1990, c. O.18 ('OHA').

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## **ANALYSIS**

5. Following a review of By-Law 90-230 with the Clerk and legal staff, it was determined that the property description of 72 High Street in By-Law 90-230 was not correct. To address the inadvertent designation of 70 High Street, and correct the property description for 72 High Street, it was determined that a full repeal and replace process was the best approach.

### **The Repeal and Replace Process**

6. This process allows the designating By-Law to be lifted from both 70 High and 72 High Street so that a new designating By-Law, one with the correct property description, can be passed specifically for 72 High Street. This repeal and replace process is planned to occur on the same Council meeting, ensuring that 72 High Street is always protected under the *Ontario Heritage Act* (OHA).
7. As required by the OHA, staff initiated the repeal process by consulting with the Heritage Barrie Committee. The Heritage Barrie Committee recommended that the designating By-Law be repealed from 70 High Street, as per the owner's request, on August 14, 2019. City Council approved the recommendation to repeal on October 1, 2019 and staff were directed to initiate the repeal process via Motion 19-G-263.
8. The process began with the issuance of a Notice of Intent to Repeal a designating By-Law in accordance with Section 32 (1) of the OHA. The Notice was served on both the Ontario Heritage Trust and the Owner. In addition, the Notice of Intent to Repeal a heritage designation By-Law was circulated in the local newspaper. No appeals, letters of concern or objection were received during the Notice of Intent to Repeal appeal period.
9. Following this an Intent to Designate Notice was served on the Owner of 72 High Street, the Ontario Heritage Trust, and was circulated in the local newspaper. No appeals, letters of concern or objection were received during the Intent to Designation appeal period. No further public notification is required prior to the passing of this By-Law.

### **New Designating By-Law**

10. As required in section 29(6) of the OHA, the new Designating By-Law for 72 High Street includes a statement explaining the cultural heritage value and interest of the property as well as its heritage attributes. This statement and description of heritage attributes is identical to the original Designating By-Law as no change is proposed. The only change in the new By-Law is the property description.
11. The passing of the proposed designating By-Law will conclude the repeal and replacement process, lifting the designating By-Law from 70 High Street and correcting the property description of 72 High Street.

## **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

12. There are no environmental and climate change impact matters related to the recommendation.

## **ALTERNATIVES**

13. The following alternatives are available for consideration by General Committee:

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**Alternative #1**

General Committee could leave By-Law 90-230 in place, maintaining the heritage designation on 70 High Street.

This alternative is not recommended as 70 High Street does not meet the tests of a designated heritage property as prescribed by *Ontario Heritage Act Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*.

Further, By-Law 90-230 states that no other buildings other than the principal dwelling, being Maplehurst, is recognized. As such maintaining By-Law 90-230 on 70 High Street would be in contradiction with the language contained in the by-law.

**FINANCIAL**

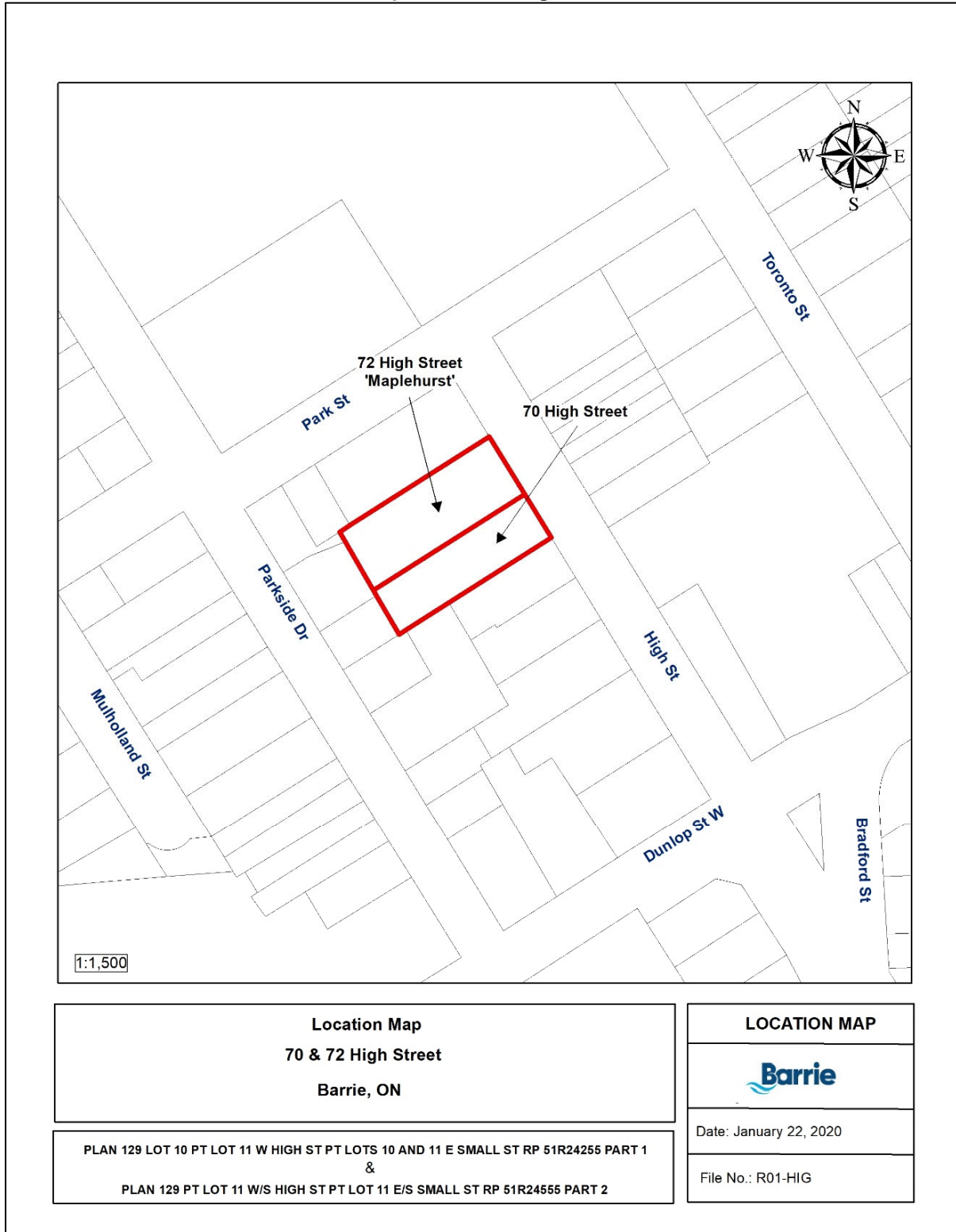
14. There are no financial implications for the Corporation resulting from the proposed recommendation.

**LINKAGE TO 2018–2022 STRATEGIC PLAN**

15. The recommendation(s) included in this Staff Report are not specifically related to the goals identified in the 2018-2022 Strategic Plan.

APPENDIX "A"

Location Map of 70 & 42 High Street Barrie



Location Map  
70 & 72 High Street  
Barrie, ON

PLAN 129 LOT 10 PT LOT 11 W HIGH ST PT LOTS 10 AND 11 E SMALL ST RP 51R24255 PART 1  
&  
PLAN 129 PT LOT 11 W/S HIGH ST PT LOT 11 E/S SMALL ST RP 51R24555 PART 2

LOCATION MAP



Date: January 22, 2020

File No.: R01-HIG

APPENDIX "B"

Draft Designating By-Law for 72 High Street, Barrie



Bill No. XXX

BY-LAW NUMBER 2020-XXX

**A By-law of The Corporation of the City of Barrie to designate the property known as 72 High Street, Barrie, Ontario as being of cultural heritage value or interest.**

**WHEREAS** Section 32 of The Ontario Heritage Act R.S.O 1990, authorizes an owner of property designated under this Part to apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property;

**AND WHEREAS** Section 29 of The Ontario Heritage Act, R.S.O. 1990, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historic value or interest;

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted motion 19-G-263.

**AND WHEREAS** no notice of objection to the proposed designation has been served on the Clerk of the municipality;

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** By-law 90-230 designating 70 and 72 High Street as property of cultural heritage value or interest is hereby repealed.
2. **THAT** there is designated as being of cultural heritage value or interest the real property at 72 High Street, Barrie, Ontario, as shown on Schedule "A" attached to this By-law, more particularly described as follows:

PLAN 129 LOT 10 PT LOT 11 W HIGH ST PT LOTS 10 AND 11 E SMALL ST RP 51R24255 PART 1

3. Reasons for the Proposed Designation:

The residence at 72 High Street, known as Maplehurst, was built in 1883 by Nathaniel Dyment for his eldest son, Simon. Maplehurst has both historical and architectural significance.

Historical Significance

Since Nathaniel's arrival in 1870, the Dyment family has been an integral part of both the industrial and sporting activity in Barrie.

Nathaniel founded the lumbering conglomerate Mickle-Dyment Lumber Company, and with family members founded and/or directed the Barrie Gas Company Limited; Dyment Foundry Company; Barrie Carriage Company; Barrie Tanning Company; and other local and national enterprises.

Apart from their extensive business operations, the Dyments were sports enthusiasts and promoters. Nathaniel established the renowned Brookdale Stables for breeding and racing thoroughbred horses, many of which were Queen's Plate winners. Albert was President of the Ontario Jockey Club, and Brookdale's trainer John, is credited with founding the Barrie Colts junior hockey team. Herbert Dyment is in the Canadian Boxing Hall of Fame.

As all of their business sites and private estates are now gone or renovated, Maplehurst remains as the only historic evidence of this once conspicuous and distinguished family.

#### Architectural Significance

The west side of High Street is a row of high quality, historic residences built by prominent Barrie families. Maplehurst is an important component of this attractive streetscape. Maplehurst is a solid brick, detached, two and one half storey, L-shaped Victorian Gothic style residence. The dichromatic brickwork has been overpainted and the original ground and second storey porches replaced.

The roof is a combination of medium gables and high hip with one triangular roof dormer on the east; all with projecting eaves. The decorative work consists of paired carved scrolled cornice brackets and vergeboards with semi-circular open sunburst motifs. The two storey bay on the east has a vaulted roof with a half acorn finial and semi-circular pediment with sunburst motif. Smaller scale brackets appear at the first and second storey cornice levels of the east bay and on the one storey south bay. Except for the roof dormer all windows are segmental with a radiating voussoir and keystone in protruding brick. Each has a double hung sash with a wood moulded frame and wood lug sill.

The most outstanding features of Maplehurst are the interior decorative plasterwork and wood trim. An elaborate plaster cornice with horizontal carved flowers intersected approximately every 60cm by two carved roses and two leaves is in the southwest room and on the ground and second floor (east of central arch only on second floor) centre halls. These areas and the northeast room also have ceiling medallions. Both centre halls have an arch supported by two decorated wall brackets. The northwest and northeast room (which were originally one room) have an elaborate cornice moulding.

The staircase from the ground level centre hall to the second floor is a U-shape with turned balusters and polygonal newels. It has a closed stairwall and two ground floor ceiling drops. The main (east) entrance has a segmental door opening with two sidelights. All other double and single doors have four vertical panels with or without a mid-horizontal moulding. The northeast and northwest rooms and ground level centre hall are trimmed with moulded wood trim in a pilaster-like style with right and left top projections with incised decoration. All other areas have a boxed corner trim. Moulded wood baseboards are throughout. Some fireplaces and interior embellishments have survived.

4. **THAT** the Clerk is hereby authorized to cause a copy of this By-law to be registered against the property described in Section 1 of this By-law in the proper Land Registry Office.
5. **THAT** the Clerk is hereby authorized to cause a copy of this By-law to be served on the owners of the aforesaid property and on the Ontario Heritage Trust and to cause notice of the passing of this By-law to be published in the same newspaper having general circulation in the municipality.
6. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.



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**READ** a first and second time this \_\_\_\_\_ th day of \_\_\_\_\_, 2021.

**READ** a third time and finally passed this \_\_\_\_\_ th day of \_\_\_\_\_, 2021.

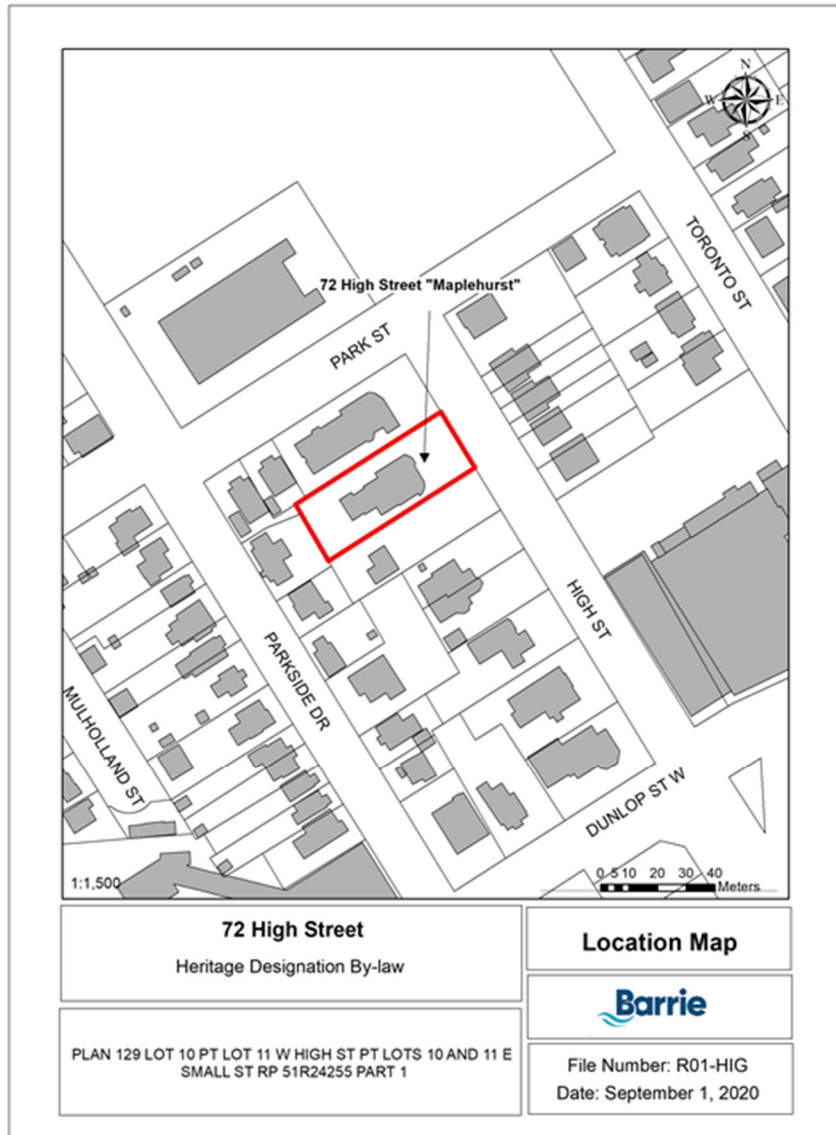
**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J.R. LEHMAN**

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**CITY CLERK – WENDY COOKE**

Schedule "A"

Location Map of 72 High Street "Maplehurst"



Schedule "A" to attached By-law 2020-XXX

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MAYOR – J.R. LEHMAN

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CITY CLERK – WENDY COOKE