



To: Council
From: Loriann Harbers and Kevin Amelotte
Date of Meeting: May 11, 2022
Subject: By-law No. 2022-034 Repeal By-law No. 3418 and Authorize Expression of Interest

Recommendation:

That By-law No. 3418, being a by-law to designate the old convent at St. Andrews West as a building of historical value and interest be repealed, and further, that Council instructs staff to issue an Expression of Interest inviting interested parties to make submissions to purchase, revive and sustainably operate a re-purposed Centre.

Executive Summary:

The Raisin Region Heritage Centre was designated as a building of historical value and significance via the passing of By-law No. 3418.

Over time the building has deteriorated and in 2017, was closed to the public, deemed unsafe. The lack of occupancy has resulted in the insurance coverage being eliminated by the Township's insurer. The building is landlocked, the septic system is on the adjoining property, no designated parking, and access is restricted by the CDSBEO during school hours.

Staff have spent many hours and resources to find a solution for the use of the facility, including engineered estimates for repair, architectural concepts for retrofit, and a public meeting to brainstorm more options. Moreover, to accommodate maintenance and emergency repair, Council has approved significant spending in annual budgets to maintain the exterior of the facility to ensure public safety.

Council made the difficult decision, following heartfelt consideration of all researched options, to have staff begin the process of repealing the designating by-law. The intention to repeal the by-law was appealed and as such, the file was forwarded to the Conservation Review Board (Ontario Land Tribunal).

The Ontario Land Tribunal has heard representations from the Township and those objecting to the request to repeal the designating by-law. The Tribunal's recommendation is that the designating by-law should not be repealed. Council is charged with considering this recommendation in advance of making the final decision.

This report outlines the background of this file and explains the reasoning for the recommendation to proceed to repeal the by-law in addition to suggesting a final opportunity to members of the public or community groups to come forward with a reasonable and sustainable solution for the future use of the Raisin River Heritage Centre.

Background:

History

The construction of the Raisin River Heritage Centre began in 1908 and was used as a Roman Catholic Convent and boarding school. The Cornwall Township Historical Society (CTHS) worked with Cornwall Township to save the building from demolition in the 1970s and as such, the building was designated as having "historical value and interest" by passing By-law No. 3418.

Over the years the building has been used as a library, storage facility, and CTHS archive museum. The Township owns approximately five (5) feet of land around the perimeter of the building that is landlocked from the roadway by the property owned by the Catholic District School Board of Eastern Ontario (CDSBEO). Access to the landlocked property is by way of a registered easement through the CDSBEO property.

Unfortunately, over time the building has aged, and significant deterioration has occurred. Over the past 15 years the Township has struggled with maintenance operations and appropriate use and allocating the necessary funds for these purposes. A summary of actions taken is provided below:

- 2016: Asbestos & Substance Survey Report
- 2017: Building Conditions Report
- 2017: Exterior Renovations & Fencing
- 2017: Class D Estimate Report
- 2018: Demolition Estimate
- 2018: Consultations with CDSBEO
- 2019: Public Meeting & Survey
- 2019: Monument Concept Drawings
- 2020: Updated Class D Estimate & Archives Options
- 2020: Updated Demolition Estimates
- 2020: Consultation for Sale of Property

Consultation and Options

In February 2019 Council instructed staff to commence formal public consultation to share information and encourage ideas and suggestions from residents or community associations as to the future of the building.

In April 2019 a formal session was held with approximately 20 members of the public in attendance and there were 3-4 additional suggestions submitted in writing. Comments from the public varied, some in favour of the Township restoring the facility but did not offer a suitable business plan to support the options, while others did not want to see tax dollars spent on repairs but did express concerns of finding an option to properly store or display the artifacts that are currently in the building. The final suggestion was to remove the building but construct a monument using bricks and statues from the building as a way of preserving the legacy of the facility.

Council proceeded to consider three options:

1. Transfer ownership with sound business plan
2. Repeal the heritage designation and demolish the building
3. Restore the building

Council's preference has always been to find a suitable use for the building internally or to transfer ownership of the building to an individual or group with a sound business plan. However, a plan with solutions that accommodate the multiple issues of the property has not been found and no reasonable proposal presented.

Repeal Designating By-law

Following considerable discussion and heartfelt reflection, Council directed staff to commence the process remove the heritage designation, at the January 13, 2021.

Pursuant to the Ontario Heritage Act, the Notice was served to the Ontario Heritage Trust and published in local media, circulated through Township social media and posted on the Township's website. Objections were received until February 19, 2021 and were forwarded to the Conservation Review Board (CRB) to commence the legislated process.

A pre-hearing conference was held on Monday, June 28, 2021, where all parties were afforded the opportunity to share. In summary, the Township re-iterated that Council is willing to entertain any reasonable business plan. Council's preference has always been to have an appropriate and successful occupant.

The Township has expended significant effort to work with neighbouring agencies to circumvent obvious constraints that include:

- Landlocked property
- Lack of access (school yard and school security requirements)
- Septic location (located on adjacent property)
- Deteriorated state of building

All associated documents and Council report detailing these issues can be found on the Township's website
<https://www.southstormont.ca/en/recreation-and-leisure/raisin-region-heritage-centre.aspx>

At the conclusion of the June 28, 2021, pre-hearing conference, the Township committed to reviewing and considering any business plans that may be submitted by the objectors received by early fall. A second pre-hearing conference would be scheduled.

Two submissions were received. Unfortunately, neither submission addressed the significant problems with the property, did not demonstrate either a business plan or a sustainable solution for consideration.

On October 8, 2021, a second pre-hearing conference was conducted where the Township requested the formal Hearing be scheduled.

Public Notice of Hearing was issued within the prescribed timeline and the Hearing took place on February 16, 2022. All parties were afforded the opportunity to provide representations.

In recent weeks, the recommendation of the Tribunal was received; a copy is attached to this report.

It is clearly noted within the Tribunal report that the only issue before the Tribunal is whether the By-law, which designates the property as a property of historical significance under the legislation be repealed. The jurisdiction of the CRB is confined to this question. They are not concerned with the state of the building or any of the other stated problems. They consider the historical significance as outlined in the Ontario Heritage Act only.

The recommendation of the Tribunal states:

"The Township has failed to demonstrate that the property has lost cultural heritage value or interest. Indeed, the Township concedes that it does have cultural heritage value and interest. Therefore, the Tribunal can only recommend that the designating by-law not be repealed. The only question before the Township is whether or not the property should be demolished in spite of retaining cultural heritage value and interest, or whether new uses can be found for it."

As stated earlier in this report, it has always been the desire of Council to find a sustainable solution for the property, saving it and preserving this historical building.

Expression of Interest

Notwithstanding, repealing By-law No. 3418 will provide Council with flexibility in determining next steps when considering the future of the building. It is possible with restrictions surrounding historic requirements removed, options surrounding the use of the building increase.

It is possible that the decision to demolish will be confirmed at a later date, however, in advance of this discussion, it is recommended that a final invitation be issued to seek a reasonable business plan.

In coming weeks, it is recommended that a formal Expression of Interest (EOI) be issued inviting interested individuals and/or community groups or investors to submit a proposal to acquire the property. The EOI will provide established criteria that may include:

- Proposed use and hours of operation (the proposed use must be sustainable as the Township is concerned that the property does not fall back into the hands of the Township if success is not achieved)
- Written solution or agreement with the CDSBEO addressing access and security
- Written solution or agreement with the CDSBEO addressing access to the septic system
- Detailed refurbishment plan that would meet the building code requirements and address the current environmental and safety concerns noted within the building condition reports.
- The historical elements of the structure remain.
- Outline of funding for the project and financial plan to ensure sustainability

When the EOI closes, Council will review and consider proposals made and either sell the building within the parameters of a sound business proposal or demolish the building.

Alignment with Community Strategic Plan:

Goal 2: Sustainable Infrastructure

Objective 2.1: Servicing Capacity

Risk and Asset Management Considerations:

It is necessary to address the Raisin Region Heritage Centre situation and stop expending taxpayers' money with no future plan.

Options:

1. That Council repeal By-law No. 3418 and instruct staff to issue an EOI inviting sustainable business plans for the Raisin Region Heritage Centre.

2. That Council repeal By-law No. 3418 and instruct staff to proceed to demolish the building as public consultation and investigation of submitted proposals has been considered and a suitable solution has not been found.
3. That Council does not repeal By-law No. 3418 and Council instruct staff to continue to investigate options internally.
4. Other.

Financial Impact:

The Township has spent significant dollars on maintenance and necessary upgrades over many years.

Others Consulted:

Directors
CAO