

City of Mississauga Corporate Report



Date: January 26, 2022

To: Chair and Members of Heritage Advisory Committee

From: Jodi Robillos, Commissioner of Community Services

Originator's files:

Meeting date:
February 8, 2022

Subject

Notice of Objection to the addition of a property on the Municipal Heritage Register: 3611 Mavis Road (Ward 7)

Recommendation

That the property located at 3611 Mavis Road remain on the City of Mississauga Municipal Heritage Register as the property is a cultural heritage institution, as per the Corporate Report dated January 26, 2022 from the Commissioner of Community Services.

Executive Summary

- The property at 3611 Mavis Road is home to the Metalworks Studio.
- Metalworks Studio is a cultural heritage landmark and institution in Mississauga. It is Canada's long running and most awarding winning recording studio.
- The property owner has filed an objection to the City regarding the addition of the property on the heritage register.
- Having reviewed the objection, staff recommend that the property remain on the Municipal Heritage Register.

Background

The property, located at 3611 Mavis Road was added to the Municipal Heritage Register in October, 2021, following a report to HAC and recommendation to Council in July, 2021, as per Part IV, Section 27 of the *Ontario Heritage Act*. A notice of the addition of the property to the Municipal Heritage Register was sent to the property owner on October 14, 2021.

The property was added to the Municipal Heritage Register as it was identified as a cultural heritage institution and was identified as having cultural heritage value and interest under Regulation 9/06 of the *Ontario Heritage Act*.

Section 27 of the *Ontario Heritage Act* sets out the requirements for City Council when a property is added to the Municipal Heritage Register. These include information regarding a legal description of the property, the name and address of the owner and a description of the heritage attributes of the property.

The Ontario Heritage Act was revised in July, 2021 and additions to the Municipal Heritage Register now require notification of the addition to the property owner. The property owner also has the ability to object to their property being added to the register. The Act states that upon receipt of an objection from a property owner Council must consider the objection and determine if the property is to remain on the register. The City must further issue a notice of Council's decision. Council's decision is final and not subject to appeal to the Ontario Land Tribunal.

The City Clerk received a notice of objection from the property owner on November 12, 2021 (Appendix 1). Under the Act, Council must consider the objection and determine whether the property should remain on the register. Under Section 28 of the Act, Council may receive advice and assistance from the Heritage Advisory Committee on all matters pertaining to any actions taken under this part of the Act.

Comments

The objection filed on behalf of the property owner outlines two reasons why the property should not be included on the Municipal Heritage Register; Lack of Public Consultation and Concern with Statements and Descriptions of the Site.

The objection states that no general public consultation was undertaken prior to the Corporate Report to the Heritage Advisory Committee in June, 2021. Section 27 of the Act sets out Council's requirements for consultation under the Act, and it includes the Heritage Advisory Committee. There is no requirement under the Act for more general public consultation for adding properties to the Municipal Heritage Register. Staff further note that a letter was sent to the address on file for the property owner in June, 2021, advising the owners that a report was forthcoming to include the property on the heritage register. The Act does not require any prior notification to property owners and this notification was done in excess of the requirements of the Act. It was only later determined, in October 2021, that the property owner had changed addresses and that the new address information was not available to the City when the original letter was sent in June.

The objection further states that the descriptions and statements that make up the 'statement of cultural heritage value and interest' are considered statements made for the designation of a property in a by-law, and further that the statement is not in accordance with the Ontario Heritage Toolkit. Staff note that the statement on cultural heritage value and interest is required under the Act for any property listed on the Municipal Register. Furthermore, the guidance provided under the currently published Ontario Heritage Toolkit is currently considered

outdated, with the amended Ontario Heritage Act as of July, 2021. City staff and members of the Heritage Advisory Committee have participated in provincially organized engagement on revisions currently underway to the toolkit, which seeks, among other updates, to better align with the need to protect intangible heritage as outlined under UNESCO provisions.

Despite the above noted objections, the property owner does not identify any significant concerns related to the property being included on the Municipal Heritage Register and staff note that the concerns raised in the objection relate more to the process outlined under the Ontario Heritage Act. It is the recommendation of Heritage Planning staff that the Metalworks Recording Studio is a cultural heritage institution and that it has cultural heritage value and interest and should remain on the Municipal Heritage Register, despite the objection of the property.

Financial Impact

There are no financial impacts resulting from the Recommendations in this report

Conclusion

The City received an objection to Council's addition of the property at 3611 Mavis Road to the Municipal Heritage Register. Despite the objection, staff recommend that the property remain on the heritage register.

Attachments

Appendix 1: Notice of Objection

A handwritten signature in black ink, appearing to read "Jodi Robillos", is written over a horizontal line.

Jodi Robillos, Commissioner of Community Services

Prepared by: John Dunlop, Manager, Heritage Planning and Indigenous Relations