

The Corporation of the City of Kawartha Lakes

By-Law 2023-071

A By-law to Designate 15 Balsam Lake Drive, Geographic Township of Bexley in the City of Kawartha Lakes

A By-law to designate 15 Balsam Lake Drive in the Geographic Township of Bexley in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 15 Balsam Lake Drive, Geographic Township of Bexley described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-071.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and “alteration” and “altering” have corresponding meanings;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Director of Development Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“Property” means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation of Property

2.01 15 Balsam Lake Drive, Geographic Township of Bexley is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner 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 a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer.


3.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

- 4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 23rd day of May, 2023.



Doug Elmslie, Mayor



Cathie Ritchie, City Clerk

Schedule A to By-law 2023-XXX

Being a By-law to designate 15 Balsam Lake Drive, Geographic Township of Bexley in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

15 Balsam Lake Drive, Geographic Township of Bexley

Section 2: Location of Property

Located on the north side of Balsam Lake Drive near the intersection of Balsam Lake Drive and Portage Road

Section 3: Legal Description

PT LT 8, 7 CON N PORTAGE RD BEXLEY BEING PARTS 3 AND 4, 57R2197, ; S/T INTEREST IN R143084; KAWARTHA LAKES

Section 4: Location of Heritage Features

The property has been identified as a cultural heritage landscape which includes a church in the centre of the property, a cemetery on four sides of the church and mature trees and landscape features throughout the cemetery grounds.

Section 5: Statement of Reasons for Designation

Design and Physical Value

15 Balsam Lake Drive contains a representative example of a late nineteenth century rural Gothic Revival church. Consistent with the adaptation of the style in North America, the church employs the key characteristics of a Gothic Revival church of this type, particularly as constructed by Anglican congregations, including lancet windows, a steeply pitched gable roof, and a chancel. The church was constructed in 1861 in Oakwood and later moved to this location. The property is also representative of an evolved continuing cemetery landscape. The property includes an active municipal cemetery as well as the church associated with it where burials have occurred since the end of the nineteenth century. Taken together, these elements form a representative example of a cemetery landscape in rural Ontario which includes both historic and ongoing burials.

Historical and Associative Value

The property has historical and associative value for its association with both the development of the Anglican Church in Bexley Township in the late nineteenth century and its relationship to businessman and railway magnate George Laidlaw. The church is one of two Anglican churches constructed in Bexley Township in the nineteenth century and speak to the demographics of the township during this period. The church and cemetery were constructed on lands directly adjacent to the Laidlaw Estate, purchased by George Laidlaw who made his fortune in grain trade and the railway before retiring to his estate on Balsam Lake. The church was attended by the Laidlaw family from its opening in 1885 and its directly associated with this prominent local family.

Contextual Value

15 Balsam Lake Drive has contextual value in its role as part of the wider historical landscape demonstrating the late nineteenth century development of Bexley Township, as well as part of the extant landscape of the former Laidlaw Estate. As one of the primary institutional properties in the local area, the church and cemetery maintain and support the historic character of the surrounding rural region which contains a range of historic residential, agricultural and commercial properties. Similarly, the property is related to the adjacent Laidlaw Estate, which contains a range of historic resources as the institutional structure associated with it. It is also a local landmark as the former local Anglican church and cemetery and for its prominent position near the intersection of Portage Road and Balsam Lake Drive.

Section 6: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes support the value of the church as a representative example of a rural Gothic Revival church constructed in the late nineteenth century for an Anglican congregation as well as its value as an evolved cultural heritage landscape including both the church and active cemetery.

- One-storey construction
- Gable roof
- Rounded chancel
- Entrance porch including:
 - Lancet door
- Fenestration including:
 - Grouped and single lancet windows
 - Leaded and coloured glass
 - Stained glass
- Clapboard-style cladding
- Cemetery
- Location of church in the centre of the cemetery grounds
- Burials dating back to 1895
- Headstones and markers in a range of historic and contemporary styles
- Mature trees
- Chancel arch and step
- Barrel vault
- Altar rail
- Pulpit with lancet motifs
- Pews with lancet motifs

Historical and Associative Attributes

The historical and associative attributes support the direct associations of the church and cemetery with prominent local resident George Laidlaw as well as the development of religion in Bexley Township in the second half of the nineteenth century.

- Association with George Laidlaw
- Association with the Anglican church in Bexley Township
- Orientation of the church towards the east

Contextual Attributes

The contextual attributes support the value of the property as a local landmark and its historic relationship with the Laidlaw Estate.

- Location near the intersection of Portage Road and Balsam Lake Drive
- Relationship of the church to properties and structures associated with the Laidlaw Estate including, but not limited to, the Laidlaw dry stone wall and the Fort Cottage
- Views of the property from Balsam Lake Drive and Portage Road
- Views of the surrounding rural landscape from the church and cemetery