



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

**Mission Statement:** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Adam Coates	Report Date: February 19, 2026
Author's Phone: 519 736 5408 ext. 2147	Date to Council: April 13, 2026
Author's E-mail: ACoates@Amherstburg.ca	Resolution #:

**To: Mayor and Members of Town Council**

**Subject: Notice of Intent to Designate – 130 Sandwich Street South**

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#### **1. RECOMMENDATION:**

It is recommended that:

1. The intention to designate the property known as 130 Sandwich Street South under Part IV, Section 29 of the *Ontario Heritage Act* in accordance with the Statement of Cultural Heritage Value or Interest **BE STATED** and **APPROVED** by Council in accordance with the attached Appendix A; and,
2. The Clerk **BE DIRECTED** to publish a Notice of Intent to Designate for the property known as 130 Sandwich Street South and serve said notice on the property owner and the Ontario Heritage Trust in accordance with the *Ontario Heritage Act*.

#### **2. BACKGROUND:**

The *Ontario Heritage Act* requires that the Municipal Heritage Committee be consult prior to Council with regards to the Notice of Intention to Designate (NOID). At the February 12<sup>th</sup> 2026 meeting of the Amherstburg Heritage Committee, the Committee endorsed pursuing heritage designation under Part IV of the *Ontario Heritage Act*. The following recommendations where endorsed.

“1. It, **BE ENDORSED**, that administration take the necessary action to pursue Heritage Designation under Part IV, Section 29 of the *Ontario Heritage Act* for the property municipally addressed as 130 Sandwich Street South; and,

2. It, **BE ENDORSED**, that Council direct the Clerk to publish a Notice of Intent to Designate for the property municipally addressed as 130 Sandwich Street South

*and serve said notice on the property owner and the Ontario Heritage Trust in accordance with the Ontario Heritage Act.”*

Subsequent to the Municipal Heritage Committee proceedings on February 12, 2026, a report recommending the issuance of a Notice of Intention to Designate (NOID) was presented to Town Council. The following motion was carried at the Council Meeting on March 9<sup>th</sup> 2026.

*“That Item 14.1 **BE DEFERRED** until the April 13, 2026 Regular Council Meeting.”*

Administration will clarify the procedural framework surrounding the NOID. The NOID is **not** a designation, it is a notice to the property owner, the public, and the Ontario Heritage Trust that the Town has declared an intent to designate based on the cultural significance of a property. It is important to note that the Ontario Heritage Act provides that the first time a property owner is notified regarding the designation process is after the Town has declared an intent to designate. Prior to the NOID, the Heritage Committee reviews a properties technical merits, without the intervention of property owner bias, on whether the property raises to the standards of cultural heritage significance.

That being said, the Ontario Heritage Act provides property owners with two distinct statutory avenues to formally challenge the designation process.

1. **Letter of Objection:** Following Council's passage of a NOID, the property owner may submit a formal Letter of Objection to the Town Clerk. Council is statutorily obligated to take any such objection into formal consideration.
2. **Appeal to the OLT:** Should Council subsequently pass a designating by-law, the property owner retains the right to formally appeal the decision to the Ontario Land Tribunal (OLT).

If the owner provides a Letter of Objection to the Town, Council can take it into consideration when determining what to list as Heritage Attributes in the designation by-law before it is passed. Council has the authority to pass designation by-laws and alter or update the contents that comprise the designation.

Be advised, that administration has not engaged in discussion with the property owner regarding modifications to the recommended NOID, but has had further conversations with the owner around how the process works. As a matter of procedure, administration does not possess the authority to alter or negotiate a recommendation that has been formally endorsed by the Municipal Heritage Committee. The Heritage Committee did not make a motion to reconsider their recommendation at the subsequent meeting held on March 13<sup>th</sup> 2026.

The Heritage Committee operates as a technical advisory body to Town Council, tasked with researching and reviewing the cultural heritage merits of a property. Remanding a report to the committee for reconsideration would improperly exceed this technical mandate. Any alteration to a previously endorsed recommendation would require the introduction of new technical information or material evidence.

## **Implications of Non Designation on the Conceptual Design**

Within the broader context of designating 130 Sandwich Street, it must be noted that the property's **conceptual** design was previously reviewed and endorsed by the Heritage Committee. However, absent formal heritage designation, this endorsement carries no legal weight, and the property owner is under no obligation to execute the endorsed design.

Specifically, the conceptual design acknowledged that three murals on the north elevation of the gymnasium require removal to facilitate access to the broader development. The endorsed concept proposed potentially relocating and integrating these murals elsewhere within the new development. It is critical to understand that even if the property is designated, failing to explicitly list these murals as Heritage Attributes leaves the Town with no mechanism to prevent their permanent removal.

## **Impact of Legislative Changes to Site Plan Control**

Furthermore, recent legislative amendments have significantly restricted the Site Plan Control process. Municipalities can no longer utilize Site Plan Control Agreements to regulate exterior design elements, including materials, fenestration, and architectural details.

Without heritage designation, the exterior of this development could be designed with zero regard for the site's context or the Town's surrounding cultural heritage. A failure to designate eliminates the Town's ability to mandate holistic design standards for the development. While existing zoning dictates spatial parameters such as step-back provisions, the actual construction and architectural character could still fundamentally clash with the Town's vision for this prominent location. In light of the restricted Site Plan Control legislation, heritage designation remains the Town's sole regulatory tool to govern exterior design elements on this site.

**The remainder of this report is identical to the version reviewed by Town Council on March 9, 2026.**

The *Ontario Heritage Act* (OHA) has undergone significant amendments recently through the More Homes Built Faster Act, 2022 (Bill 23) and the Homeowner Protection Act, 2024 (Bill 200). These changes introduced strict timelines for properties "listed" on the Municipal Heritage Register.

Specifically, municipalities must review "legacy" listed properties (those listed prior to January 1, 2023) and issue a **Notice of Intention to Designate** (NOID) by January 1, 2027, or the property must be removed from the Register. Once removed, a property cannot be re-listed for five years, leaving it vulnerable to demolition or unsympathetic alteration.

The subject property at 130 Sandwich Street South was listed on the Amherstburg Heritage Register on March 14, 2022. To ensure the long-term conservation of this significant resource and to comply with the provincial timelines, administration has evaluated the property and determined there are merits to pursue designation under Part IV of the *Ontario Heritage Act*.

### **3. DISCUSSION:**

Protecting cultural heritage resources is vital to Amherstburg's future planning and distinct character. Through designation under the *Ontario Heritage Act*, the Town provides long-term protection for significant properties, fostering public awareness and responsible conservation. This designation process ensures that as Amherstburg grows, changes to historic properties are carefully managed. It balances the need for evolution with the necessity of preserving the cultural heritage values that make our community unique.

To meet the deadline imposed on municipalities for the designation of properties, the Town of Amherstburg is actively pursuing designations of properties "listed" on the Municipal Heritage Register.

Section 29(2) of the *Ontario Heritage Act* requires that the Municipal Heritage Committee be consulted prior to Council making a decision on whether to issue a Notice of Intent to Designate. Administration has provided the supporting research and property evaluations in the appendices of this report. The supporting information includes:

**Appendix A - Statement of Cultural Heritage Value or Interest and Heritage Attributes**

**Appendix B - Cultural Heritage Evaluation Report**

**Appendix C - Notice of Intention to Designate Draft**

The attached Statement of Cultural Heritage Value or Interest and the list of Heritage Attributes (Appendix A) will be included in the Notices of the Intent to Designate. Also required to be included in the notice are the provisions on how to file a Notice of Objection.

The evaluation under *Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest* is part of the Cultural Heritage Evaluation Report (Appendix B) and will be used to construct the designation by-law, but is not a requirement of the Heritage Act for the provision of the Notice of Intent to Designate.

The Cultural Heritage Evaluation Report for the subject property is included to assist the Heritage Committee in determining a recommendation to Council on the Statement of Cultural Heritage Value or Interest and noted Heritage Attributes.

#### **Legislative Framework**

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (OHA), *Planning Act*, and *Provincial Planning Statement* (PPS).

The PPS and the OHA function together and have the shared principle that cultural heritage resources shall be conserved. The OHA sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of *Ontario Regulation 9/06* as the means for determining if a property has cultural heritage value. In accordance with the OHA, a property must meet at least two criteria of *Ontario Regulation 9/06*. The subject property of this report has been evaluated using these criteria. Administration considers the property to meet at least two or more of these

criteria, and it therefore merits designation. The attached Cultural Heritage Evaluation Report provides more details on the cultural heritage value of the property.

This commitment to heritage conservation continues at the regional and municipal level through supportive objectives and policies outlined in the County of Essex Official Plan and the Town of Amherstburg's Official Plan.

The Town of Amherstburg *Official Plan* strongly supports the conservation of heritage, as outlined in the *Official Plan*, section 6.4.2 (Objectives). Heritage resources, which reflect the history and culture of our community, are always at risk. They are not renewable resources and once they are lost, they are gone forever. Amherstburg understands the importance of protecting its cultural heritage resources and recognizes the contributions that its history and cultural resources add to the economic, social, and cultural richness of the community. The Official Plan policies protect cultural heritage resources through designating individual properties under the Ontario Heritage Act.

The Town of Amherstburg Official Plan supports the designation of heritage properties in Section 6.4.6. Those policies include:

*(3) Council will designate and regulate heritage under appropriate legislation, including The Ontario Heritage Act, The Planning Act, and The Municipal Act, whenever deemed feasible.*

The Official Plan outlines the criteria for the designation of individual buildings in section 6.4.5. Those criteria are evaluated as part of the Cultural Heritage Evaluation Report (Appendix B).

### **Process and Procedure for Designation of “listed” properties under Part IV of the OHA**

- **Administration** compiles research on a “listed” property included on the Municipal Heritage Register.
- **Administration** evaluates the property under *Ontario Reg. 9/06* to determine if it qualifies as a significant cultural heritage resource for Part IV designation;
- **Heritage Committee** reviews the evaluation and makes a recommendation to Council on whether or not to proceed;
- **Council** receives advice from the Municipal Heritage Committee regarding the property's cultural heritage value;
- **Council** may issue a Notice of Intention to Designate, which must include a statement of cultural heritage value and a description of heritage attributes;
- **Notice** is served to the owner and the Ontario Heritage Trust, and published publicly in the newspaper;
- **The Designation By-law** must be passed within 120 days of the initial notice of intention to designate. The designation by-law must include a statement of Cultural

Heritage Value or Interest and a description of the heritage attributes. The by-law will be served on the property owner as well as the Notice of Passing outlining appeal rights.

- **Notice of Passing** and the designation by-law must be served on the owner of the subject property, The Ontario Heritage Trust, and anyone who raised objection during the objection period. The Notice of Passing is to be published in the newspaper.
- **Come into Effect.** A 30-day appeal period to the Ontario Land Tribunal (OLT) starts once the notice of passing is published in the newspaper. If no appeal is filed, the by-law comes into force and the by-law is registered on title and served to the OHT.

### **What does it mean to be Designated**

Designation signifies to an owner and the broader community that the property contains a significant resource that is important to the community. Designation does not restrict the use of the property or ability to restore, alter or build additions to the property. However, it does require an owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law.

### **Statement of Cultural Heritage Value or Interest**

Statements of Significance include a description of the cultural heritage significance of the property and a list of heritage attributes that embody this significance. This provides clarity to both the Town and the property owner as to which elements of the property should be conserved. Note, that Part IV designation does not prevent future alterations to a property, but rather provides a guide to determine if the alterations would adversely impact the heritage significance of the property (refer to Appendix 'B').

#### **4. RISK ANALYSIS:**

There is a moderate cultural risk if designation is not pursued. Without the issuance of a Notice of Intention to Designate, the property's current "listed" status offers no protection against demolition and will legislatively expire on January 1, 2027. Failure to designate by this deadline mandates the property's removal from the Heritage Register, resulting in a total loss of oversight and prohibiting the Town from re-listing the property for five years.

There is a low to moderate financial risk that the property owner may object to the designation, which could trigger an appeal process.

#### **5. FINANCIAL MATTERS:**

There are no direct financial implications of endorsing the recommendations of the report, however, should appeals to oppose the designation be filed, the Town may incur expenses related to defending its assertion of the cultural heritage value or interest of the property. This may include legal fees and professional heritage consultants to defend the position of the Town.

**6. CONSULTATIONS:**

Chris Aspila, Manager of Planning Services  
Municipal Heritage Committee

**7. CORPORATE STRATEGIC ALIGNMENT:**

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li><input type="checkbox"/> Deliver transparent and efficient financial management.</li> <li><input type="checkbox"/> Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li><input type="checkbox"/> Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p style="text-align: center;"><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue)</li> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define and communicate a vision for the Town’s future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and “climate change ready” development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li><input checked="" type="checkbox"/> Protect the Town’s historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.</li> </ul>

**8. CONCLUSION:**

As Amherstburg continues to evolve, protecting the assets that anchor our community is critical. This report provides the context necessary for Council to make an informed decision regarding heritage designation. The attached evaluation demonstrates how this property enriches our Town's cultural landscape. Pursuing designation is the appropriate path to ensure that as we plan for the future, we continue to respect and celebrate our past.

A handwritten signature in black ink that reads "Adam Coates". The signature is fluid and cursive, with a horizontal line underlining the name.

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Adam Coates

**Planning Services**

Heritage, Urban Design, Community Improvement

## Report Approval Details

Document Title:	Notice of Intent to Designate – 130 Sandwich Street South.docx
Attachments:	- Appendix A - SCHVI-130 Sandwich_RM.pdf - Appendix B - CHER - 130 Sandwich Street South General Amherst_RM.pdf - Appendix C - NOID-130 Sandwich Street S_Draft_RM.pdf
Final Approval Date:	Feb 25, 2026

This report and all of its attachments were approved and signed as outlined below:

### No Signature found

Chris Aspila



Melissa Osborne



Tracy Prince



Valerie Critchley



Kevin Fox

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Final Approval Date:	Apr 2, 2026

This report and all of its attachments were approved and signed as outlined below:



Melissa Osborne

**No Signature - Task assigned to Tracy Prince was completed by delegate Yufang Du**

Tracy Prince



Valerie Critchley



Kevin Fox