

The 2555 Hwy 38 Heritage Property Designation Decision

Last year, Kingston's city council approved the heritage designation of 2555 Hwy 38, because the property has features and qualities that are an important representation of Kingston's history that needed to be preserved. At the most recent council meeting, the council decisively repealed its own decision and removed that designation. For many reasons this was a bad decision.

The primary input to the council meeting was a delegation by the current owner. (Why this individual was allowed to present as a delegation twice, against council's rules, is a mystery!)

Much of what she said was incorrect or was greatly exaggerated. However, everything she said in her delegation was accepted as being true and factual. She was never challenged on her expertise, knowledge or facts. Her credibility was never proven or questioned.

She made an emotional personal appeal to seek financial relief because of her financial hardship, claiming that the designation was forcing her into financial distress and crisis. Her claim was that she could not get affordable insurance solely because of the heritage delegation. She was quoted at over \$20K a year. She was being punished, she said, especially because of her rural location! Really?

In her appeal, she presented no direct evidence or proof whatsoever that the few insurance premiums she was quoted were based on, or directly influenced by, the heritage designation! She had worked with only one broker, who apparently was her only source of information on this matter.

Did this individual really believe that all heritage property owners pay upwards of \$20k a year for their insurance? The councillors apparently did so, because this obvious question was not asked. Insurance premiums depend on many factors. She had recently made big investments in extensive modifications on the property, such as adding a swimming pool and a hot tub, she had also established her own business on the premises. It's well known that insurance companies give high quotes if the owner represents a high risk. No councillor questioned her insurance history or financial viability.

It's also possible that the designation increased the value of the property significantly, this could affect the insurance. The broker quoted a \$400K increase in the value of her property. Is this at all valid and reliable? The council doesn't know because there were no questions.

When asked what effect a removal of the designation would have on her insurance, she said she didn't know because no insurance company would give her a figure on this until the designation was formally removed. Really! No questions.

The background information presented to the council on this item included a report from the Heritage Properties Committee of council, which had heard the same pitch but were not convinced by her appeal and had recommended retaining the designation. The committee's report and background input provided alternative strategies and good recommendations for action, but these were ignored and not

considered by the council. Had they read it, the included staff report said that “*Staff have also contacted insurance companies on behalf of property owners and successfully clarified the provincial policy on the matter of insurance and heritage designation, resulting in competitive coverage for the property owner.*”

The Mayor rushed the process along. On the basis of her emotional testimony alone, the council sympathised with this individual and voted against the logical arguments of its own committee, that were clearly made in the best long-term interests of the city.

This decision sends completely the wrong message:

It's a slap in the face for the council and its decision-making process. Changing the rules, reversing decisions and ignoring the advice of its own advisory committee including the professional staff input, with no solid evidence for doing so, makes the council look short-sighted, thoughtless and inconsiderate.

It's a slap in the face for the Kingston community that cares about heritage. It tells them that heritage is a low priority for this council and is so easily dismissed.

It's a slap in the face for the city's Heritage Department that had written a report and made recommendations that had no value and were ignored and overturned by this council. The staff were told by one councillor that they had no power and no role to play here, but then were challenged by another to find and enforce a resolution! The professional heritage staff must be totally confused and their morale must be at rock bottom, just when we need to encourage their offered expertise, energy and contacts to help us. This is a clear vote of non-confidence in the staff and the Heritage administration.

It's a slap in the face for the Heritage Properties Committee that the council asked to study this situation and to come back to council with a recommendation. This they did diligently, but their recommendations and advice were completely ignored.

It's a slap in the face for The Frontenac Heritage Foundation people, a group of community volunteers who put so much energy and expertise into supporting Kingston's built heritage, who argued for and supported the council keeping the designation in place.

It's a slap in the face for the existing heritage property owners who take pride in the ownership and maintenance of their buildings. Over the years, they have worked as collaborators with the city, but this vote of potential abandonment will no doubt damage that relationship.

It's a slap in the face for the heritage property owners who recently proudly received heritage plaques for their buildings from the city. This vote demonstrates the city's low importance of the protected status of their buildings.

It's a slap in the face for the local real estate business that is being fed incorrect information and myths about designated properties. This uncertain and incorrect information will make them, and potential buyers, even more nervous about the ownership and maintenance of a designated property.

It's a slap in the face for our local property insurers and the property insurance industry, which are portrayed as the enemy here. This is an industry that we all depend on and need to maintain an ongoing positive working relationship with.

Finally, it's a slap in the face for common sense; this whole situation just doesn't hang together. There is so much misinformation, distrust, shallow research and head-shaking uncertainty at every turn here.

In summary, much harm and damage has been caused by this decision by council members to satisfy one desperate individual with a shaky emotional appeal, who was more persuasive than a well-considered and argued logical decision by their own committee. The council took the bait.

This council has sent a clear message that 'heritage' in Kingston is just a problem to be pushed away. A heritage designation is now officially a bad name. The councillors ended up walking away and dumping this 'problem' onto Doug Ford's much admired Conservative Ontario government, hoping that it will get everyone involved together to sort things out. Some hope! Some chance! In the meantime, the heritage organizations, property owners and community in this city are on their own, twisting in the air, surrounded by this new cloud of incorrect and exaggerated information, with no expectations of any clarity or support whatsoever from this naïve and ineffective city government.

*Peter Lawton, FHF member and owner of a designated property
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