



*City of Belleville*

**Engineering & Development Services**

Building Section, 2<sup>nd</sup> Floor

Department Number: 613-967-3204

Department Fax Number: 613-967-3262

Department TTY Line: 613-967-3268

TO:MCR PROPERTIES INC

RE: Repairs at 397 FRONT ST, BELLEVILLE [PID:5358] [Roll:120802006503100]

Please see the attached property standards order and supporting documentation for the designated heritage status of the above captioned property. The building at 397-399 Front St has been identified as having cultural heritage value or interest. Any repairs or alterations made to the building that are likely to affect the heritage attributes must be approved by the Municipal Council.

Sincerely,

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Brittany Morey  
Municipal By-Law Enforcement Officer  
City of Belleville – Building Dept.  
(613) 967 – 3233  
bmorey@belleville.ca

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**The Corporation of the City of Belleville**

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Building Section, 2<sup>nd</sup> Floor

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**March 23rd, 2023**

**REGISTERED MAIL**

**ORDER OF THE  
PROPERTY STANDARDS OFFICER  
OF THE CITY OF BELLEVILLE**

MCR PROPERTIES INC  
357 FRONT ST  
BELLEVILLE, ON  
K8N2Z9

Dear Sir/Madam:

397 FRONT ST [PID:5358] [Roll:120802006503100] BELLEVILLE, ON.

**Case #: BEPS20230165**

Your property described above and in Schedule "A" does not conform to the standards prescribed in the City of Belleville Property Standards By-Law 2012-79 as amended, particulars of which are as set out in Schedule "B" attached hereto.

**IT IS HEREBY ORDERED:**

1. Your property be repaired and maintained in accordance with the requirements in Schedule "B", **such work to be carried out in the timelines set out in the required action.** If such repairs are not carried out within such time, or the property is not maintained as required, the City of Belleville may carry out the repairs and maintenance work at your expense. Should further repairs and maintenance work be necessary at a later time as a result of your failure to maintain and keep your property in repair in accordance with the requirements in Schedule "B", the City of Belleville, without further notice to you, may carry out such further repairs and maintenance work at your expense.

You may appeal this Order to the Property Standards Committee by sending Notice of Appeal, accompanied by a non-refundable cheque in the amount of One Hundred Dollars (\$100.00), by registered mail to the Secretary of the Committee by the 11<sup>th</sup> day of April, 2023.

**Dated at the City of Belleville this 23rd day of March, 2023.**

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Brittany Morey  
Property Standards Officer  
City of Belleville – Building Dept.  
(613) 967-3200 ext. 3233  
bmorey@belleville.ca

**SCHEDULE "A"**

In the City of Belleville,

PL71 LTS 6,7 & PT LTS 12-15;& PT LANE DES RP21R11421 PT1;E FRONT & W  
PINNACLE STS  
Municipally known as 397 FRONT ST [PID:5358] [Roll:120802006503100]  
BELLEVILLE, ON

**SCHEDULE "B"**

The City of Belleville Property Standards By-law No. 2012-79 as amended  
Provision(s):

**Section 4 - Maintenance of Buildings and Structures**

4.1.2 Materials, which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

**Section 4 - Maintenance of Buildings and Structures**

4.1.3 The factors of safety specified in the Building Code are the minimum standards.

**Section 4 - Maintenance of Buildings and Structures**

4.7.2 All exterior surfaces shall be of materials, which provide adequate protection from the weather and insects.

**Section 4 - Maintenance of Buildings and Structures**

4.1.6 The Property Standards Officer may require an engineer`s report of a building or structure if in his opinion the building or structure is not structurally sound, such engineer`s report to be at the expense of the owner(s).

**Section 4 - Maintenance of Buildings and Structures**

4.1.4 Where an owner disputes the need for repairs under this Section, he may submit a written report signed and sealed by a professional engineer licensed to practice in the relevant discipline in the Province of Ontario on the matters thereto.

#### **Section 4 - Maintenance of Buildings and Structures**

4.7.3 The exterior walls and their components shall be adequate to support the loads upon them and shall have an acceptable cladding or covering, free of holes, cracks or excessively worn surfaces, to prevent the entry of moisture into the structure and provide reasonable durability and shall be so maintained by the painting, restoring or repairing of the walls, coping or flashing and by the waterproofing of joints and of the walls themselves and by the installing or repairing of terminate shields or other suitable methods.

#### **Section 4 - Maintenance of Buildings and Structures**

4.1.5 The Officer may accept the findings in the report pursuant to Sub section 4.1.4 as the requirements for compliance with the required repairs provided he is satisfied all deficiencies have been identified and appropriately dealt with by the report.

#### **Section 3 - Maintenance of Accessory and Unoccupied Buildings and Yards**

3.2.3 Where a building remains vacant and unattended for a period of more than sixty (60) days, the owner or his agent shall ensure that all utilities serving the property are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent property.

#### **Section 4 - Maintenance of Buildings and Structures**

4.7.1 The exterior walls and other parts of the building shall be free from loose, rotted, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

#### **Section 3 - Maintenance of Accessory and Unoccupied Buildings and Yards**

3.2.2 The owner of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with half-inch or thicker weatherproof sheet plywood painted a colour compatible with the surrounding walls and securely fastened by nails or screws.

#### **Section 4 - Maintenance of Buildings and Structures**

4.1.1 Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may be subject.

#### **Section 3 - Maintenance of Accessory and Unoccupied Buildings and Yards**

3.2.1 Where any property is unoccupied the owner or his agent shall protect every such property against the risk of fire, accident or other danger and shall

effectively prevent the entrance thereto of all unauthorized persons, and shall protect against weather damage.

#### **Section 4 - Maintenance of Buildings and Structures**

4.8.1 All roof construction components shall provide adequate support for all probable loads and form a suitable base for the roof covering. The roof including the fascia board, soffit, cornice and flashing shall be maintained in a watertight condition so as to prevent leakage of water into the building and where necessary shall be maintained by the repair of the roof and flashing, or by applying waterproof coatings or coverings.

#### **Section 4 - Maintenance of Buildings and Structures**

4.9.4 Without restricting the generality of Sub section 4.9.3, the maintenance and repair includes: (a) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens; and (b) reglazing cracked, broken or missing glass; and (c) replacing or repairing defective or missing hardware; and (d) rescreening or weatherstripping where such is defective or missing; and (e) painting or the applying of a similarly effective preservative.

#### **Section 4 - Maintenance of Buildings and Structures**

4.9.3 Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

#### **Section 4 - Maintenance of Buildings and Structures**

4.9.2 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair so as to prevent the entrance of wind or rain into the dwelling.

#### **Section 4 - Maintenance of Buildings and Structures**

4.8.2 Every roof including related roof structures, eavestroughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained, repaired or replaced so as to properly perform the intended function and be of acceptable appearance.

#### **Section 4 - Maintenance of Buildings and Structures**

4.9.1 All exterior door openings shall be fitted with exterior grade doors and all exterior window openings shall be fitted with exterior grade windows.

## **Section 4 - Maintenance of Buildings and Structures**

- 4.8.3 Without restricting the generality of Subsections 4.8.1 and 4.8.2 the maintenance and repair includes: (a) removal of obstructions or loose, unsecured objects and materials, and; (b) removal of dangerous accumulations of snow and ice, and; (c) removal of other accident and fire hazards, and; (d) the overhaul or provision of flashings.

## **Section 3 - Maintenance of Accessory and Unoccupied Buildings and Yards**

- 3.10.1 All yards shall be kept clean and free from rubbish, garbage, brush, or other debris and from objects or conditions that might create a health, fire or accident hazard.

### **REQUIRED ACTION**

- Make the sidewalk face of the building on Front St safe from falling debris confirmed by a professional engineer and the sidewalk reopened by April 11<sup>th</sup> 2023.
- Provide a professional engineers report on the structural integrity of the building at the above captioned property to the property standards officer named on this order. The report shall outline what remedial recommendations are necessary to fix any deficiencies outlined in the report to restore the building to the minimum property standards. The report and a building permit application must be received by April 21st 2023.
- Complete restoration of all items listed in required action and in engineers report to be completed by July 30<sup>th</sup> 2023
- Repair the exterior walls of the building at the above captioned property so as to be free of holes, cracks or excessively worn surfaces.
- Repair the fascia and soffit of the building at the above captioned property so as to be in good repair and in a watertight condition to perform the intended function.
- All window openings must be fitted with exterior grade windows.
- Repair the roof of the building at the above captioned property so as to be in a weather tight condition and perform the intended function.
- Replace all exterior door openings shall be fitted with exterior grade doors and all exterior windows openings shall be fitted exterior grade windows.
- Remove all loose and unsecured objects from the roof.
- Remove all rubble and debris from the back stairs.

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2004-67

**A BY-LAW TO DESIGNATE A CERTAIN PROPERTY WITHIN THE CITY OF BELLEVILLE TO BE OF HISTORIC OR ARCHITECTURAL VALUE OR INTEREST (THE BOHEMIAN PENGUIN)**

WHEREAS Section 29 of the Ontario Heritage Act, 1990 as amended provides that where the council of a municipality has given notice of its intention to designate a property to be of historic or architectural value or interest and where objections to said notice of designation are duly received and duly processed through the Conservation Review Board, the council shall pass a by-law designating the property to be of historic or architectural value or interest;

AND WHEREAS all statutory requirements for giving notice of council's intention to pass a by-law designating the property herein described to be of historic or architectural value have been complied with;

AND WHEREAS no objections to said notice of designation were received;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. THAT the property known as The Bohemian Penguin fronting on the east side of Front Street, and west of Pinnacle Street, which parcel of land is more particularly described in SCHEDULE "A" attached hereto, be and the same is designated as a property of historic or architectural value or interest, for the reasons stated in SCHEDULE "B" attached hereto as provided for in the Ontario Heritage Act, 1990 as amended.
2. THAT nothing in this By-law shall be construed to designate any of the lands described in Schedule "A" attached hereto to be of historic or architectural interest, as provided in the Ontario Heritage Act, 1990 as amended.

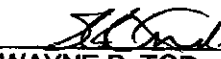
THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this **10th** day of **May, 2004**.

Read a second time this **10th** day of **May, 2004**.

Read a third time and finally passed this **10th** day of **May, 2004**.

  
MARY-AINE SILLS MAYOR

  
WAYNE B. TOD CITY CLERK

**SCHEDULE "A" TO BY-LAW NUMBER 2004-67**

**The Bohemian Penguin**

Part of Lots 6, 7, 12, 13, 14 and 15 according to Registered Plan No. 71 known as municipal number 397-399 Front Street, City of Belleville, County of Hastings.



**SCHEDULE "B" TO BY-LAW NUMBER 2004-67**

**HISTORICAL BACKGROUND AND REASON  
FOR THE PROPOSED DESIGNATION**

The Henderson Building is a fine example of the Second Empire style of the 1860s and 1870s, so named after Napoleon III's 'Second Empire' in France around that time. The typical characteristics of the period's commercial facades are clearly reflected in the buildings appearance. Important as an early example of using cast iron for window adornments, decorated columns and horizontal bands, the building further embodies the style with its tall, narrow casement windows. The hallmark of the style is a high wooden mansard roof, in this case having a convex centre and slightly concave sides which contain ornate dormer windows. This roof was not added until the 1870s, possibly to accommodate an organ and choir loft for the third floor.

Erected in 1859 on the former site of a Methodist bishop's house, the buildings first owner was George Eyre Henderson, a barrister at law. It was purchased for the Masonic Lodge in 1874. The structure later served as the Knights of Columbus hall from 1951 until early in the 1970s. Following a temporary historical designation on the property in 1980, the north façade was restored to its former elegance in 1983. Bruce Morgan began operating his lounge and catering business known as the Bohemian Penguin on the site in early 1998, and has owned the building since late 2001. His request to re-designate the building is intended to protect the Front Street façade.



Love Local  
Harrison

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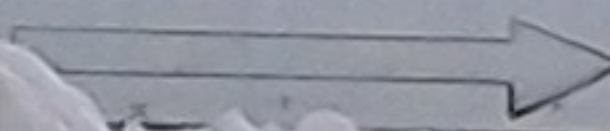
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