



**Town of Oakville
Planning and Development Council**

REVISED AGENDA

Date: Monday, April 4, 2022
Time: 6:30 p.m.
Location: Virtual Meeting

Currently attendance at Town Hall is restricted and public meetings are being held by videoconference only. Live streaming video is available on oakville.ca/live or at the town's YouTube channel at [youtube.com/user/townofoakvilleTV](https://www.youtube.com/user/townofoakvilleTV). Information regarding written submissions and requests to delegate can be found at <https://www.oakville.ca/townhall/delegations-presentations.html>.

Pages

1. Regrets

2. Declarations of Pecuniary Interest

3. Committee of the Whole

4. Consent Items(s)

There are no Consent Items listed for this agenda.

5. Confidential Consent Item(s)

There are no Confidential Consent Items listed for this agenda.

6. Public Hearing Item(s)

6.1. Public Meeting Report, Draft Plan of Subdivision, 404072 Ontario Limited (Mattamy Homes), Block 263, 20M-1212, File No.: 24T-22001/1314

6 - 33

Recommendation:

1. That the public meeting report, prepared by the Planning Services Department dated March 22, 2022, be received.
2. That comments from the public with respect to the Draft Plan of Subdivision by 404072 Ontario Limited (Mattamy Homes), File No.: 24T-22001/1314, be received.
3. That staff consider such comments as may be provided by Council.

7. Discussion Item(s)

7.1. Recommendation Report - Draft Plan of Subdivision and Zoning By-law Amendment by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited & TWKD Developments Inc. – File Nos. 24T-21001/1315 and Z.1315.11, By-law 2022-029

34 - 98

Recommendation:

1. That Draft Plan of Subdivision application and Zoning By-law Amendment application (File Nos. 24T-21001/1315 and Z.1315.11), submitted by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, and TWKD Developments Inc., be approved on the basis that the applications are consistent with the Provincial Policy Statement, conform or do not conflict with all applicable Provincial plans, conform with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated March 22, 2022.
2. That By-law 2022-029 an amendment to Zoning By-law 2009-189, be passed.
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-21001/1315) submitted by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, and TWKD Developments Inc., prepared by J.D Barnes Limited, dated February 4, 2022, subject to the conditions contained in Appendix “A”.
4. That notice of Council’s decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.
5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

***7.2. Report of the Ontario Housing Affordability Task Force and Implications for Oakville** 99 - 155

Recommendation:

1. That the report from the Community Development Commission and Corporate Services Commission dated March 29, 2022, entitled *Report of the Ontario Housing Affordability Task Force and Implications for Oakville*, be received,
2. That the Town Clerk forward this staff report and Council's comments regarding the *Report of the Ontario Housing Affordability Task Force and Implications for Oakville* to the Minister of Municipal Affairs & Housing, Halton Area MPPs, Halton Region, the City of Burlington, the Town of Halton Hills, and the Town of Milton.

7.3. Heritage Delegation By-law 2022-021 156 - 170

Recommendation:

1. That By-law 2022-021, a by-law to delegate Council's power under the *Ontario Heritage Act* and to repeal By-law 2016-121 and By-law 2018-020, be passed; and
2. That Alterations to Designated Heritage Properties Procedure G-GEN-010-001, be rescinded.

7.4. Heritage Documents Updates 171 - 201

Recommendation:

That the report 'Heritage Documents Updates' by the Planning Services Department dated March 22, 2022, be approved.

***7.5. Bronte Cemetery Cultural Heritage Evaluation Report** 202 - 286

Recommendation:

1. That the Cultural Heritage Evaluation Report, attached as Appendix A to the report dated March 29, 2022 from Planning Services, be endorsed; and,
2. That Bronte Cemetery be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures.

8. Confidential Discussion Item(s)

There are no Confidential Discussion Items listed for this agenda.

***9. Advisory Committee Minutes**

Recommendation:

That the following recommendation pertaining to Items 4.1, 4.2, and 4.3 of the Heritage Oakville Advisory Committee minutes from its meeting on March 22, 2022, be approved and the remainder of the minutes be received:

4.1 Heritage permit application HP009/22-42.0F - 46 First Street – Construction of a rear addition to the house

1. That Heritage Permit Application HP009/22-42.0F for the construction of a rear addition to the house at 46 First Street, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:
 - a. That final details on the cladding and proposed windows and doors be submitted to Heritage Planning staff for final approval; and,
2. That this heritage permit expire two years from the date of final approval by Council.

4.2 Heritage permit application HP008/22-42.20T - 415 Trafalgar Road – Demolition of existing house and construction of new house

1. That Heritage Permit Application HP008/22-42.20T for the demolition of the existing house and the construction of a new house at 415 Trafalgar Road, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:
 - a. That final details on the cladding, windows, doors and landscape materials be submitted to Heritage Planning staff for final approval; and,
2. That this heritage permit expire two years from the date of final approval by Council.

4.3 Heritage Permit Application HP005/22-42.20K – 302 King Street – Replacement of garage and alterations to rear elevation

1. That Heritage Permit Application HP005/22-42.20K for the replacement of the existing attached garage and alterations to the rear elevation at 302 King Street, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:

- a. That final details on cladding, windows, doors and porch roof be submitted to Heritage Planning staff for final approval;
 - b. That any historical elements to be removed be made available for salvage; and,
2. That this heritage permit expire two years from the date of final approval by Council.

10. Rise and Report to Council

11. New Business

(Emergency, Congratulatory or Condolence)

12. Consideration and Reading of By-laws

That the following by-law(s) be passed:

12.1. By-law 2022-021

A by-law to delegate Council's power under the Ontario Heritage Act and to repeal By-law 2016-121 and By-law 2018-020. **(Re: Item 7.3)**

12.2. By-law 2022-027

292 - 302

A by-law to designate the cultural heritage landscape of the Bronte Harbour and Bluffs.

12.3. By-law 2022-029

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 15, Concession 1, North of Dundas Street (Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, TWKD Developments Inc.) – Z.1315.11. **(Re: Item 7.1)**

12.4. By-law 2022-035

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A by-law to confirm the proceedings of a meeting of Council.

13. Adjournment



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Planning Services Department

DATE: March 22, 2022

SUBJECT: **Public Meeting Report, Draft Plan of Subdivision, 404072 Ontario Limited (Mattamy Homes), Block 263, 20M-1212, File No.: 24T-22001/1314**

LOCATION: Block 263, 20M-1212, Part of Lot 14, Concession 1, NDS

WARD: Ward 7 Page 1

RECOMMENDATION:

1. That the public meeting report, prepared by the Planning Services Department dated March 22, 2022, be received.
2. That comments from the public with respect to the Draft Plan of Subdivision by 404072 Ontario Limited (Mattamy Homes), File No.: 24T-22001/1314, be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report provides an overview of a proposed Draft Plan of Subdivision submitted by 404072 Ontario Limited (Mattamy Homes), which would have the effect of creating eight blocks to permit the development of 32 townhouse units on a public rear lane.
- The subject lands are designated Neighbourhood Area within the North Oakville East Secondary Plan (Figure NOE2).
- The lands are zoned Neighbourhood Centre subject to Special Provision 48 (NC sp:48) within Zoning By-law 2009-189, as amended.
- The applicant initiated public information meeting was held virtually on January 10, 2022, which was attended by four residents and Town Planning Staff.

- The Draft Plan of Subdivision application was deemed complete on January 19, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before May 19, 2022, after which the applicant could file an appeal for non-decision.

BACKGROUND:

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

The current application was submitted and deemed complete on January 19, 2022. The applicant initiated public information meeting was held on January 10, 2022, which was attended by four residents and Town Planning Staff.

Previous Approvals/Applications

In 2012, the applicant submitted applications for a Draft Plan of Subdivision (24T-12011B/1314) and Zoning By-law Amendment (Z.1314.06B) for a larger landholding that included the subject site. In 2016, Town Council approved the subdivision and rezoning, which had the effect of rezoning the subject lands to Neighbourhood Centre subject to Special Provision 48 (NC sp:48). At the same time, Holding Provision “H17” was incorporated into the zoning for the subject site. The purpose of Holding Provision “H17” was to restrict the use of the land to only permit the following uses to a maximum of 5 storeys in height:

- mixed use building;
- apartment;
- parking garage, built as part of an apartment or mixed use building; or
- stacked townhouse dwelling.

The applicant was permitted to apply to remove the Holding Provision once three years had passed since the date of registration of the underlying draft plan of subdivision. The underlying subdivision was registered in January 2019. In October 2021, the applicant submitted an application to remove Holding Provision “H17” which was approved by Council on January 18, 2022.

With the removal of the Holding Provision, the as-of-right Zoning would also permit lane-based townhouse dwelling units in addition to the other uses listed above. In January 2022, the applicant submitted the current Draft Plan of Subdivision application in accordance with the approved Zoning on the land in order to facilitate the development of 32 lane-based townhouses on a public rear lane.

Proposal

The applicant is proposing to create eight development blocks and a public lane through a Draft Plan of Subdivision application. Each block would contain four townhouse dwelling units with a total of 32 lane-based townhouses on the subject lands.

Location & Site Description

The subject lands are approximately 0.51 hectares (1.26 acres) in size and is bounded by Settlers Road East, Vernon Powell Drive, Marigold Gardens and Eternity Way, as seen in Figure 1.

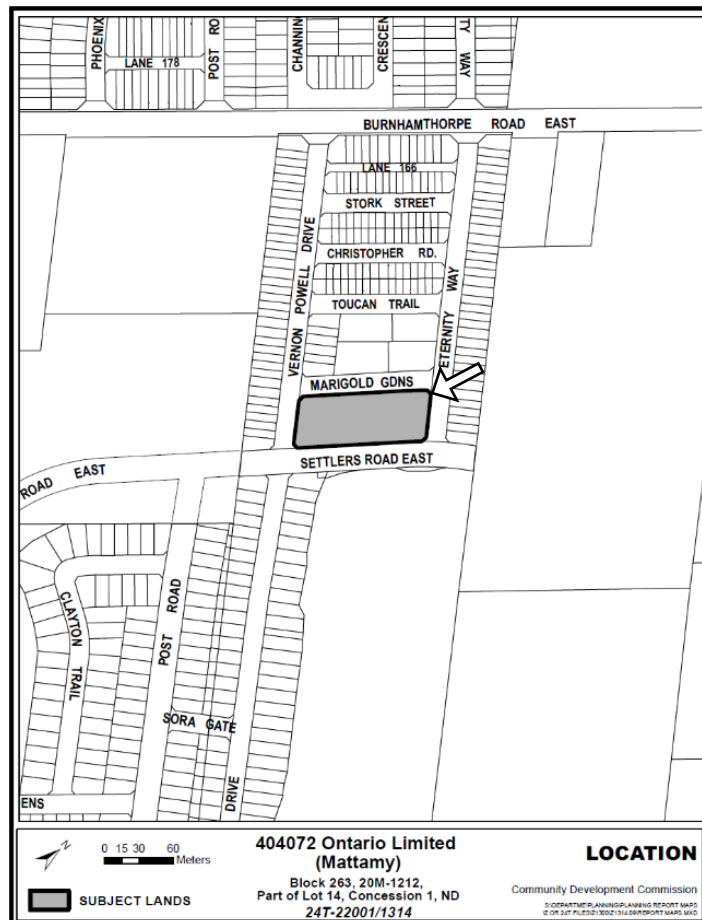


Figure 1: Location Map

Surrounding Land Uses

The surrounding land uses are as follows as seen in Figure 2:

North/East: Residential uses consisting of on-street townhouse units.

South: Residential uses consisting of detached dwelling and Natural Heritage System

West: Residential uses consisting of on-street townhouses units, beyond which will be an elementary school and community park.

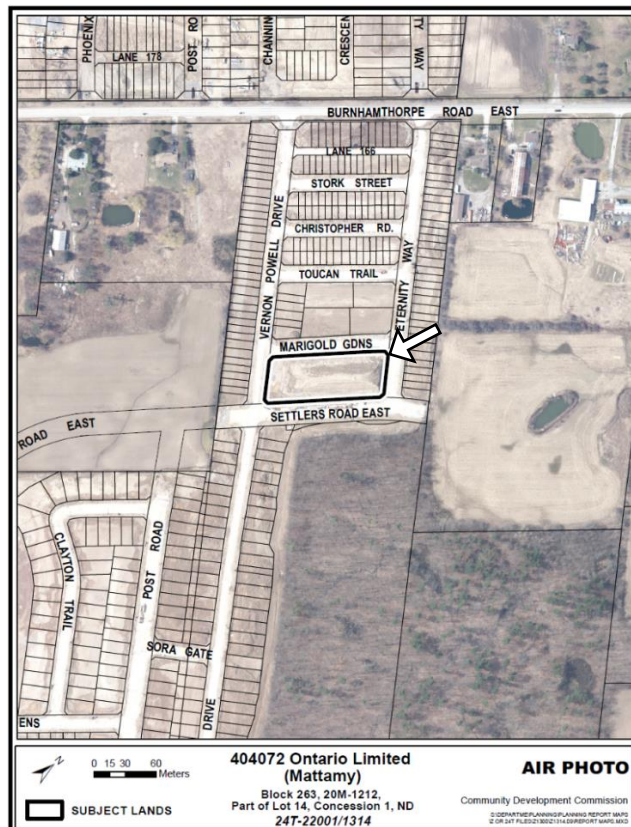


Figure 2: Air Photo (*outdated image – dwellings in the area are constructed and occupied*)

PLANNING POLICY & ANALYSIS:

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- Oakville Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

Provincial Policy Statement (2020)

The Provincial Policy Statement 2020 (“PPS”), which came into effect on May 1, 2020, is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The subject lands are located within a settlement area, which are to be the focus of growth and development. The land use patterns within the settlement areas are based on densities and a mix of land uses that, among other matters, efficiently use land and resources, and appropriately use the infrastructure and public service facilities that are planned or available.

The future recommendation report will provide a full review of the development proposal in accordance with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a “Designated Greenfield Area”. The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services and public service facilities, and provide a diverse range and mix of housing options.

The future recommendation report will provide a full review of the development proposal in accordance with the Growth Plan.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Official Plan. The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities.” The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. Policy 76 notes that the range of permitted uses in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

2020 Servicing Allocation Program – Water and Wastewater

Halton Region has implemented a servicing allocation program that requires proponents of residential development applications to secure servicing allocation from Halton Region through a formal Allocation Agreement.

On June 17, 2020, Regional Council passed By-law 34-20 which confirmed the Regional allocation agreement conditions and requirements have been met and the appropriate financial commitments by all the parties are in place. The proposed development would be subject to the 2020 Regional Allocation program.

A full analysis of the proposal in the context of the Halton Regional Official Plan will be provided as part of a future recommendation report.

Oakville Official Plan

As Section 51(24) of the *Planning Act* deals with the criteria for considering a Draft Plan of Subdivision, applications for Consent dealt with under Section 53 of the Act are subject to the same criteria for the severance of land. Noting this, the Official Plan contains policies that deem a Plan of Subdivision the appropriate process for the development of land in most cases:

“12.2 URBAN SEVERANCE POLICIES

- a) *Severances for any form of Urban Development shall comply with the Phasing provisions of Part C, Section 2 and Figures "C", "D" and "D1" of this Plan.*
- b) *Although urban severances may be permitted, development in urban areas is generally to take place in accordance with comprehensively designed registered plans of subdivision. Land division by a plan of subdivision, rather than by a consent, shall generally be deemed necessary in the following cases:*
 - i) ***where the extension of a public road is required or a new road allowance is required;***

Therefore, it is necessary as per the Official Plan policies for the development of the subject lands to proceed by way of a Plan of Subdivision in order for the creation of the proposed public lane to occur prior to the 32 townhouses being built.

Urban Structure

The *Livable Oakville* Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community.

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town and identifies the site as Residential Areas. This is also reflected in Section 3, Urban Structure, of the Livable Oakville Plan. Official Plan Amendment 317 to the North Oakville East Secondary Plan, confirms the Town’s existing urban structure and was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

North Oakville East Secondary Plan (NOESP)

The North Oakville East Secondary Plan provides a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line and Sixteen Mile Creek in the west.

The development of the North Oakville community is premised on a sustainable, design-first philosophy which promotes the protection of the natural environment, mixed use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

The North Oakville East Secondary Plan designates the subject lands as Neighbourhood Area on Figure NOE 2 Land Use Plan, as seen in Figure 3.



Figure 3: Official Plan – NOE 2 Map

Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to assist in providing guidance and coordination of local roads and adjacent land uses for the North Oakville Planning Area. Development applications are reviewed to ensure general coordination and consistency with the intent of the Master Plan. Minor modifications are permitted provided the general intent and direction of the Master Plan is maintained (Section 7.5.2).

Additional land use designations are further identified as General Urban Area, as shown in North Oakville Master Plan (Figure 4).

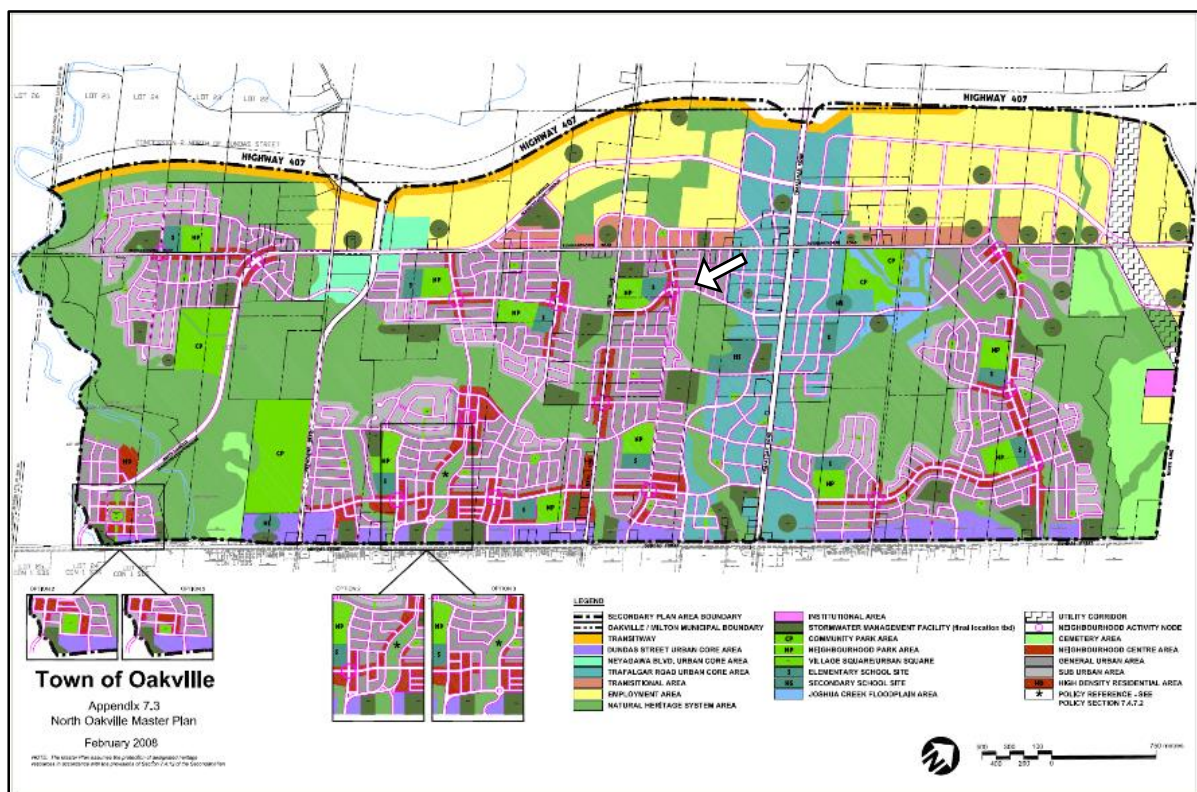


Figure 4: North Oakville Master Plan Map Excerpt

North Oakville Zoning By-law

Zoning By-law 2009-189, as amended is the comprehensive Zoning By-law in order to implement the North Oakville Secondary Plans, for all properties in Oakville north of Dundas Street, and south of Highway 407. It was passed by Council on November 23, 2009 and approved by the Ontario Municipal Board on October 25, 2010.

The subject lands are currently zoned Neighbourhood Centre subject to Special Provision 48 (NC sp:48) as seen in Figure 5, which permits various uses, including townhouse dwellings, apartment buildings and commercial uses. The current application would allow 32 rear lane townhouse uses.

Once the blocks have been created through the Draft Plan of Subdivision process, the applicant would be eligible to apply for Building Permits in accordance with the in-effect Zoning regulations. A Zoning By-law Amendment application is not required to permit the proposed development.

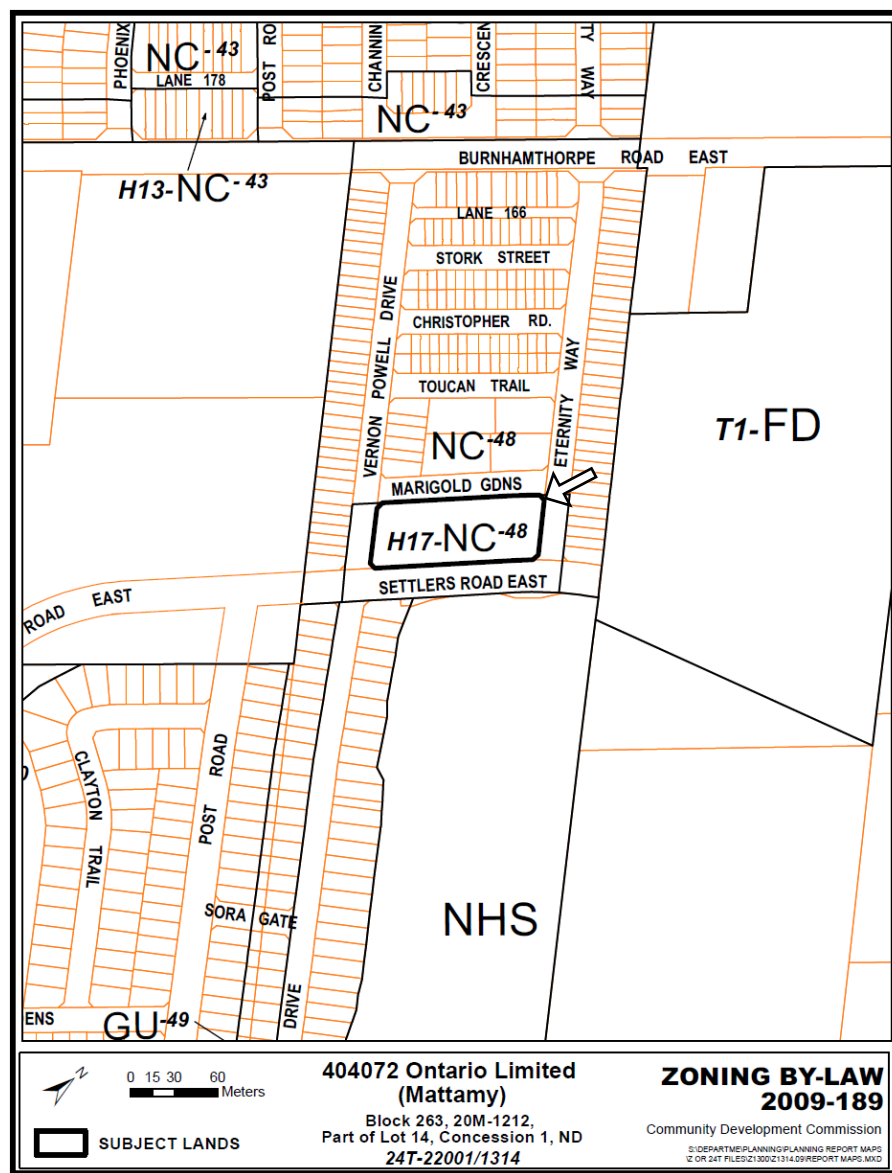


Figure 5: Zoning By-law 2009-189 Map

TECHNICAL & PUBLIC COMMENTS:

The applicant has submitted the following documents as part of the application submission, which have been circulated to various public agencies and internal Town departments and are currently under review. The studies and documentation are also accessible on the Town's website at the following link:

<https://www.oakville.ca/business/da-40345.html>

- Draft Plan of Subdivision
- Concept Plan
- Urban Design Brief
- Streetscape Plan
- Canopy Cover Plan
- Environmental Site Screening
- Record of Site Condition
- Archaeological Clearance Letter

Public Comments

The applicant initiated public information meeting was held on January 10, 2022, which was attended by four residents and Town Planning Staff. Questions were raised relating to:

- the type of housing being proposed, specifically related to the use of the land for an apartment building;
- timing of the proposed construction;
- location for on-street parking; and
- amenity areas for the townhouse units.

Minutes of the meeting are included in Appendix "C". At the time of writing this report, one written submission was received and can be found in Appendix "D".

Issues Under Review/Matters to be Considered

The following lists the issues and matters that have been identified to date for further review and consideration. Not all circulation comments have been received to date, but will be considered in the future recommendation report.

- Alignment with the Climate Emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.
- Confirmation of being a member in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.
- Consistency with the Provincial Policy Statement 2020 and conformity with the 2020 Growth Plan.
- Conformity to the Region of Halton Official Plan.

- Conformity of the proposal with the land use and policies of the North Oakville East Secondary Plan.
- Evaluation of the appropriateness for the proposed development and that the lane based townhomes are compatible with the character of the neighbourhood.
- Evaluation of the proposed built form design and its suitability for the subject lands within the context of the surrounding area as per the Urban Design Guidelines and Livable by Design Manual.
- Evaluation of the appropriateness for the proposed development, specifically the introduction lane based townhomes and whether this type of housing form is compatible with the character of the neighbourhood.
- Evaluation of the proposed built form design and its suitability for the subject lands within the context of the surrounding area as per the Urban Design Guidelines and Livable by Design Manual.
- Confirmation of appropriate lane width to ensure functionality.
- Confirmation from the Region that the applicant has secured sufficient allocation to allow for the development.
- Review of the opportunities to provide on-street parking and investigate opportunities to maximize visitor parking

A complete analysis of this application will be undertaken including the matters identified above and any comments received at this public meeting.

CONSIDERATIONS:

(A) PUBLIC

Notice for the public meeting has been distributed in accordance with the *Planning Act*. In addition, as of January 1, 2022, the Town has implemented extended notification limits for development applications from 120 metres to 240 metres.

The applicant held a community consultation Public Information Meeting (PIM) virtually via Microsoft Teams on January 10, 2022, and four members of the public attended. Minutes from the meeting can be found at Appendix "C". One written submissions can be found in Appendix "D".

(B) FINANCIAL

Development Charges would be applicable to this development. Parkland dedication is satisfied as the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

The Draft Plan of Subdivision application was deemed complete on January 19, 2022. The *Planning Act* provides for a 120-day time frame to make a decision on this application on or before May 19, 2022, after which the applicant could file an appeal for non-decision.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development will be reviewed in full prior to providing a recommendation to confirm compliance with the sustainability objectives of the Livable Oakville Plan and the Climate Emergency Declaration and associated Progress Reports brought to Council, the latest being dated June 8, 2021.

CONCLUSION:

Staff will continue to review and analyze the proposed application and address all technical matters along with submitted public comments, and report to Council at a future meeting. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

APPENDICES:

Appendix A – Applicant’s Proposed Draft Plan of Subdivision

Appendix B – Policy Excerpts

Appendix C – Applicant Initiated Public Information Meeting Minutes (January 10, 2022)

Appendix D – Written Submissions

Prepared by:

Brandon Hassan, MCIP, RPP, Planner – Planning Services

Recommended by:

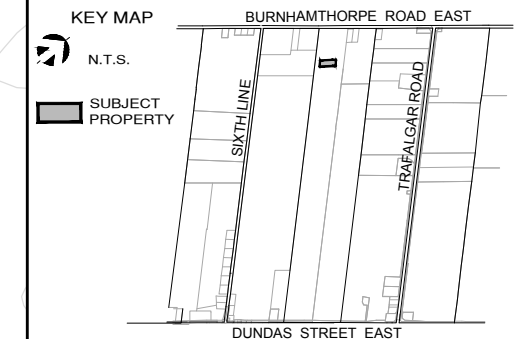
Leigh Musson, MCIP, RPP, Manager, East District – Planning Services

Submitted by:

Gabe Charles, MCIP, RPP, Director – Planning Services

**DRAFT PLAN OF SUBDIVISION
24T-**

**BLOCK 263
PLAN 20M-1212
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON**



OWNER'S AUTHORIZATION
I HEREBY AUTHORIZE KORSIK URBAN PLANNING TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF OAKVILLE FOR APPROVAL.

SIGNED: *Jason Sudergaard* DATE: January 17, 2022
Jason Sudergaard, A.S.O.
404072 ONTARIO LIMITED

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

SIGNED: *Ross DenBroeder* DATE: January 11, 2022
Ross DenBroeder, Ontario Land Surveyor

rpe R-PE Surveying LTD.
ONTARIO LAND SURVEYORS
643 CHRISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3
Tel: (416) 635-5000 Fax: (416) 635-5001

- ADDITIONAL INFORMATION** (UNDER SECTION 51 (17) OF THE PLANNING ACT)
- A) SHOWN ON PLAN
 - B) SHOWN ON PLAN
 - C) SHOWN ON PLAN
 - D) SHOWN ON PLAN
 - E) SHOWN ON PLAN
 - F) SHOWN ON PLAN
 - G) SHOWN ON PLAN
 - H) MUNICIPAL AND PIPED WATER TO BE PROVIDED
 - I) CLAY LOAM
 - J) SHOWN ON PLAN
 - K) SANITARY AND STORM SEWERS TO BE PROVIDED
 - L) SHOWN ON PLAN

LAND USE SCHEDULE

Land Use	Lots/Blocks	Lot / Block Total	Area (ha)	Units
Rear Lane Townhouses (6.05 m)	1-8	8	0.42	32
7.5 m ROW (116 m)			0.09	
Totals	8	8	0.51	32

24T- SDE CALCULATIONS

Unit Type	Blocks	Units	SDE*
Rear Lane Townhouses (6.05 m)	1-8	32	24.3

* SDE Factor:
Townhouse - 0.76

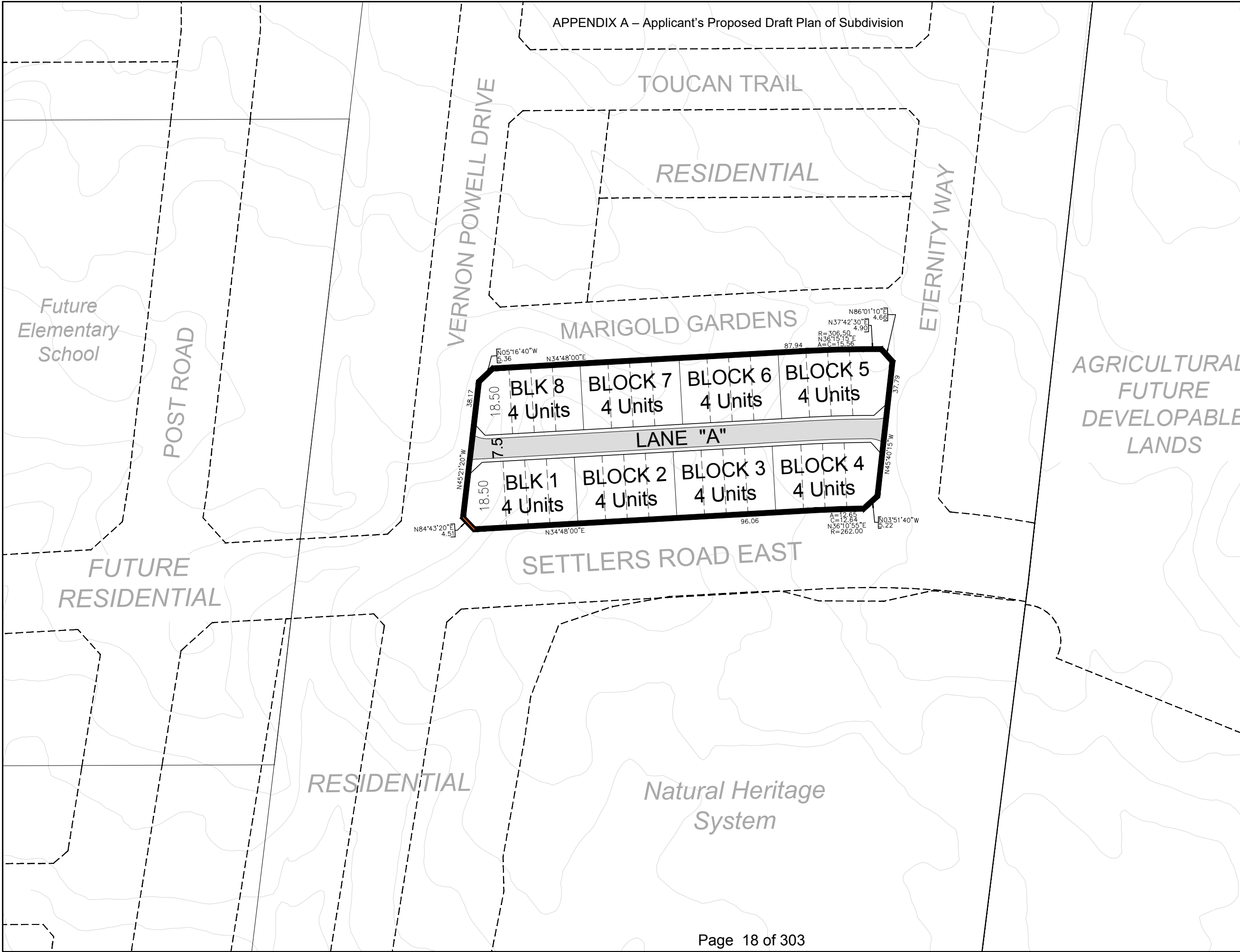
13/01/2022	Original Submission	A	KC
DATE [D.M.Y]	REVISION	DWG	BY

NOTES:
- Pavement illustration is diagrammatic
- Lane to Local daylight triangle = 3.5m



SCALE 1:1000 January 13, 2022
DRAWN BY: KC CHECKED BY: CM

KORSIK Urban Planning
206-277 Lakeshore Road East
Oakville, Ontario L6J 1H9
T: 905-257-0227
info@korsiak.com



S:\Korsiak & Company\MATTAMY\North Oakville\Petgor\Phase 2\Draft Plan - Block 263\Draft Plan\2022-01\Petgor - Block 263 Draft Plan - Jan 13 22_kc.dwg

APPENDIX B – Policy Excerpts

Provincial Policy Statement - 2020

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Part V: Policies

1.1 **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and

- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of landuses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
 - b) economic development strategies;
 - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
 - f) natural and human-made hazards;
 - g) population, housing and employment projections, based on *regional market areas*; and
 - h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

1.4 Housing

- 1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:
 - a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment*

and, if necessary, lands which are *designated and available* for residential development; and

- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;

- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Growth Plan for the Greater Golden Horseshoe (2020)

This Plan is about accommodating forecasted growth in *complete communities*. These are communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, *public service facilities*, and a full range of housing to accommodate a range of incomes and household sizes. *Complete communities* support quality of life and human health by encouraging the use of *active transportation* and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting. They also support climate change mitigation by increasing the *modal share* for transit and *active transportation* and by minimizing land consumption through *compact built form*.

Section 2.2 – Policies for Where and How to Grow

2.2.1 – Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
- b) growth will be limited in *settlement areas* that:
 - i. are *rural settlements*;
 - ii. are not serviced by existing or planned *municipal water and wastewater systems*;
 - or
 - iii. are in the *Greenbelt Area*;
- c) within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;
- d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from *hazardous lands*; and
- f) the establishment of new *settlement areas* is prohibited.

4. Applying the policies of this plan will support the achievement of *complete communities* that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
 - a) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
 - b) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
 - c) integrate green infrastructure and low impact development.

2.2.6 Housing

3. To support the achievement of *complete communities*, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

North Oakville East Secondary Plan

7.3 COMMUNITY STRUCTURE

7.3.3 RESIDENTIAL NEIGHBOURHOODS

Residential neighbourhoods as designated on Figure NOE1 (Community Structure) are comprised of a range of residential densities including significant areas appropriate for ground related housing and live/work opportunities:

a) Neighbourhood Centre

Neighbourhood Centres are located in the centre of each neighbourhood, within walking distance of most residents. While predominately residential in character, Neighbourhood Centres will permit a range of uses. These uses will be permitted throughout the area but will be focused at a central activity node for the neighbourhood. Neighbourhood Centres have denser development than other parts of the neighbourhood but are predominantly ground related, and, in addition to residential development, will include a range of convenience and service

commercial, civic, institutional and live-work functions in buildings at a scale and with a design appropriate to the area.

b) General Urban

General Urban areas, while predominately residential, also provide for live-work functions. Development will be at lower densities than those found in the Neighbourhood Centre.

c) Sub-urban

The least dense and most purely residential context is found in areas in a neighbourhood termed "Sub-urban". While live-work functions are permitted, these areas are primarily residential in nature.

7.5 COMMUNITY DESIGN STRATEGY

7.5.1 PURPOSE

This section outlines general design policies for North Oakville East, as well as specific policies for the Neighbourhoods as designated on Schedule NOE1, and the Trafalgar Urban Core Area, Neyagawa Urban Core Area, the Dundas St. Urban Core Area, Employment Districts, and existing development.

7.5.2 MASTER PLAN

- a) The North Oakville East Master Plan in Appendix 7.3 to the Official Plan is intended to illustrate graphically the design of the North Oakville East Planning Area and how the policies and Figures of the North Oakville East Secondary Plan are to be implemented. The spacing, function and design of intersections of Local Roads with Major Arterial/Transit Corridors (i.e. Regional arterials) shown on Appendix 7.3 have not been approved by the Region, and such intersections shown on Appendix 7.3 and on any subsequent area design plan, plan of subdivision, or other development plan, are subject to Regional approval.
- b) Prior to the commencement of the development of any:
- i) neighbourhood in accordance with the neighbourhood boundaries established on Figure NOE1 and, where applicable, the portion of the Dundas Urban Core that abuts the neighbourhood;
 - ii) sub-area within the Trafalgar Urban Core Area identified on Figure NOE1, except that lands in any sub-area on one side of Trafalgar Road may proceed independently of the lands in that sub-area on the other side of Trafalgar Road;
 - iii) part of the Neyagawa Urban Core Area; or
 - iv) sub-area within the Employment Area or the Transitional Area identified by the Town, in consultation with all affected landowners, based on boundaries created by Arterial, Avenue or Connector roads or natural features, provided that a sub-area may include adjacent Employment and Transitional Areas.

The Town shall determine, after consultation with all affected landowners in the specific area, whether proposed plans of subdivision or other development plans for the affected lands are generally consistent with the Master Plan in Appendix

7.3. Where such plans are determined to be generally consistent with the Master Plan, development may be permitted to proceed without the preparation of an area design plan.

- c) The Town shall require the preparation of an area design plan to the satisfaction of the Town, prior to draft plan approval or approval of other development plans in a specific area identified in subsection b), where:
 - i) proposed plans of subdivision or other development plans for the area are not generally consistent with the Master Plan in Appendix 7.3;
 - ii) the Town after consultation with all affected landowners, determines that an area design plan is required to address coordination issues between landowner plans;
 - iii) the Town, after consultation with all affected landowners, determines that an area design plan is required to address coordination issues between areas identified in 7.5.2 b) i) to iv); or
 - iv) any significant development is proposed in the Transitional Area designation.

- d) The area to be addressed by the area design plan will include, as applicable, one or more of the areas identified in subsection b).

- e) The area design plan will be designed to demonstrate conformity with the policies and Figures of the Secondary Plan and will provide details including:
 - i) the size and location of schools, neighbourhood parks, village squares and urban squares;
 - ii) the location, size and general configuration of stormwater management ponds;
 - iii) the detailed road pattern;
 - iv) the specific boundaries of neighbourhood land use categories and other designations;
 - v) the density and distribution of housing types;
 - vi) how the proposal addresses the Town's Implementation Strategy;
 - vii) the location, alignment and boundaries of Medium Constraint Streams;
 - viii) co-ordination with land uses and road patterns for lands outside, but adjacent to the lands which are the subject of the area design plan; and
 - ix) the requirements for Transitional Areas as set out in Section 7.6.9.3 a).

- f) Such area design plans shall be prepared in accordance with terms of reference approved by the Town and the applicant(s), by a consultant approved by the Town and the applicant(s), and retained by, and at the cost of, the applicant(s).

- g) In the preparation of the terms of reference, the Development Review provisions of Section 7.8 of this Plan will be used as a guide.

- h) A proposed plan of subdivision or other development plan shall be considered to be inconsistent with the Master Plan, as referenced in subsection c) i), if it does not conform to the General Design Directions in Section 7.5.4, or results in coordination issues between areas identified in subsection b. The following will generally not be considered to be inconsistent with the Master Plan, provided that the Town determines that the plan of subdivision or other development plan conforms with the policies and Figures of the Secondary Plan:
 - i) modifications to, or relocations of portions of the road pattern;
 - ii) modifications to Medium or Low Constraint Stream Corridors or Hydrologic Features “A” and “B”;
 - iii) relocation of public facilities including parks, schools and stormwater ponds; or
 - iv) reconfiguration of the neighbourhood land use categories generally in accordance with the neighbourhood land use category requirements of Table 1. However, any reconfiguration of neighbourhood land use categories proposed by a plan of subdivision or other development plan that necessitates significant changes to the distribution of neighbourhood land use categories on other land ownerships, in order to maintain general conformity with Table 1, will require the preparation of an area design plan.
- i) The approval of an area design plan by the Town shall not require an amendment to this Plan.

7.5.4 GENERAL DESIGN DIRECTIONS

- a) All development, particularly in the Urban Core Areas, Neighbourhood Centre and General Urban Areas, shall be designed to be compact, pedestrian and transit friendly in form. Mixed use development will be encouraged.
- c) Development shall be based on a modified grid road system with interconnected networks of roads designed to disperse and reduce the length of vehicular trips and support the early integration and sustained viability of transit service. For local roads not shown of Figure NOE4, the modified grid road system will respond to topography and the Natural Heritage System component of the Natural Heritage System and Open Space System. Cul-de-sacs will generally be permitted only when warranted by natural site conditions.

7.6 LAND USE STRATEGY

7.6.1 PURPOSE

The land use designations on Figure NOE2 establish the general pattern of development for the existing and future use of the North Oakville East Planning Area during the planning period. The policies for these designations are set out in this section.

7.6.7 NEIGHBOURHOOD AREA

- a) Purpose

The Neighbourhood Area designation on Figure NOE2 is applicable to areas intended for the development of residential neighbourhoods. Each neighbourhood is identified on Figure NOE1. The neighbourhoods will each include a neighbourhood central activity node, a five minute walk from most residences, which will include public facilities that serve the neighbourhood. Live/work units and limited commercial uses will also be encouraged to locate in this area.

b) Land Use Policies

Each neighbourhood will be developed with a mix of development based on the following land use categories. The land use categories, Neighbourhood Centre, General Urban and Sub-urban, shall be represented in each neighbourhood, with the exception of Neighbourhood 14, generally in accordance with the percentages in Table 1 to this Secondary Plan.

7.6.7.2 General Urban Area

a) Purpose

The General Urban Area land use category on Appendix 7.3 is intended to accommodate a range of low and medium density residential development.

b) Permitted Uses, Buildings and Structures

- The permitted uses shall be low and medium density residential uses and home occupation and home business uses.
- Permitted uses shall be located in low or medium density residential buildings.

c) Land Use Policies

- A mix of housing types shall be permitted at the following heights and densities:
 - Minimum density - 25 units per net hectare;
 - Maximum density - 75 units per net hectare; and,
 - Maximum height - 3 storeys.
- The Town will require that a variety of residential building types be developed throughout the General Urban Area designation in each neighbourhood. The location of building types shall be controlled through the zoning by-law. In this context, notwithstanding the minimum density, consideration may be given by the Town to limited areas of housing at a minimum density of 20 units per net hectare in areas abutting the Core Preserve Area designation or other significant open space features. In this addition, notwithstanding the permitted uses and maximum permitted density and height, the Town may also give consideration to limited areas of housing with a minimum density of 75 units per net hectare and a maximum density of 250 units per net hectare located in proximity to the Core Preserve Area and to the Neighbourhood Centre Area. However, the Town shall be satisfied that the development is appropriate to the context and may require the submission of studies, models and/or plans which address that consideration. In addition, with respect to any

development which results in a density exception, the Town shall be satisfied that the total number of units and population for the plan of subdivision is the same as, or greater than, that which would be required by land use category distribution in Table 1.

- Home occupations and home businesses shall be permitted in dwellings and accessory buildings in accordance with the regulations of the zoning by-law.
- The zoning by-law shall establish minimum and maximum setbacks, and implement densities and other standards to ensure that development achieves the minimum standards required as a basis for the creation of this residential area.
- Village squares may also be permitted within the General Urban Area designations subject to the provisions of Section 7.6.13.

7.9.4 LANDOWNERS AGREEMENT(S)

In order to ensure the appropriate and orderly development of the Secondary Plan area, and to ensure the costs associated with the development of the Secondary Plan are equitably distributed among all landowners, development within the Secondary Plan area shall only be permitted to proceed when a significant number of landowners in the Secondary Plan area have entered into a cost sharing agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner. Individual developments in the Secondary Plan area shall generally not be approved until the subject landowner has become a party to the landowners' cost sharing agreement.

January 11, 2022

APPENDIX C - Applicant Initiated Public Information Meeting Minutes (January 10, 2022)

Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Gabe Charles, MCIP, RPP
Acting Director, Planning Services Department

Re: **Public Information Meeting Minutes**
Plan of Subdivision Application
404072 Ontario Limited
Block 263, 20M-1212
Part of Lot 14, Concession 1, NDS
Town of Oakville

Per the pre-consultation application checklist, our client was required to host an informal Public Information Meeting in advance of submitting the Plan of Subdivision application. The Public Information Meeting was held virtually via a Microsoft Teams meeting on January 10, 2022 from 6:30 to 7:30 pm. Notice of the Public Information Meeting was provided to residents, interested parties, and regulating authorities on December 21, 2021, more than the required 14 days prior to the meeting date.

The Public Information Meeting was attended by four members of the public and Town Planner, Brandon Hassan. The list of attendees has been attached to this letter as *Appendix A*. Comments and questions raised by attendees included:

1. What type of product is being proposed, will there be an apartment?

A: The Block will be developed with 32 lane-based townhouse dwellings (similar to those on Stork Street) and a public lane. An application to lift the H17 holding provision is in process to permit lane-based townhouse dwellings.

2. What is the timing for the proposed development?

A: It is anticipated that the lane will be constructed in late summer 2022 and house construction will commence in Fall of 2022. House closings are anticipated to begin in spring of 2023.

3. Will any additional on street parking be provided?

A: No, the on street parking that is currently provided on Settlers Road East and Marigold Gardens will remain the same.

4. Will there be a common rooftop amenity area?

A: Each unit will have independent amenity areas. It has not been determined if roof top terraces will be offered.

Please feel free to contact me directly should you have any questions or require any further information.

Sincerely yours,

KORSIAK URBAN PLANNING

A handwritten signature in black ink, appearing to read 'C. McEwan', with a long horizontal flourish extending to the right.

Catherine McEwan

Copy: Mike Dickie, Mattamy Homes Canada

Meeting Summary

Total Number of Participants 7
Meeting Title Public Information Meeting for Block 263, 20M-1212
Meeting Date 10-Jan-22
Meeting Start Time 6:30 PM
Meeting End Time 7:30 PM

Attendee List

<i>Full Name</i>	<i>E-mail</i>	<i>Role</i>
Catherine McEwan		Presenter
Mike Dickie (Mattamy)		Attendee
Brandon Hassan (Town of Oakville)		Attendee
Sinthu Navaretnam (Guest)		Attendee
Mark Bolen (Guest)		Attendee
Dave (Guest)		Attendee
Sanjay Kaushik (Guest)		Attendee

APPENDIX D – Written Submissions

From: [REDACTED]
Sent: February 10, 2022 1:06 PM
To: Town Clerk
Subject: Proposed Application 404072

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

Please note I reject the proposal we need Parkette as we have no open space. No more houses please disallow this app. Small one lane Burnhamthorpe road and you have already allowed so many developers. Everyday its a nightmare to go and we can't afford more houses at block 263 20 M 1212 lot 14 concession 1 nds 404072 MATTAMY THANKS SHAIKH

Sent from my iPhone



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Planning Services Department

DATE: March 22, 2022

SUBJECT: Recommendation Report - Draft Plan of Subdivision and Zoning By-law Amendment by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited & TWKD Developments Inc. – File Nos. 24T-21001/1315 and Z.1315.11, By-law 2022-029

LOCATION: 40, 64, 86 Burnhamthorpe Road East

WARD: Ward 7 . Page 1

RECOMMENDATION:

1. That Draft Plan of Subdivision application and Zoning By-law Amendment application (File Nos. 24T-21001/1315 and Z.1315.11), submitted by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, and TWKD Developments Inc., be approved on the basis that the applications are consistent with the Provincial Policy Statement, conform or do not conflict with all applicable Provincial plans, conform with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated March 22, 2022.
2. That By-law 2022-029 an amendment to Zoning By-law 2009-189, be passed.
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-21001/1315) submitted by Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, and TWKD Developments Inc., prepared by J.D Barnes Limited, dated February 4, 2022, subject to the conditions contained in Appendix “A”.
4. That notice of Council’s decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report recommends approval of a proposed amended draft plan of subdivision and zoning by-law amendment applications which would have the effect of creating 212 dwelling units, a partial block for a future Park and School. The draft plan of subdivision also provides for the extension of Post Road to Burnhamthorpe Road, and two new municipal roads.
- Draft plan conditions have been recommended to address the conditions of approval based on department and agency comments and are attached as Appendix “A” to this report.
- The subject lands are designated *Neighbourhood Area* by the North Oakville East Secondary Plan and zoned Future Development (FD) in Zoning By-law 2009-189, as amended.
- Staff recommend approval of the zoning by-law amendment and draft plan of subdivision applications as the proposed development is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the North Oakville East Secondary Plan. The application conforms to the Town’s Urban Structure as the proposed development aids in the achievement of complete communities.
- The current applications were submitted and deemed complete on January 4, 2021. An appeal could have been filed as of May 4, 2021.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on a proposed draft plan of subdivision and zoning by-law amendment applications.

The statutory public meeting was hosted by Oakville Town Council on May 10, 2021. No written submissions were received and no members of the public attended

the Public Meeting. No new public comments have been received at the time of writing this report.

Since the public meeting, the applicant has addressed the matters of concern raised by staff and Council, and revised the proposal. The applicant has amended the application to provide additional lands for the abutting Neighbourhood Park and School blocks, resulting in a reduction in units from 232 units to 212 units consisting of 52 street townhouse units, and 160 back-to-back and rear lane townhouse dwellings intended for condominium tenure. The draft plan of subdivision also provides for the extension of Post Road to connect to Burnhamthorpe Road East, and two new municipal roads.

The current applications were submitted and deemed complete on January 4, 2021. The developer initiated a Public Information Meeting/video conference occurred on March 24, 2021, where no members of the public attended.

Proposal

The applicant has submitted a zoning by-law amendment and draft plan of subdivision application to develop a portion of Neighbourhood 9 within the Community Structure Figure NOE1 of North Oakville East Secondary Plan, as shown within Figure 1 below.

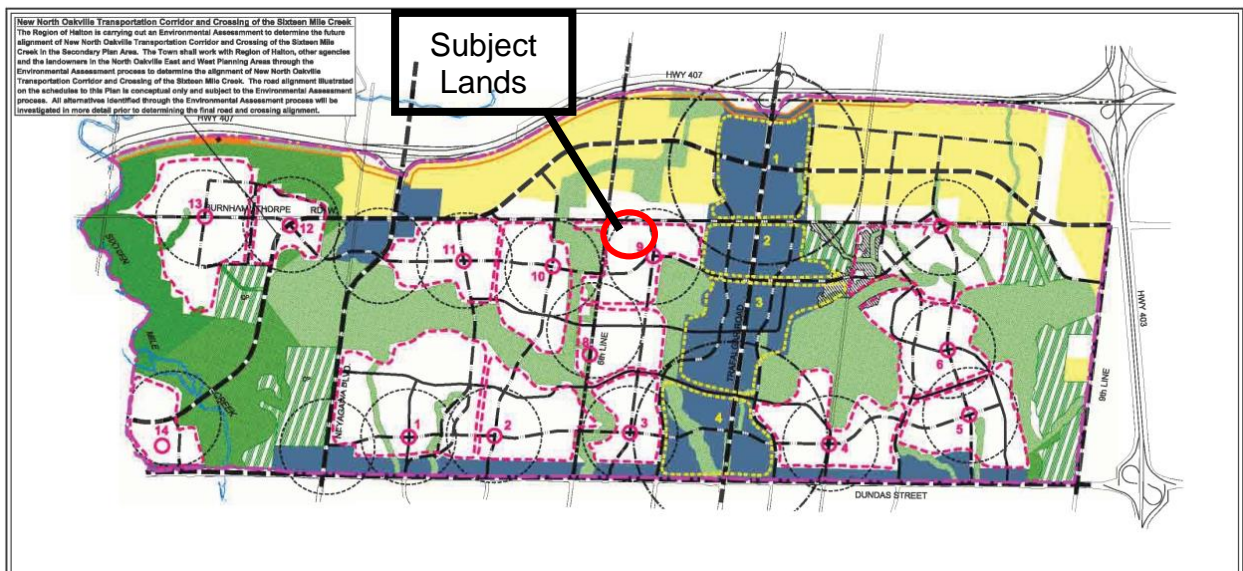


Figure 1 – Figure NOE1 – Community Structure in the NOESP

The amended proposal would create 212 townhouse dwellings having a total density of 55.4 units per hectare, and would consist of traditional street oriented townhouses, together with back-to-back townhouses and rear lane access

townhouse units within a future condominium, a stormwater management pond block having an area of approximately 0.82ha and a partial School block having an area of approximately 0.43ha (increased from the original proposal of 0.19ha), and a partial Park Block having an area of approximately 0.35 ha which was not previously included in the plan. The proposal also provides for the extension of Post Road to connect to Burnhamthorpe Road East as well as two new municipal roads (shown in Figure 2 below).

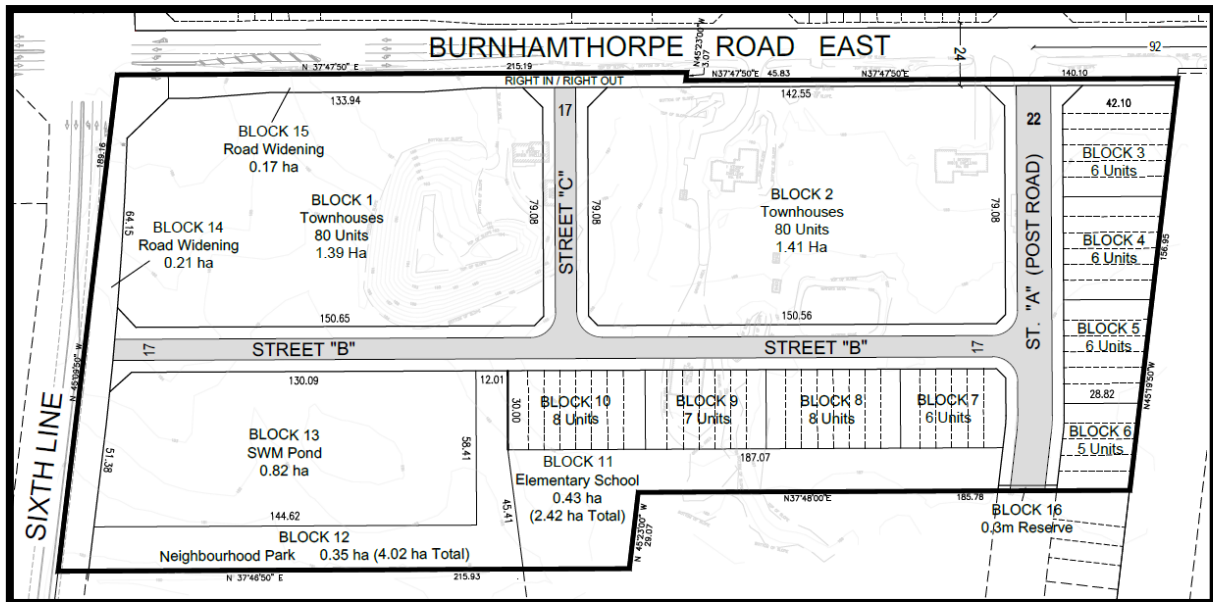


Figure 2 – Proposed Draft Plan

The proposed development provides additional lands for the required school block within Neighbourhood 9. The majority of the school block lands are being accommodated on the development to the south known as EMGO III (24T-20005/1315), which was Draft Approved on November 28, 2021. Further, the amended proposal provides additional lands for the Neighbourhood Park (Block 12) which will be developed together with lands to the south, also within the EMGO III Draft Approved Plan of Subdivision (24T-20005/1315). It is intended through the conditions of draft plan approval included in Appendix "A" that construction of the park will be coordinated between the developers.

The proposed development will include a future site plan and draft plan of condominium applications. The proposed amended site concept is provided in Figure 3 below.

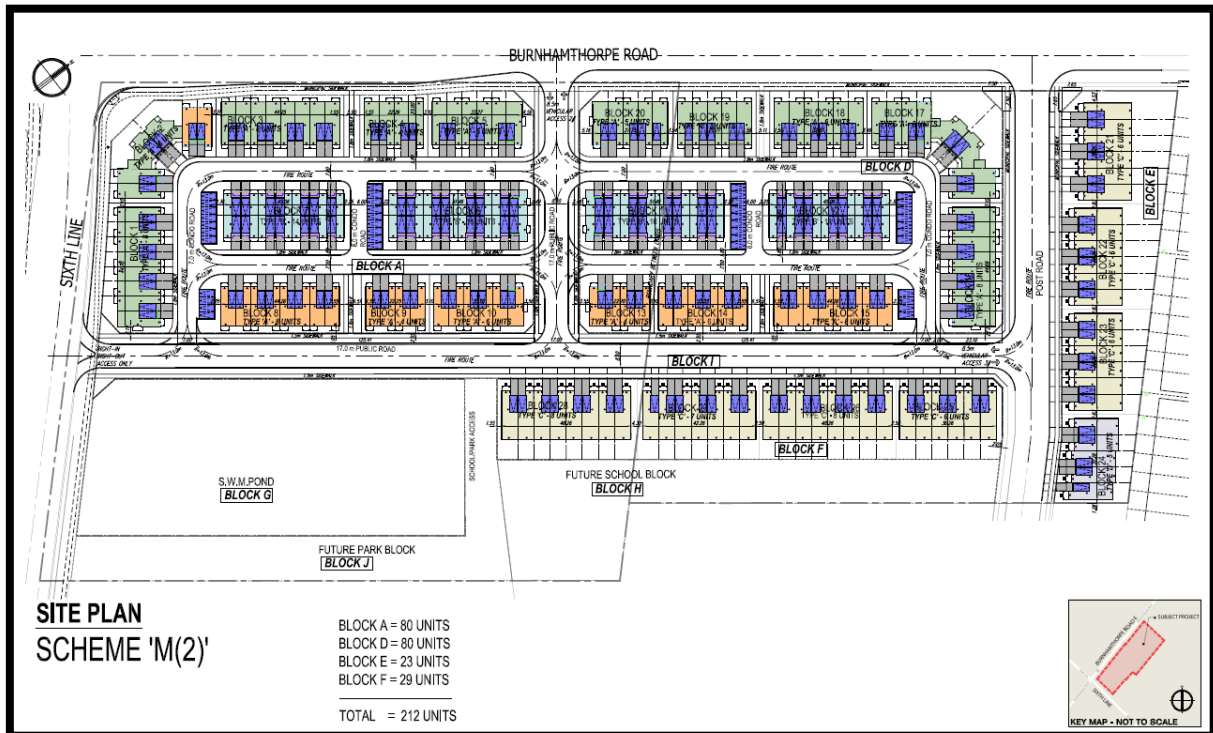


Figure 3 – Proposed Concept

The materials submitted for this application can be found online at <https://www.oakville.ca/business/da-37182.html>

Location & Site Description

The subject lands are located at the southeast corner of Burnhamthorpe Road East and Sixth Line. The subject lands are 6.94ha (17.12 acres) in size with approximately 189m of frontage on Sixth Line and 401m of frontage on Burnhamthorpe Road East. The site is comprised of three lots municipally known as 40, 64 and 86 Burnhamthorpe Road East. Two of the properties contain detached dwellings which will be demolished (Figure 4). The legal description of the lands is Part of Lot 15, Concession 1, N.D.S.

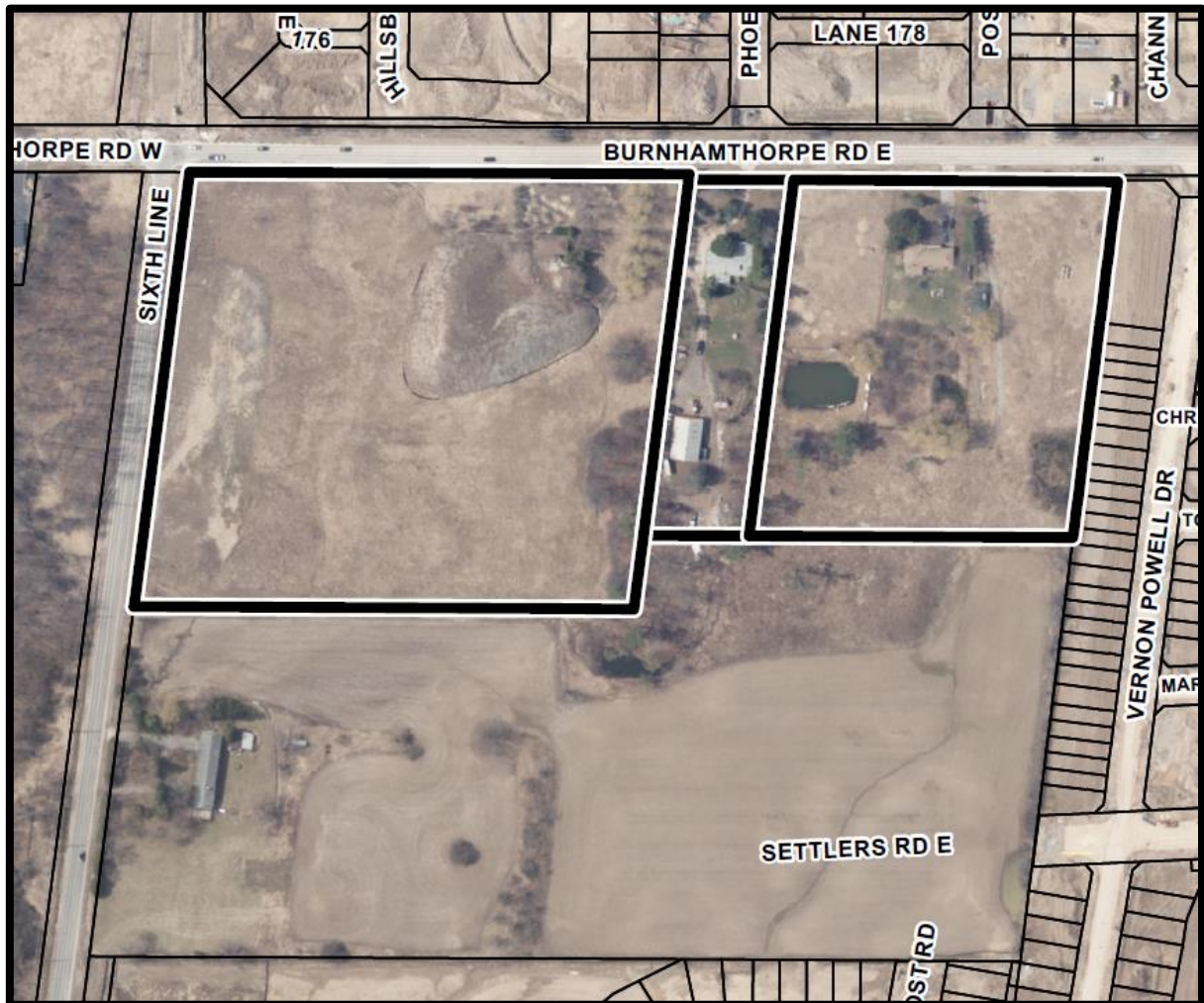


Figure 4 – Aerial Photo

Surrounding Land Uses

The surrounding land uses are as follows:

North – Burnhamthorpe Road East, beyond which are residential uses consisting of two-storey and three-storey townhouse dwelling units, and mixed use buildings.

East – The Petgor Phase 2 Registered Plan of Subdivision (20M-1212) and consists of two-storey townhouses units.

South – The EMGO III draft plan of subdivision (24T-20005/1315), which was Draft Approved on November 28, 2021, and consists of townhouse dwelling units and future school and park lands

West – Sixth Line, beyond which Natural Heritage System is associated with West Morrison Creek and future residential uses not yet approved.

PLANNING POLICY & ANALYSIS:

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

Provincial Policy Statement

The Provincial Policy Statement (2020) ('PPS'), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs. On this basis, the proposed development is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Designated Greenfield Area."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores,

services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options. On this basis, the proposed development is consistent with the Growth Plan.

Halton Region Official Plan

The subject lands are designated as ‘Urban Area’, located within the Greenfield Area, as identified within the ROP. The policies of Urban Area designation support the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. The Urban Area policies also requires *development* in the *Greenfield Area* to contribute to achieving development density targets established by the Plan, contribute to healthy communities, and provide a range and mix of uses to support vibrant neighbourhoods. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The applicant has secured sufficient allocation through the 2020 allocation program to support the proposed development. The Region has no objection to the proposed draft plan of subdivision and rezoning, and has provided appropriate draft plan conditions included in Appendix “A”. On this basis, the proposal conforms to the Regional Official Plan.

North Oakville East Secondary Plan (NOESP)

Urban Structure

The *Livable Oakville* Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town’s strategic goals, and reflect the visions and needs of the community.

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town. The subject lands are identified on *Schedule A1 – Urban Structure* as being within the Town’s “*Residential Areas*”. Residential areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town’s existing urban structure and was approved by Halton Region on April 26, 2018, and deemed to conform to the Growth Plan and is consistent with the PPS.

Land Use Policies

The development of the North Oakville community is premised on a sustainable, design-first philosophy that promotes the protection of the natural environment,

mixed-use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

The land use designation which apply to the subject lands consist of *Neighbourhood Area*, on Figure NOE 2 in the NOESP (Figure 5):



Figure 5 –NOESP

Master Plan – Appendix 7.3

The North Oakville Master Plan, identified in Appendix 7.3 of the NOESP, illustrates the conceptual design and land use categories for the North Oakville East planning area. Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan, including road network alterations may be considered, assuming the general intent and direction of the Master Plan is maintained. Policy 7.7.2.1 b) acknowledges that road alignments are diagrammatic, and an amendment to this Plan will not be required for changes in a road alignment provided that the general intent and purpose of this Plan are maintained.

Additional land use designations are further identified as *Neighbourhood Centre Area* (red), *General Urban* (grey), and *Stormwater Management Facility* (green) as shown in the North Oakville Master Plan (Figure 6).

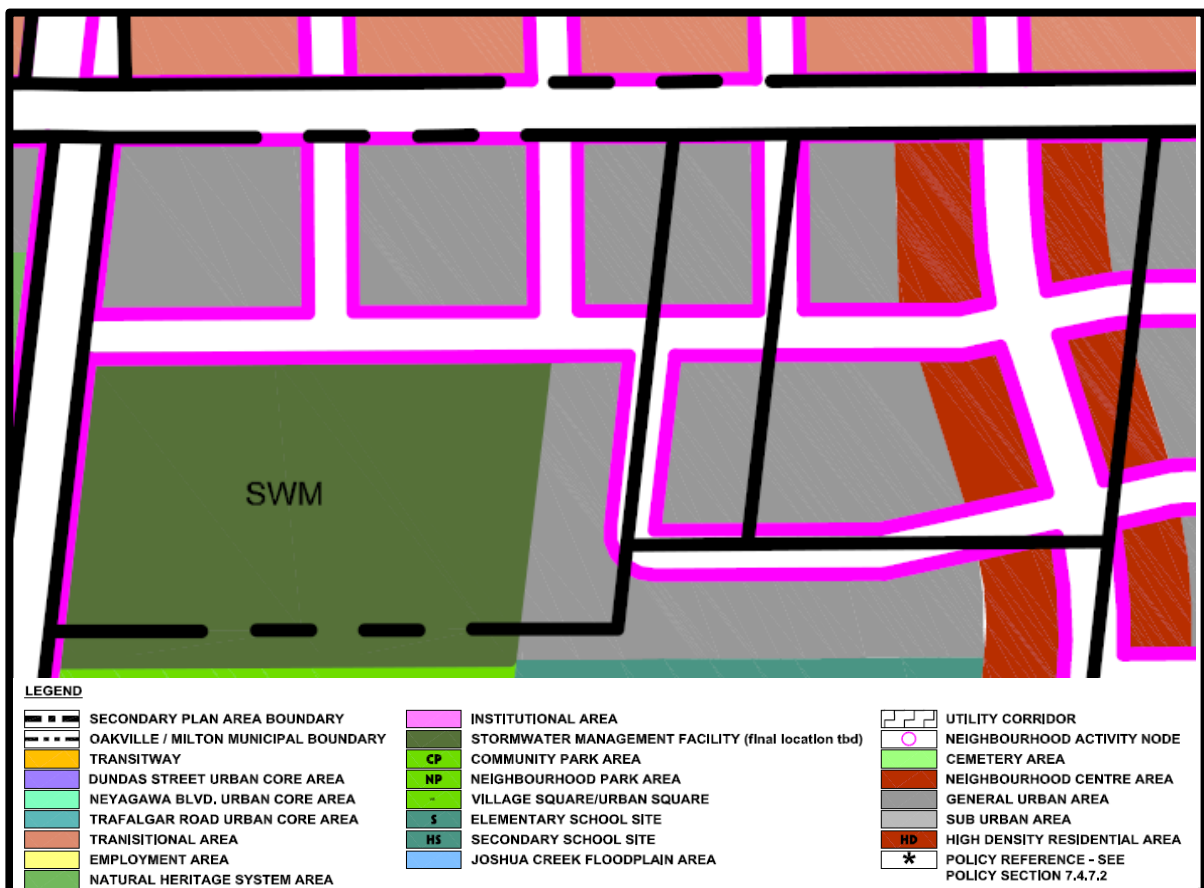


Figure 6 – North Oakville Master Plan Excerpt

While the Secondary Plan does not identify a school or park block for the subject lands, the road network for the developments to the south and east resulted in adjusting the location of the Neighbourhood 9 Park and School. As a result, additional lands from the subject site must be allocated to fulfill the school and park block size requirements, in accordance with the Secondary Plan policies. The applicant has amended the application to provide the required additional lands for the School and Neighbourhood Park Blocks for Neighbourhood 9.

OPA 321

In September 2018, Halton Region approved OPA 321 and was subsequently approved at the LPAT in July 2019, with modifications. The effect of OPA 321 is to implement the policy directions focused on areas of concern to be addressed in the short-term through the North Oakville Secondary Plans Review. As it relates to this proposal, the Neighbourhood Centre Area policies were updated to enhance clarity, provide opportunities to increase the maximum height. Further, the definition for Medium Density Residential Development was updated to remove detached, semi-detached and duplex dwellings as permitted uses.

The application proposes that the site will be developed with townhouse dwelling units, both freehold and condominium tenure. The heights of the proposed townhouse units are anticipated to be two-storey for the freehold units, and three-storey for the condominium units. The proposed density for the entire development is 55.4 units per hectare. The proposed heights and density are consistent with the policies of the NOESP.

The Transit Service concept shown on Figure NOE4 (shown as Figure 7 below) of the North Oakville Secondary Plan, which illustrates a hierarchy of primary, secondary and community level transit service, will be used as a basis for the development of the Transit Plan and the individual transit facilities plans. Sixth Line is defined as a Secondary Transit Corridor Service road and Burnhamthorpe Road and Post Road are Community Service roads on Figure NOE4 of the NOESP, shown in Figure 7 below.

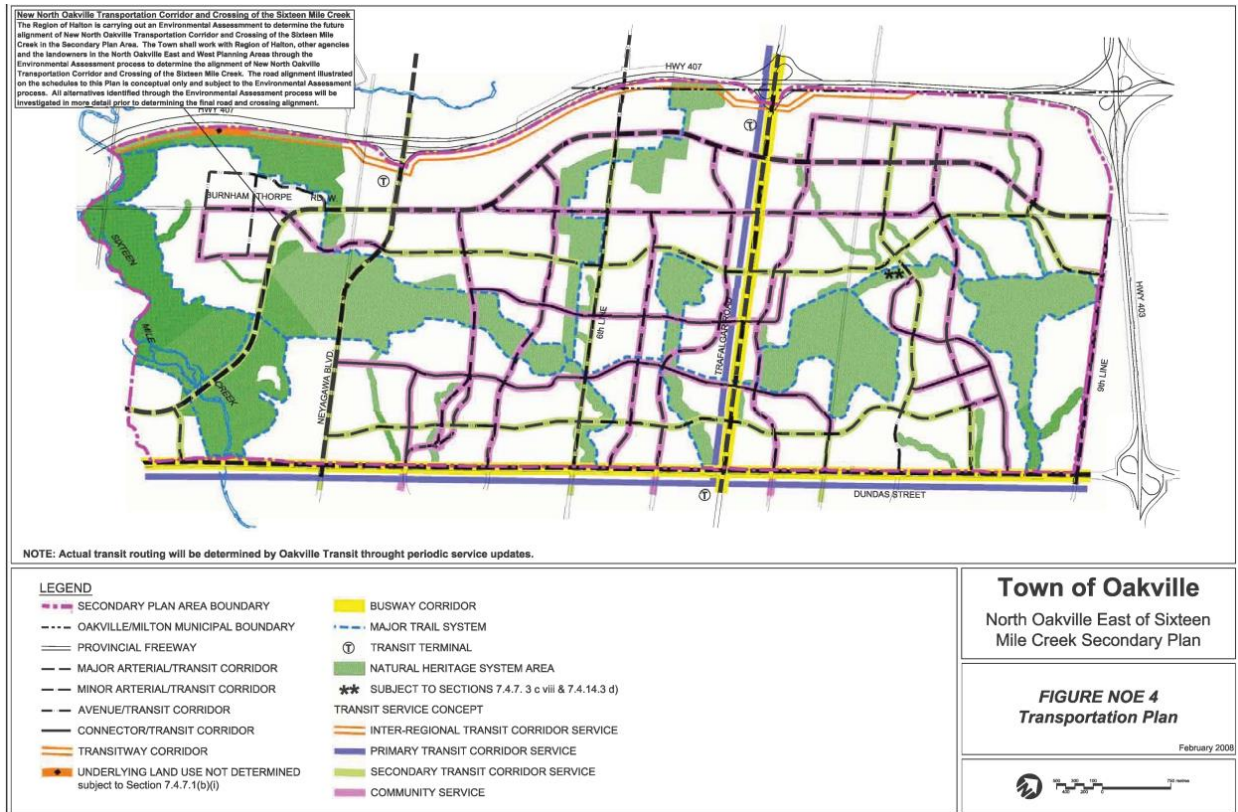


Figure 7 – Figure NOE 4 – Transportation Plan in the NOESP

The proposed density for the development is within the range of density permitted for the site, and would facilitate further transit usage. As development proceeds within the North Oakville Area, transit usage is anticipated to increase and function in accordance with the NOESP and the Transportation Master Plan.

On this basis, it is staff’s opinion that the proposed draft plan of subdivision and zoning by-law amendment conforms to the policies of the North Oakville East Secondary Plan.

Zoning By-law 2009-189

The North Oakville Zoning By-law sets the zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law (By-law 2009-189) on November 23, 2009. The subject property is zoned Future Development (FD) which allows uses that legally existed on the date the parent by-law came into effect. The purpose of the FD zone is to allow for the future zoning of the land to be considered in the context of a new application and the policies within the NOESP.

Proposed Zoning

The applicant proposes to change the zoning from FD (Future Development) to two different GU (General Urban) SP 111 and SP 112, I-103 (School), NC (Neighbourhood Centre) SP 113, P (Park) and SMF (Stormwater Management Facility), more clearly shown in Figure 8 below. The proposed Zoning By-law is included in Appendix B.

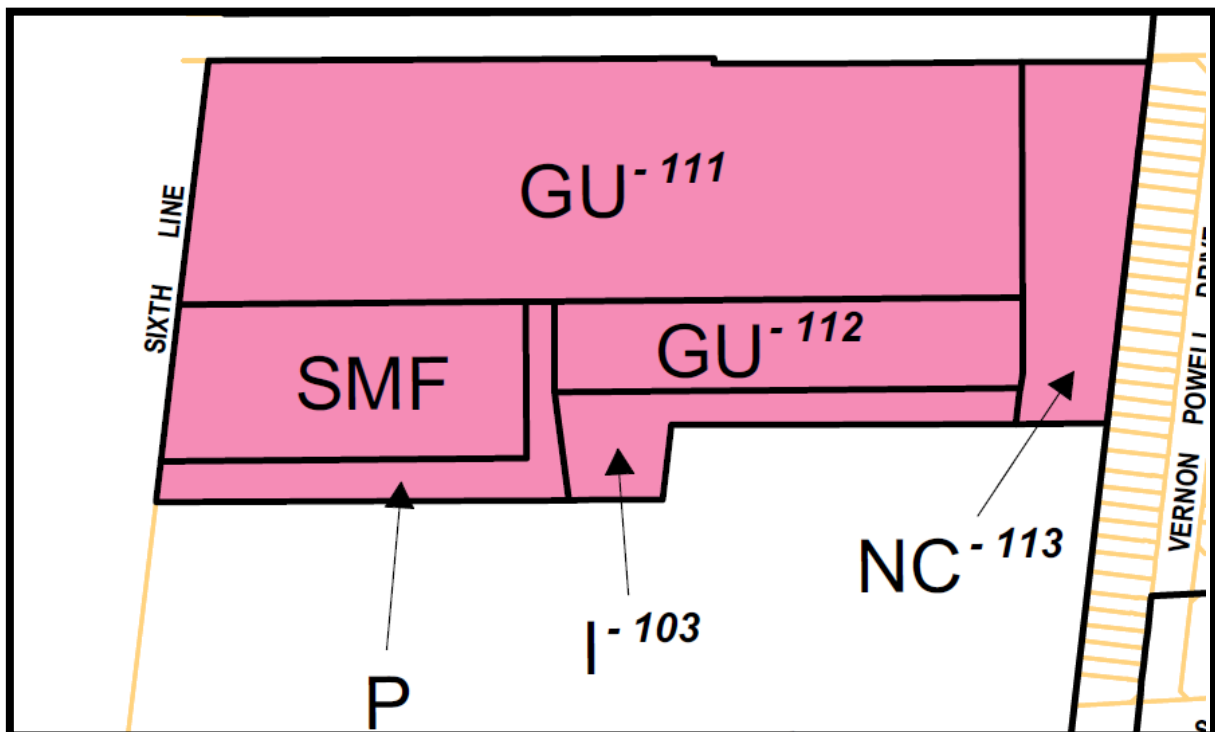


Figure 8 – Proposed Zoning

The special provisions for the proposed development are reflective of the existing development pattern. The applicants proposed zoning for the Park and School block align with the property to the south. Further, the modified GU and NC zones incorporate similar special provisions that are found within the residential developments to the south and east. Table 1 below provides an analysis of the proposed modifications.

Table 1 – Zoning Analysis

Proposed Zone	Special Provision Details	Purpose
NC 113	Permits townhouse units and utilizes existing regulations within the Zoning By-law, which related porch sizes, and bay/box window widths.	To provide for regulations that better coordinate with the abutting land uses and to maintain a cohesive zoning scheme for Neighbourhood 9
GU 111	Permits townhouse units and utilizes existing regulations within the Zoning By-law, which related porch sizes, and bay/box window widths, as well as eliminate maximum driveway depth from a lane way on pie shaped lots.	To provide for regulations that better coordinate with the abutting land uses and to maintain a cohesive zoning scheme for Neighbourhood 9
GU 112	Permits townhouse units and utilizes existing regulations within the Zoning By-law, which related porch sizes, and bay/box window widths	To provide for regulations that better coordinate with the abutting land uses and to maintain a cohesive zoning scheme for Neighbourhood 9
I 103	Permits schools, and to provide daycare uses with a reduced floor space index.	To provide flexibility in the nature of uses occurring within the school block, and to coordinate with the lands to the south
P	Permits parks and open space uses	To align with the park block to the south to create a new Neighbourhood Park.
SWM	Permits Stormwater Management facilities	To provide appropriate zoning for the use.

It is staff’s opinion that maintaining these special provisions noted in Table 1 above for this development will assist in providing a cohesive neighbourhood look and feel across the different developments in Neighbourhood 9.

The applicant’s original application had requested additional provisions related to reduced outdoor amenity space area and elimination of landscaped area for the future condominium blocks, and elimination of the porch landing requirements. In review of the application, it is staff’s opinion that the further modifications requested do not assist in achieving the complete community policy objectives of the North Oakville East Secondary Plan.

The proposed zoning provisions implement the policies of the North Oakville East Secondary Plan and will result in a development that will facilitate the completion of Neighbourhood Park 9.

TECHNICAL & PUBLIC COMMENTS:

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application were undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the town's website (<https://www.oakville.ca/business/da-37182.html>)

- Draft Plan of Subdivision
- Archaeological Assessment
- Density Designation Plan
- Draft Zoning By-law Amendment
- Environmental Implementation Report and Functional Servicing Study
- Environmental Site Screening Questionnaire
- Pedestrian Circulation Plan
- Planning Justification Report
- Tree Canopy Coverage Analysis
- Urban Design Brief
- Transportation Impact Study

A statutory public meeting was held on May 10, 2021, and no members of the public attended. No written submissions from the public have been received. The following is an overview of the matters that were identified:

- Confirmation that the applicant is a member in good standing with the North Oakville Developers Landowners Association and is a party to the Cost Sharing Agreement.
- Consistency with the Provincial Policy Statement 2020 and conformity to the 2020 Growth Plan for the Greater Golden Horseshoe.
- Conformity and coordination of the draft plan of subdivision with the NOESP and Master Plan. The changes to the configuration and alignment of the proposed Settlers Road East and Post Road has impacted the location and size of the required Neighbourhood Park and Elementary School Blocks. The applicant would be required to coordinate their proposal with the future development of the lands to the south.
- A suitable outlet location for the stormwater management pond is required.

-
- Appropriateness and functionality of the intensity of development on the proposed private roads.
 - Conformity with all applicable urban design policies, on matters such as built form, transitions and compatibility with adjacent properties, interface with public realms and vehicular access.
 - Evaluation of on-street and visitor parking opportunities.
 - Environmental Implementation Report/Functional Servicing Study needs to be updated prior to providing draft plan conditions.
 - Timing of development relative to the Sixth Line and Burnhamthorpe Road upgrades.

In addition to the matters for consideration raised by staff, at the Statutory Public Meeting of May 10, 2021, members of the Planning & Development Council approved a resolution that identified the following matters:

- Confirm the timing of Sixth Line and Burnhamthorpe Road construction and timing of parkland delivery;
- identify the timing of school construction in the area, and identify how new development will affect school capacity;
- identify if the use of private condominium roads in this development is appropriate, along with pedestrian facilities and measuring parking options for private versus public streets; and
- evaluate if a holding provision is appropriate to allow the timing of development to be coordinated with the construction of adjacent transportation infrastructure.

Resolution of Issues:

North Oakville East Developers Group

Parkland dedication requirements shall be in accordance with Section 7.7.4.5 of the North Oakville East Secondary Plan and the North Oakville East Secondary Plan Master Parkland Agreement.

In accordance with Section 7.9.4 of the North Oakville Secondary Plan, documentation was submitted with the application from the Trustee for the North Oakville East Developers Group Cost Sharing Agreement and North Oakville East Master Parkland Agreement confirming that Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, and TWKD Developments Inc. is a party in good standing under both agreements.

Consistency with the PPS and Conformity with the Growth Plan, Regional Official Plan, and North Oakville East Secondary Plan

The proposed development is an extension of the draft approved plans to the east and south and the uses are contemplated by the NOESP. It is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan, and the NOESP.

Conformity and Coordination with the Master Plan and Park Land delivery

As discussed earlier in this report, minor changes to the road alignment of Settlers Road and Post Road required the landowners of the subject site, and lands to the south to coordinate in a manner that would accommodate an adequately sized Park and School block within Neighbourhood 9. The applicant for the subject lands has revised the plan accordingly to reflect the alignment of the blocks to the south to correspond with the proposed park block on the subject lands as shown in Figure 9 below.

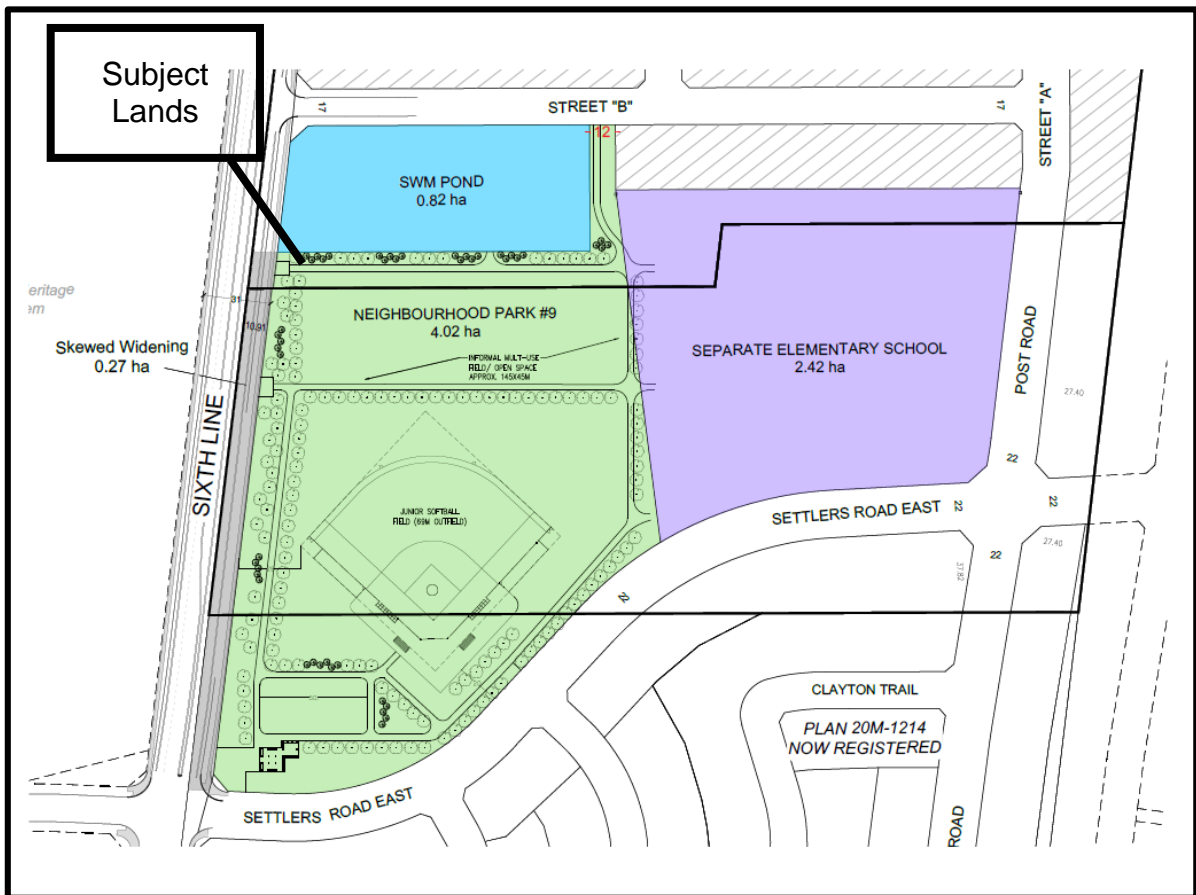


Figure 9 – Proposed Park and School Block sizes (Park concept subject to change)

The North Oakville East Parks Facilities Distribution Plan (November 2009) is a document that is to be used as a guide for the location, configuration, design and development of the parks system for the North Oakville East Secondary Plan, (NOESP). The North Oakville East Parks Facilities Distribution Plan contemplates ten neighbourhood parks, two community parks and 30 village/urban squares based on a population target between 45,000 and 55,000 people.

Consistent with the NOESP Master Parkland Agreement, developers shall provide a total of 64.5 hectares of parkland and these parkland obligations were formalized through the Master Parkland Agreement and is part of the OMB settlement for the NOESP in 2008. The North Oakville East Secondary Plan contemplates a total of ten Neighbourhood Parks. The proposed park is within Neighbourhood 9, and is of a size consistent with Policy 7.6.12.3 b), which requires an area range from 4.0ha to 4.5ha.

As mentioned above, the park block is shared over three different developments. The subject lands (known as Crosstrail/TWKD) and lands to the south (known as EMGO III and EMGO North Oakville I, Phase 2) are owned by the same developer. Between these three developments, three portions of the park will be consolidated to create the entirety of the Neighbourhood 9 Park. The construction of the park is anticipated to be undertaken by the owners of EMGO III and EMGO North Oakville I, Phase 2 as the majority landowner in this case.

Suitable Outlet – Upper West Morrison EIR/FSS and Environmental Implementation Report/Functional Servicing Study

The entirety of the site is within the Upper West Morrison Creek (UWMC) watershed. This area has been studied and the EIR/FSS document has been approved, subject to further minor modifications, such as an updated interim conditions memo required by various land owners within the watershed area, as each development proceeds. Pond 17A within the UWMC catchment area will be constructed on the subject lands.

The applicant has provided revised technical materials to address the outstanding matters related to the development of Pond 17A, and further appropriate draft plan conditions and subdivision agreement conditions have been included in Appendix “A” of this report and are related to the finalization and implementation of the EIR/FSS. On this basis, staff are satisfied that the EIR/FSS as it relates to the subject lands has been adequately addressed through the inclusion of draft plan conditions in Appendix “A” and staff support the issuance of draft plan approval at this time.

Appropriateness and functionality of the intensity of development on the proposed private roads & conformity with Urban Design policies; and Identify if the use of private condominium roads in this development is appropriate, along with pedestrian facilities and measuring parking options for private versus public streets

The applicant has made revisions to the proposal to accommodate the additional lands required for the Park and School blocks. This resulted in a decrease in units and modifications to the future condominium blocks and private road configuration. The applicant’s revisions have also resulted in fewer private roads from the original application to support a more efficient use of land and resources. The use of private roads provides greater densities than would otherwise be accommodated on public roads. It is staff’s opinion that the range of housing types within the future condominium block provides opportunities to optimize infrastructure and increase density in relation to future improved Sixth Line, and the Burnhamthorpe Road character features, which includes wide boulevards, on-street parking, and bike

lanes. To further ensure the proposed density will be accommodated on the proposed private road configuration, townhouses are the only permitted use as provided in the GU SP 111 zone for the future condominium block, whereas the GU Zone permits also detached and semi-detached dwellings. On this basis, it is staff's opinion that the use and orientation of private roads in this development is appropriate, and parking opportunities will be further evaluated through the engineering review, and subsequent site plan application. Further information on parking opportunities is provided below.

In addition, the applicant also prepared a revised Urban Design Brief which will direct the development on matters such as built form, transitions and compatibility with adjacent properties, as well as the interface with the public realm and vehicular access. The Urban Design Brief has been evaluated and approved by staff, and appropriate draft plan conditions have been included in Appendix "A" to ensure the development proceeds in accordance with the design document.

Evaluation of on-street and visitor parking opportunities

The applicant has provided a parking plan that demonstrates the potential on-street parking locations together with the driveway and garage parking for each lot. The plan is provided as Figure 10 below and shows approximately 49 on-street parking spaces identified as the orange blocks, together with 40 visitor parking spaces for the future condominium blocks, identified as the grey blocks, and two parking spaces per dwelling unit. Further, the required visitor parking spaces complies with the Zoning regulations for the future condominium block, and will be further secured through the site plan and condominium applications.

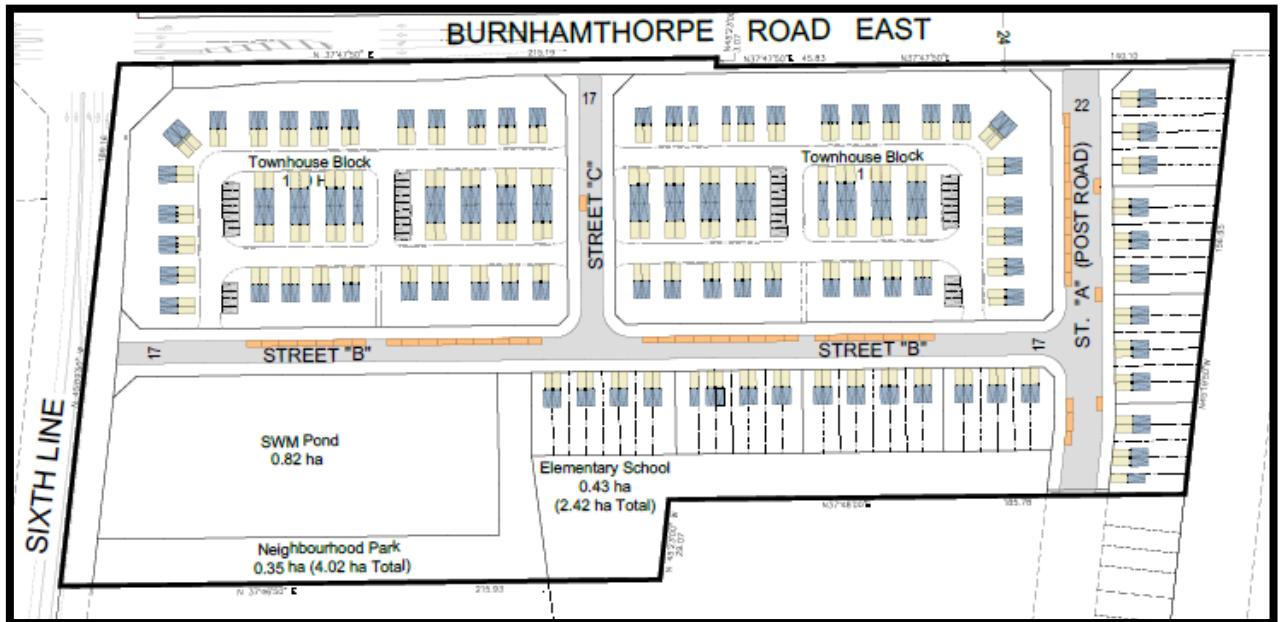


Figure 10 – Potential Parking Plan

Both Sixth Line and Burnhamthorpe Road are intended to be upgraded and urbanized. Environmental Assessments for both rights-of-way have been completed and the projects are at various stages of design. A road widening conveyance for both the Sixth Line and Burnhamthorpe Road East rights-of-way is required from the subject lands in order to proceed with the upgrades, and have been identified on the draft plan of subdivision as Blocks 14 and 15.

Timing of development relative to the Sixth Line and Burnhamthorpe Road upgrades

The Sixth Line improvements remain ongoing, and the town is near completion for the design work. The reconstruction phase is tentatively scheduled for Fall 2022. The landowner is required to convey lands for road widening purposes on Sixth Line, noted as Blocks 14 and 15 of the draft plan. As the Sixth Line Upgrades are anticipated to begin prior to the draft plan of subdivision being registered, staff have contemplated opportunities to support the progression of the Sixth Line works in the interim. Through the approval of the EMGO III subdivision, Council passed a resolution which included:

“That staff be authorized to enter into construction access agreements or easements with this owner and any other owners within the Sixth Line corridor which are necessary to complete the Sixth Line Road Widening project in respect of the future road widening lands not yet conveyed to the Town, or acquire such road widening lands prior to subdivision registration,

provided such agreements, easements or transfers are at a nominal cost to the Town and on terms satisfactory to the Town Solicitor.”

This resolution will allow staff to engage the landowner for the required road widening in advance of registration of the subdivision and assist in the delivery of the Sixth Line upgrades in a timely manner.

In July of 2021, the Region of Halton conveyed Burnhamthorpe Road East, east of Sixth Line to the Town. The town had previously carried out a Character Study and Environmental Assessment for Burnhamthorpe Road. The applicant is required to convey lands for the widening of Burnhamthorpe Road, consistent with the Character Study and EA.

Identify the timing of school construction in the area, and detail how new development will affect school capacity

The school block is to be conveyed to the Halton Catholic District School Board, and is anticipated to be online for the 2024/2025 school year to support the needs of the North Oakville residents. The Board has identified that discussions are on-going with both the owners of the subject lands and landowners to the south for the conveyance of the entire Block. The Board will be required to submit a site plan application to the town for the development of the school.

The delivery of new schools is dependent on funding from the provincial government and the intended timeframes are provided as a best estimate from the Board.

Evaluate if a holding provision is appropriate to allow the timing of development to be coordinated with the construction of transportation facilities adjacent.

As noted above, Council passed a resolution that supports entering into agreements with land owners regarding the Sixth Line works. On this basis, it is staff's opinion that a holding provision is not appropriate nor necessary to facilitate the completion of the Sixth Line upgrades in a timely manner. The developers along Sixth Line meet regularly with staff and some have begun discussions to enter into the requisite agreements in advance of registration of these subdivisions. The progress of Sixth Line is well coordinated with the developers and construction is anticipated to begin in Fall 2022.

CONSIDERATIONS:

(A) PUBLIC

A Public meeting was held on May 10, 2021. No written correspondence from the public has been received at the time of the writing of this report.

(B) FINANCIAL

Development Charges would apply to this development. Parkland dedication is applicable and may be satisfied following confirmation that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. Draft plan conditions have been provided as Appendix A to this report.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed subdivision provides opportunities for various mobility options including cycling, transit usage, and sidewalks which, may limit motor vehicle usage to and from neighbourhood amenities and employment beyond the surrounding area. Further opportunities to improve or mitigate the effects of climate change remain with the developer, and cannot be enforced by the municipality at this time.

CONCLUSION:

Staff recommends approval of draft plan of subdivision and zoning by-law amendment which would have the effect of creating 212 new residential lots for townhouse dwellings, a partial Park and School block, a new stormwater management facility, the extension of Post Road and the creation of two new public roads. The lot configuration is appropriate and compatible with the adjacent land

uses and in keeping with the intent of the land use policies of the North Oakville East Secondary Plan.

The proposal is a complementary extension of the surrounding development in the area and facilitates the creation of complete communities.

The subject subdivision was reviewed in relation to Section 51(24) of the *Planning Act* and has been deemed to satisfy the requirements of this section.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application is consistent with the principles and overall policy direction of the North Oakville East Secondary Plan. On this basis, staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix “A” as the following requirements have been satisfied:

- The proposed development does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan.
- The proposed development would assist in achieving healthy, liveable and safe community objectives of the PPS and is consistent with the policies of the PPS.
- The proposed draft plan of subdivision and zoning by-law amendment facilitates the logical extension of the abutting registered plans of subdivision to the east, and the draft approved plan of subdivision to the south.
- The Park and School blocks have been adequately sized to meet the objectives of the North Oakville East Secondary Plan and the Parks Master Plan, and can accommodate the required facilities.
- The development provides sufficient parking on each lot, as well as provide opportunities for up to 42 additional parking spaces within the right-of-way.
- Comments from Council have been appropriately addressed.

By-law 2022-029 is attached as Appendix “B”.

APPENDICES:

Appendix “A” – Draft Plan of Subdivision and Subdivision Agreement Conditions

Appendix “B” – By-law 2022-029

Appendix “C” – Draft Plan

Appendix “D” – Applicable Policies

Prepared by:

Kate Cockburn, MCIP, RPP

Senior Planner, Current Planning

Recommended by:

Leigh Musson, MCIP, RPP

Manager, Current Planning

Submitted by:

Gabe Charles, MCIP, RPP

Director of Planning

APPENDIX A

CONDITIONS OF DRAFT PLAN APPROVAL

**Town File No.'s: 24T-21001/1315
Draft Plan Dated
on February 4, 2022**

**TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL AND
FOR THE REGISTRATION OF THE DRAFT PLAN OF SUBDIVISION BY
CROSSTRAIL ESTATES INC., TRAFALGAR ROAD (OAKVILLE) DEVELOPMENTS
LIMITED, & TWKD DEVELOPMENTS INC.**

This approval applies to the draft plan of subdivision (24T-21001/1315) prepared by J.D. Barnes Ltd. dated February 4, 2022 illustrating 16 blocks. The conditions applying to the approval of the final plan for registration are as follows:

	CONDITIONS TO BE MET PRIOR TO PRE-GRADING OR PRE--SERVICING	<i>CLEARANCE AGENCY</i>
1.	Prior to pre-grading the Owner shall ensure that a sediment and erosion control pond and the associated grading and drainage works are completed and/or completed on external lands in general accordance with the EIR/FSS drainage strategy. Alternatively, the Owner will undertake additional analysis of interim conditions to consider all external drainage areas through the subject site to support the diversion of drainage to a temporary location not contemplated by the EIR/FSS to the satisfaction of the Town of Oakville and Conservation Halton prior to site alteration.	OAK (TE) CH
2.	That the Owner shall enter into any agreements with the Town of Oakville and/or the Region of Halton to permit Town and Region of Halton staff to enter Block 15 (Road Widening) for the purposes of undertaking right-of-way alterations on Sixth Line in advance of conveying lands for road widening purposes.	OAK (TE)
3.	That the Owner shall carry out a heritage resource assessment (archaeological survey) of the subject property and, if recommended, mitigate/salvage/excavate any significant resources to the satisfaction of the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport. No grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport, being submitted to the Town of Oakville and the Regional Municipality of Halton.	MTCS RMH (LPS)
4.	That the Owner shall have an Environmental Audit undertaken by a qualified professional engineer to ensure that the land is suitable for the proposed use. If in the opinion of the professional engineer, the Environmental Audit indicates the land may not be suitable for the proposed uses, the engineer must so advise the Town of Oakville and Regional Municipality of Halton. The Owner undertakes to do further investigative studies and to do all work required to make the lands suitable for the proposed use and any land to be conveyed to the Town including roads, stormwater management facilities, parks and the natural heritage system.	OAK (TE) RMH (LPS)
5.	That the Owner shall conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with Ministry of Environment Guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
6.	The Owner updates the SWM Pond Verification Memo in accordance with all EIR/FSS Addendum comments prior to earthworks clearance to the satisfaction of the Town of Oakville and Conservation Halton.	OAK (TE) CH
7.	That the Owner prepares and implements a Tree Preservation Plan , as per Conservation Halton's Landscaping and Tree Preservation Plan Guidelines to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
8.	That the Owner submits grading plans for all blocks that back onto the stormwater management block (Block 13) to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH

9.	That the Owner prepares and implements a report outlining erosion and siltation controls measures required prior to and during the construction of the subdivision to the satisfaction of Conservation Halton and the Town of Oakville. A separate sediment and erosion control plan will be required for the following three phases of construction: a) earthworks, b) servicing, c) home construction.	OAK (TE) CH
10.	That the Owner erects a suitable temporary barrier to work fence prior to and during construction or regrading along the rear of blocks adjacent to the stormwater management block (Block 13).	OAK (TE) CH
11.	That the Owner submits the required monitoring plans and completes baseline monitoring in accordance with the approved Environmental Implementation Report and Functional Servicing Study Addendum – Upper West Morrison Creek Subcatchment UWM1 to the satisfaction of Conservation Halton and the Town of Oakville prior to any site alteration.	OAK (TE) CH
12.	That the Owner provide written permission from the adjacent landowners which demonstrates acceptance that the construction, grading and placement of fill, location of temporary cut off swales and erosion and sediment control pond may result in potential flooding on these abutting lands. If no works are proposed on adjacent properties and there are no negative impacts on the adjacent properties then no permission is required prior to site alteration.	OAK (TE) CH
13.	That the Owner provide a phasing plan and necessary supporting documentation/analysis that considers interim conditions and impacts to the Natural Heritage System (NHS) and downstream municipal infrastructure to the satisfaction of the Town of Oakville and Conservation Halton prior to pre-grading.	OAK (TE) CH
14.	That the Owner shall not install any municipal services on the site until the Owner has entered into a Preservicing Agreement or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK (TE)
15.	The Owner and/or their engineering consultants, shall arrange and hold a pre-construction meeting with the Transportation and Engineering Department and the contractor to review and discuss mitigation measures for all construction related impacts, including mud tracking, dust suppression, truck routes and contractor/trades parking, material storage, stockpile location, working hours, noise mitigation, etc, prior to the commencement of topsoil stripping and earthworks. Prior to the Earthworks Pre-construction Meeting, a Site Alteration Permit from the Town must be secured by the Owner and perimeter erosion and sediment control measures must be installed. A second pre-construction meeting is also required prior to the commencement of any servicing works. Prior to the Servicing Pre-construction Meeting, a complete set of approved Engineering Plans is required, including the Traffic Management Plan and Composite Utility Plan.	OAK(TE)(PS)
16.	That owner submit a functional design plan for the urbanization of Burnhamthorpe Road that should be based on upon the cross-section provided as part of the approved Burnhamthorpe Road Character Study and Environmental Assessment to the satisfaction of Development Services Department. The owner agrees to be financially responsible for such improvements, to which will be outlined as part of the subdivision agreement with the Town	OAK (TE)
CONDITIONS TO BE MET PRIOR TO MARKETING AND SALES		
17.	That the Owner finalize and submit for approval a revised Urban Design Brief .	OAK (PS)
18.	The Owner shall submit elevation drawings (all facades), typical floor plans (all levels) and typical lotting plans for all models on lots not subject to Site Plan Approval to Planning Services Urban Design staff for review and approval. Upon acceptance, these drawings shall be added as an Appendix to the Urban Design Brief. The Owner agrees that compliance with this condition is required prior to the Owner marketing or selling any such units.	OAK (PS)

<p>19.</p>	<p>That the Owner shall select a control architect who shall ensure all development which is exempt from Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief. The Owner shall submit a letter to the Town from the selected control architect acknowledging the following:</p> <ul style="list-style-type: none"> i. a control architect has been retained for this subdivision and does not have any perceived or real pecuniary interests or conflicts with performing the required duties; ii. the control architect acknowledges the final Urban Design Brief prepared for this subdivision and agrees to implement the same; iii. the control architect is responsible for ensuring the Town-approved models, as appended to the Urban Design Brief, will be sited in accordance with the Urban Design Brief direction; iv. the control architect will ensure that any sold units meet the design direction and criteria of the Town-approved Urban Design Brief, prior to submitting for building permit review; and, v. the control architect will discuss with Town staff any identified issues vi. the control architect will submit stamped/signed drawings with the building permit application in accordance with the foregoing. 	<p>OAK (PS)</p>
<p>CONDITIONS TO BE MET PRIOR TO INITIATING SALES PROGRAMME</p> <p>NEIGHBOURHOOD INFORMATION MAPPING</p>		
<p>20.</p>	<p>The developer shall prepare a preliminary neighbourhood information map for the subdivision, to the satisfaction of the Town’s Director of Planning Services. The Map is to be posted in a prominent location in each sales office from where homes in the subdivision are being sold <u>and included within the individual purchase and sale agreements</u>. The Map shall include the location and type of parks, open space / valleyland and walkways, a general description of their proposed facilities as well as the following information:</p> <ul style="list-style-type: none"> a) All approved street names, b) The proposed land uses within the subdivision based on the draft approved plan, c) The immediately surrounding existing and proposed land uses and potential building heights, d) For any DUC/TUC or mixed use blocks include the min/max heights permitted within the Zoning By-law including any development file numbers if applications for these blocks are under review, e) Where applicable, a statement indicating that place of worship and school sites may be used for residential uses if they are not acquired for their original purpose within the time period specified in the subdivision agreement, f) Those lots or blocks that have existing and potential environmental noise constraints based on the noise feasibility study. Include all relevant warning clauses on the map, g) The approximate locations of noise attenuation walls and berms, h) The approximate locations and types of other fencing within the subdivision, i) Where parks and open space, stormwater management facilities and walkway / vista blocks / servicing blocks are located, j) The types and locations of village squares, parks, valley lands and other open space (i.e. passive or active) and a general description of their proposed facilities and anticipated level of maintenance, k) The locations of all anticipated Canada Post Community Mailboxes, 	<p>OAK (PS)</p>

	<p>l) The anticipated Transit routes through the subdivision,</p> <p>m) The following standard notes:</p> <ol style="list-style-type: none"> 1. “This map, and the following list, is intended to provide potential home buyers with general information about the neighbourhood and the surrounding area. If you have specific questions, you are encouraged to call the Town’s Planning Department during normal business hours which are 8:30 am to 4:30 pm, Monday to Friday.” 2. “Please Note: this map is based on information available on _____ (month/year) and may be revised without notice to purchasers.” 3. “The map shows that there will be several types of proposed and potential housing and building heights in the subdivision.” 4. “Sites shown on the map for future schools, townhouses, parks, shopping etc. could have driveways anywhere along their street frontage.” 5. “Some streets in this subdivision will be extended in the future and temporary access roads may be closed.” 6. “There may be catch basins or utilities easements located on some lots in this subdivision.” 7. “Some lots and blocks will be affected by noise from adjacent roads, and warnings will apply to purchasers.” 8. “Some dwelling units are in proximity to commercial, institutional and/or school uses from which activities may at times be audible. The map shows that some of the lots affected by noise will be fitted with noise barriers and some of the homes will be provided with central air conditioning to allow bedroom windows to be closed if necessary due to the noise.” 9. “Neighbourhood Park Block(s) _____ will be developed as an active park(s) and may contain play equipment, walkways, lighting, landscaping and passive use free-play areas. Residents close to Block(s) _____ may be disturbed by noise and lighting from the park. For detailed information pertaining to park or open space issues, please call the Town’s Parks & Open Space Department 905.845.6601 ” 10. “Natural Heritage System, valleys, woodlots and stormwater management ponds in this subdivision will be left in a natural condition with minimal maintenance and no grass cutting, only periodic removal of debris. Residents adjacent to these blocks are requested to limit the use of pesticides and fertilizers to reduce adverse effects on the NHS.” 11. “Community mailboxes will be directly beside some lots.” 12. “Purchasers are advised that the final location of walkways in Blocks _____ may change without notice.” 13. “School sites in this subdivision may eventually be converted to residential uses.” 14. “Most streets contain on-street parking, and may be available for overnight parking, subject to parking permits.” 15. “The completion of some dwellings in this subdivision may be delayed until after the completion of exterior finishes on the adjacent buildings.” 	
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	<p>16. “There may be Transit bus routes on some streets within this subdivision with stops beside some homes. Oakville Transit reserves the right to introduce transit services and facilities such as bus stops, shelters, pads and associated amenities on any municipal rights-of-way to provide effective service coverage.”</p> <p>17. “Boulevard trees will be planted according to Town standards and a tree will not necessarily be located in front of every home. Purchasers are further advised that home builders are not permitted to charge a purchaser separately for the cost of trees, sodding, fencing and paving of the driveway apron. The Town will not reimburse purchasers, nor assist in any recovery of moneys paid, under any circumstance.”</p> <p>18. “The design of features on public lands may change. Builders' sales brochures may depict these features, however, the Town has no control over builders' sales brochures.”</p> <p>19. “Gates are not permitted in fences when lots abut the Natural Heritage System, a trail, valleyland, active park, woodlot or stormwater management pond.”</p> <p>20. “The Town's Zoning By-law regulates the width of driveways. Please do not have your driveway widened before inquiring about the permitted driveway width for your lot.”</p> <p>21. “This community is subject to Architectural Control. Models available for sale have to be pre-approved by the Control Architect and certain models may not be available for some of the lots. Check with your builder regarding the particular situation for the model and lot you intend to purchase.”</p> <p>22. “Halton Region is responsible for household garbage, recycling and green bin collection. For further information, please call 311 or visit Halton.ca”</p> <p>23. “For further general information on proposed and existing land use, please call the Town’s Planning Department 905.845.6601.”</p> <p>24. “For detailed grading and berming information, please call the Town’s Development Services Department 905.845.6601”</p> <p>The developer shall ensure that each builder selling homes within the subdivision:</p> <p>a) provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement.</p>	
CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL / REGISTRATION		
21.	That the Owner shall revise/update the Upper West Morrison Creek Environmental Impact Report / Functional Servicing Study (EIR/FSS) to reflect all comments from the Town, Conservation Halton and Regional Municipality of Halton and agree to implement all final recommendations contained within the approved EIR / FSS including any addendums (inclusive of all transportation infrastructure - roads, transit, pedestrian trails and cycling) to the satisfaction of the Town and Conservation Halton. The final EIR/FSS shall be provided to the satisfaction of the Town of Oakville and Conservation Halton prior to registration.	OAK (PS)(TE) CH RMH (LPS)
22.	That the Owner prepares and submits a Stormwater Management Report and Stormwater Management Plan in accordance with the approved Upper West Morrison Creek (UWM1) EIR/FSS Addendum to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
23.	That the Owner designs, constructs, stabilizes, and has in operation all stormwater management facilities and stormwater outfalls, or appropriate	OAK (TE, POS)

	alternative measures, in accordance with Town-approved engineering drawings, approved Stormwater Management Plan, MECP Environmental Compliance Approval (ECA), and Conservation Halton permits to the satisfaction of the Town of Oakville and Conservation Halton. The Owner agrees to plant all vegetation (which is not required for stabilization) within 12 months of draft plan registration as per the approved landscape drawings.	CH
24.	The Owner will design and construct SWM Pond 17A in accordance with the most current Town-approved stormwater strategy.	OAK (TE) CH
25.	That the Owner shall provide confirmation to the satisfaction of the Town’s Finance Department that all outstanding property taxes and outstanding debts have been paid prior to plan registration.	OAK (F)
26.	That the Owner shall provide the Town with a letter from the Trustee confirming that the Owner is in compliance with the Cost Sharing Agreement and s.4.7 of the North Oakville East Master Parkland Agreement prior to the release for registration of each phase of the plan of subdivision.	OAK (PS)
27.	That the Owner enter into a standard form subdivision agreement to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, homeowner warning clauses, urbanization of Burnhamthorpe Road, etc.	OAK(PS) (TE)
28.	That the Owner shall provide a certificate signed by the surveyor and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.	OAK (TE)
29.	The Owner shall distribute in a manner satisfactory to the Town a communication strategy and information package to be available in the sales office and to be provided to all prospective purchasers. The homeowners’ information booklet shall be supplied by the Town and entirely financed by the Owner.	OAK (TE)
30.	That the Owner agrees that a temporary turnaround located at the southerly end of Street ‘A’, is required until such time that these streets are continued when the adjacent lands to the south are developed. This will require Block 6 to be frozen from development unless other suitable arrangements are made with the Director of Development Services.	OAK (TE)
31.	That the Owner shall dedicate all lands to be conveyed to the Town, Regional Municipality of Halton or other authority free of charge and with clear title (free and clear of encumbrances) and any necessary easements, including but not limited to Blocks 12-16. A Certificate of Title shall be provided, in a form satisfactory to the Town, Region or other authority.	OAK (PS, TE) RMH (LPS)
32.	That the Owner agrees to phase the development of the subject lands to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
33.	That the Owner shall provide a construction phasing and sequencing plan to the satisfaction of the Town (and Region where applicable) for the purpose of ensuring an appropriate sequence of development from initial construction to assumption and which reflects all applicable studies including the EIR/FSS and Transit Facilities Plan. The Phasing Plan should identify how transit service will operate within the plan, including provisions for safe pedestrian access to designated bus stop locations, such that: <ul style="list-style-type: none"> • a contiguous transit service area will be maintained that does not result in lengthy transit routes or "leapfrogging" • interim and/or permanent transit streets are to be built first • the Owner is encouraged to construct housing on transit streets first, where practicable • roadways to be upgraded where required to accommodate transit vehicles during initial or interim phases • permanent or temporary pedestrian facilities to be constructed early and maintained during development for access and routing to bus stop locations. 	OAK (TE)(T)

	Where mutually agreed upon between the Owner and the Town, a contribution may be made by the Owner to the Town's early implementation initiative relating to Transit service delivery.	
34.	That the Owner prepares and agrees to implement, at no cost to the Town of Oakville, a landscape restoration and enhancement plan for the stormwater management facility to the satisfaction of the Town of Oakville and Conservation Halton in accordance with the Town of Oakville’s Stormwater Management Landscaping Standards and Conservation Halton Landscaping Guidelines. The Owner shall be entirely responsible for the implementation of these features including all financial costs.	OAK (TE) CH
35.	That the owner prepare and agree to implement the following studies to the satisfaction of the Town (and the Regional Municipality of Halton where applicable): <ul style="list-style-type: none"> • Traffic Impact Study including any required updates • Traffic and Parking Management Plan • Transit Facilities Plan • Street Signage and Pavement Marking Plan • Functional Design Study • Composite Utility Plan • Noise Impact Study • Erosion, Sediment, Dust Mitigation Plan • Community Communication Plan 	OAK (TE)(T) RMH(LPS)
36.	That the Owner shall provide digital discs of the registered plan of subdivision with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, and approved wetland delineation/stable top of bank delineation/flood plain/meander belt to Conservation Halton, prior to registration of the plan.	OAK (TE) RMH (LPS) CH
37.	That the Owner pays any outstanding review fees to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule, if time has lapsed since the initial application.	CH
38.	That the Owner submits the final clearance fee to Conservation Halton, pursuant to the Memorandum of Understanding, immediately prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee.	CH
39.	That the Owner shall install information signs , at a size and location to the satisfaction of Parks and Open Space Department, on all commercial, Natural Heritage and park blocks clearly advising of the future use and function of these blocks and the facilities / amenities to be constructed within the Natural Heritage System or park block prior to registration. The Owner agrees to install signs on all frontages of the Natural Heritage or park blocks at locations to be determined by the Town. The Owners is to maintain these signs in good, readable condition until such time as the land is developed.	OAK (POS) (TE)
40.	That the Owner shall provide the Town, together with the final plan, a list of lot and block widths, depths and areas prepared by an Ontario Land Surveyor, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.	OAK (Z)
41.	That all public streets within the subdivision be named to the satisfaction of the Engineering and Construction Department and in accordance with Street Names for Public Roads procedure.	OAK (EC)
42.	That prior to registration of the plan, the Owner’s surveyor shall submit to the Town horizontal co-ordinates of all boundary monuments . These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.	OAK (EC)

43.	That the Owner address any outstanding issues relating to future development or site alteration within a regulated area (pursuant to Ontario Regulation 162/06) including, but not limited to, dumping of fill, grading, stormwater outfalls, and watercourse crossings, to the satisfaction of Conservation Halton.	CH
44.	That the Owner pays any outstanding review fees to Conservation Halton, if it is determined that a balance is outstanding. Conservation Halton reserves the right to adjust the fees owing based on the current plan review schedule, if time has lapsed since the initial application.	CH
45.	That the Owner submits the final clearance fee to Conservation Halton, pursuant to the Halton Region’s Memorandum of Understanding, immediately prior to registration of the draft plan. If the development is phased, each phase will require a separate clearance fee. This request for clearance is to be accompanied by a fully executed copy of the Subdivision Agreement and a detailed response as to how each Conservation Halton condition has been fulfilled.	CH
46.	That the Owner shall enter into a subdivision agreement and satisfy all requirements, financial and otherwise, of the Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.	RMH (LPS)
47.	That the Owner shall prepare a detailed engineering submission to be submitted to the Region’s Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.	RMH (LPS)
48.	That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region’s Development Project Manager that: a) sufficient Water and Wastewater Plant capacity exists to accommodate this development; and, b) sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.	RMH (LPS)
49.	The Owner shall submit to the Planning Services Department six (6) folded copies of the final draft plan of subdivision along with applicable Land Registry Office J form for sign off. Upon acceptance, the town will forward these materials to the Region of Halton for final sign off.	RMH(LPS) OAK (PS)
50.	That in accordance with Plan of Subdivision 24T-21001/1315, Part of Lot 15, Concession 1, North of Dundas Street, Town of Oakville, the Halton Catholic District School Board requires a Catholic Elementary School site identified as Block 11 in the respective plan of subdivision, and that prior to final approval, satisfactory arrangements have been made with the Halton Catholic District School Board to transfer title of the subject lands, identified as Block 11, to the Halton Catholic District School Board for the purpose of an elementary school. In addition to this: <ul style="list-style-type: none"> • The owner shall undertake and submit to the satisfaction of the HCDSB appropriate soil and environmental investigations, site grading plans, storm water management plans, and archaeological assessment for Block 11. In the event of an identified concern, the HCDSB may commission its own studies at the cost of the landowner. • If there are any concerns from the investigations, all necessary measures, to the Board’s satisfaction, must be addressed. • No fill shall be placed on Block 11. • All site work respecting Block 11 must be completed in accordance to the site grading plans, storm water management plans and any other relevant plans/reports relating to these lands. 	HCDSB

51.	That the Owner agrees that should the development be phased , a copy of the phasing plan shall be submitted prior to final approval to the Halton District School Board and the Halton Catholic District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.	HDSB HCDSB
52.	That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post Corporation, prior to registration of the plan.	CP
53.	That the Owner shall provide Union Gas/Enbridge Gas the necessary easements and/or agreements required by Union Gas/Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Union Gas Limited.	UG/Enbridge
54.	The Owner shall confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).	BC ,Cogeco, Rogers
CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/ REGISTRATION NEIGHBOURHOOD INFORMATION MAPPING		
55.	<p>The developer shall prepare a final neighbourhood information map, based on the final M-plan, and approved by the Town’s Director of Planning Services, to replace the preliminary neighbourhood information map in all affected sales offices. This map shall contain the following information:</p> <ul style="list-style-type: none"> a) all of the information required on the preliminary map, b) the locations of all sidewalks and walkways, c) the locations of all rear yard catch basins and utilities easements on private property where applicable, d) the proposed locations of all above ground utilities, where known, e) the proposed locations of all bus stops, f) The proposed locations of all temporary mailboxes. <p>The developer shall ensure that each builder selling homes within the subdivision:</p> <ul style="list-style-type: none"> a) provides prospective purchasers with a “Notice to New Home Purchasers” from the Town in the prescribed format that includes all of the notes required on the neighbourhood information maps, and, attaches a copy of the most up-to-date neighbourhood information map to each offer of purchase and sale agreement. 	OAK(PS)
CONDITIONS TO BE INSERTED INTO SUBDIVISION AGREEMENTS (Town and/or Regional Municipality of Halton)		
56.	The Owner agrees to design and install decorative metal fences that do not exceed 1.2m in height for all “Type A” (dual-frontage) units to Town of Oakville Planning Services and Department’s satisfaction.	OAK (PS)

57.	The Owner acknowledges that the Town may require line revisions to the draft plan to ensure property alignment with existing or proposed lots, blocks, streets, and/or facilities on lands adjacent to this draft plan.	OAK (PS)
58.	That the Owner agrees to submit a revised Planning Statistics Spreadsheet to the satisfaction of Planning Services based upon the registration of M-Plans.	OAK (PS)
59.	That the Owner acknowledges that any eligible Development Charge reimbursements will be in accordance with the Town’s Development Charge By-law. The Owner agrees to submit progress reports for any Development Charge reimbursable items identified to be reimbursed through Development Charge credits, whether repaid through Development Charge credits or other means, in a form satisfactory to the Town’s Finance Department. The Owner further agrees to abide by the Town’s requirements for matters dealing with Development Charge credits.	OAK (F)
60.	The Owner acknowledges that work completed on behalf of the Town shall not exceed the estimated values contained within the subdivision agreement and that the Town will not accept any further progress certificates relating to the Schedule ‘K’ works and will not consider the payment of said progress certificates received after the assumption of the subdivision by the Town. The Owner further acknowledges that work done on behalf of the Town may not be reimbursed until funded in the Town’s approved capital budget.	OAK (TE)(F)
61.	The Owner agrees to provide notice to prospective purchasers upon the completion and approval of the Composite Utility Plan showing the location of all community facilities (community mail boxes, bus shelter and stops, street trees, sidewalks, street light poles, hydrants, cable boxes, transformers or any other above grade facilities) to the satisfaction of staff and that this plan be displayed in the sales office.	OAK (TE)
62.	That the Owner’s engineer provide certification that all Erosion and Sediment Controls are in a state of good repair and Stormwater outfalls are operational to the satisfaction of the Development Services Department prior to building permit issuance.	OAK (TE)
63.	That the Owner agrees to implement their applicable Minutes of Settlement/Supplementary Minutes of Settlement/Agreements (i.e North Oakville Master Parkland Agreement) with the Town of Oakville and Conservation Halton to the satisfaction of the Town and Conservation Halton.	OAK (PS, POS)(TE)(F) (CH)
64.	That the Owner agrees to construct stormwater management facilities according to the approved plans and reports for this subdivision. Additionally the Owner agrees to monitor and maintain the facilities until they are accepted by the town. The Owner shall provide a monitoring procedure and schedule for all stormwater management facilities / works immediately after all stormwater management facilities / works become operational. All monitoring shall be in accordance with the requirements of the approved EIR / FSS, Development Services Procedures and Guidelines Manual and North Oakville Monitoring Guidelines. Monitoring and maintenance is to be undertaken by the Owner for a minimum period of 2 years once all stormwater management works become operational and stabilized or at the Town’s discretion for a minimum period of 2 years following construction of the majority of the contributing drainage area in accordance with the approved Operations Maintenance and Monitoring Program. Should the monitoring results fail to demonstrate to the satisfaction of the Town of Oakville, acting reasonably, that the performance of the stormwater management facilities / works is in accordance with acceptable engineering practices, the Owner shall take immediate remedial action.	OAK (TE)
65.	That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's Storm Drainage Policies and Criteria Manual and to the satisfaction of the Development Services Department, in accordance with the Development Services Procedures and Guidelines Manual.	OAK (TE)
66.	The Owner agrees to pay for electricity supplied to light the streets in the development until such time as the first homeowners take possession. This will include the supply of power to the street lights, the commodity cost, transmission and independent electricity marketing operator charges, distribution charges and	OAK (TE)

	administration fees, details of which will be outlined in the subdivision agreement.	
67.	The Owner shall agree to deposit mylars and digital discs (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town.	OAK (TE)
68.	That the Owner agrees to pay for and install all required temporary signage as per the approved Traffic and Parking Management Plan prior to the issuance of any building permits and agrees to ensure that these temporary signs are maintained throughout the construction phase or until the permanent signage is installed.	OAK (TE)
69.	That the Owner agrees to pay for and install all permanent signage within six (6) months of the first building occupancy as per the approved Traffic and Parking Management Plan. In the event that the Owner fails to install the permanent signage in the required timeframe the Town may carry out the work on behalf of the Owner, and will charge the Owner a 100% administration surcharge for all costs incurred by the Town in carrying out this work	OAK (TE)
70.	That the Owner shall place public and educational signage within the stormwater management Blocks to identify the general operation of the stormwater management facilities and list public restrictions for recreational use all to the satisfaction of the Engineering and Construction Department.	OAK (TE)
71.	That the Owner agrees within the subdivision agreement to deliver to the Town the following materials to accommodate PSAB requirements (hereinafter in this section referred to as the "Materials") within the times herein provided: <ul style="list-style-type: none"> a) Prior to registration of the Plan, a table in form and content acceptable to the Town and certified accurate by an Ontario Land Surveyor, setting out the area of all lands to be dedicated to the Town pursuant to this agreement, including rights of way (herein after referred to as the "Dedicated Lands"); b) Prior to acceptance of Maintenance, a table in form and content acceptable to the Town, and certified by the Owner's Engineer, setting out all materials used in the Town's Work, the dates of their respective installation, together with certification of their fair market value at installation; and c) Prior to assumption of the Plan, updated certification by the aforementioned Ontario Land Surveyor, Owner's Engineer or Appraiser as applicable, of the Materials and their current fair market value in form and content acceptable to the Town, together with certification in the manner and by the persons set out herein of any works to be assumed by the Town and not previously certified. 	OAK (TE)
72.	That the Owner agrees that all roadways are to be designed to Town of Oakville standards and partial roads within the draft plans are not permitted, unless other suitable arrangements are made with the Director of Development Services.	OAK (TE)
73.	In the event that required subdivision land use and notice signage becomes damaged and/or missing from their original approved locations, the Town may re-install signage on the Owner's behalf and the Owner shall reimburse the Town for such works.	OAK (TE)
74.	That the Owner satisfies the telecommunications provider with respect to their land requirements and agrees to permit all electrical and telecommunication providers who have signed the Town's access agreement to locate on the roads within the plan and that the Owner allow these services to connect to the buildings, all to the satisfaction of the Town.	OAK (TE)
75.	That the Owner shall provide in each of the sales offices a large coloured map , not less than 1.5 metres by 2 metres, of the approved land use plans to date and/or where applicable, the land use plans approved in the Official Plan for the overall community together with a copy of the Town of Oakville Official Plan and a prominent note indicating that further information can be obtained from the Oakville Planning Services Department.	OAK (TE)

76.	<p>a) That the Owner acknowledges that during the active construction process it is anticipated that sediment accumulation in the stormwater management pond will occur at an above average rate compared to the rate for a stabilised condition. Based on this assumption the Owner agrees to monitor the sediment accumulation level and clean the pond periodically to ensure its operational efficiency is maintained. Prior to assumption a condition and monitoring report is to be prepared by the Owner’s Engineer which is to outline the monitored performance of the pond as documented over time and the current state of sediment level within the pond. The Engineers report will make recommendations with respect to any maintenance required at the time of the requested assumption and itemise such items which the Owner will be required to remediate prior to the assumption.</p> <p>b) That the Owner agrees, at the time of the requested assumption, to provide an up-to-date bathymetric survey to determine the sediment level within the storm water management pond. If the accumulated sediment level is less than 25% of the design sediment storage volume within the fore-bay and/or main bay area of the pond, the Owner will provide a cash-in-lieu payment to the town for future clean-out based on an amount to be determined. Notwithstanding the above, should the sediment accumulation exceed 25% of the design sediment storage volume, the Owner agrees to clean out the pond.</p> <p>c) That the Owner agrees that the Town shall retain securities for any Stormwater Management Facility for at least a minimum two year maintenance period after the construction and stabilization of the stormwater management pond, or at the Town’s discretion, for a minimum 2 year period following the assumption the majority of contributing development plans. The value of this security will be determined by the Town based on the size of any pond as well as the number of contributing plans.</p>	OAK (TE)
77.	That the Owner designs, constructs and has in operation all necessary flood control structures and stormwater outfall structures prior to the issuance of any building permits to the satisfaction of the Conservation Halton and Development Services Department and Parks and Open Space Department.	OAK (TE, POS) CH
78.	That the Owner install a 1.2 metre high black vinyl coated chain link fence , or equivalent barrier as approved by the Town, along the common boundary line, setback 0.15 metres on Town property, between the Natural Heritage System / parkland / stormwater management facility (where applicable) block 13 and the abutting lots and/or blocks. The fence must be installed prior to Building Permit issuance on adjacent lots in order to ensure there is no encroachment by the builder or homeowner into the natural heritage system / parkland / stormwater management facility (where applicable) Block 13 to the satisfaction of the Planning Services Department, Development Services Department, Conservation Halton and Parks and Open Space Department. And further that the Owner provide a legal survey, prepared and signed by an OLS), confirming the location of all fencing installed in 100% on public property and also confirming that there are no known encroachments at the time of assumption.	OAK (PS, POS, TE) CH
79.	That the Owner retain or coordinate with the property owner to the south to obtain the services of a landscape architect in good standing with the OALA from a roster of prequalified landscape architectural consultants and agrees to provide for the preparation and submission of landscape plans including planting, grading, sodding, fencing and the design of park facilities together with cost estimates for the open space system including parkland, walkways, valley land / natural heritage system buffer areas and stormwater management facilities; and further, that the applicant finance the provision of the park facilities and the implementation of the landscape plans to the satisfaction of the Planning Department, Parks and Open Space Department and Development Services and in accordance with the Town’s Development Charges By-law. Native non-invasive species shall be planted for lands adjacent to swales and stormwater management facilities, and within Conservation Halton’s regulated area. And further, that the Owner prepare a facility fit plan for any neighbourhood park blocks confirming that the expected program elements may be incorporated. This will include any and all active sports fields, their associated buffer requirements and all supporting amenities.	OAK (PS, POS, TE) CH

80.	That the Owner agrees to or coordinate with the property owner to the south to rough grade the park block or part of the park block to meet the grades of the adjacent residential lots or blocks as required by the Parks and Open Space Department	OAK (TE, POS)
81.	That the Owner agrees to post securities for their appropriate share of costs related to the design, implementation and administration of the neighbourhood park block. As the Owner’s portion of the park is approximately 8.7% (0.35 of 4.02ha total), the same percentage of costs will be secured until the park is complete and assumed by the Town. It will be up to the Owner to make specific payment arrangements with the adjacent land owner to the south.	OAK (TE, POS)
82.	That the Owner agrees at their cost to implement a municipal tree planting program for all public roads in accordance with the approved Composite Utility Plan and/or Tree Planting Plan. The selection of species, calliper and timing of work shall be undertaken to the satisfaction of the Development Services Department and in accordance with the latest Town standards and specifications within the final and approved North Oakville Urban Forest Strategic Management Plan, where applicable.	OAK (TE, POS)
83.	That the Owner agrees that native non-invasive species shall be planted in accordance Conservation Halton Landscaping Guidelines for lands adjacent to all natural heritage system, watercourses, and stormwater management facilities blocks and for all lands within Conservation Halton’s regulated area.	CH
84.	That the Owner agrees to submit prior to Assumption an inventory of all boulevard trees planted by species, size, and x/y coordinates in a digital format acceptable to the Parks and Open Space Department and Development Services.	OAK (POS, TE)
85.	That the Owner warranty all boulevard street trees and trees planted in open space areas for a period of 2 years from the date of planting and agrees to maintain in a healthy condition all trees until Assumption or to the end of the warranty period, where the warranty extends beyond assumption.	OAK (TE, POS)
86.	That the Owner agrees to place topsoil on lots, boulevards and parkland in accordance with approved Town standards.	OAK (POS, TE)
87.	That the Owner implements a monitoring program to the satisfaction of the Town and Conservation Halton for Erosion and Sediment control, stormwater management facilities, modified streams and stormwater management works, municipal services and trails with the Natural Heritage System, in accordance with the Water Resources Final Mediation Reports (Ontario Municipal Board) dated 30 August, 2007. The Owner shall submit monthly (or after significant rainfall equal or greater than 10mm or snowmelt events) sediment and erosion control reports during construction to the satisfaction of Conservation Halton and the Town of Oakville.	OAK (TE) CH
88.	That the Owner agrees to not stockpile fill within 30 metres of a watercourse or stormwater management block without prior written approval on Conservation Halton.	CH
89.	That the Owner agrees to not stockpile fill or materials on any park or open space block without the approval of the Director of Parks and Open Space.	OAK (POS)
90.	That the Owner agrees to post acceptable securities with the Town of Oakville as part of the subdivision agreement, for the purpose of ensuring the construction and completion of all works identified on the approved engineering plans including the rehabilitation of any Natural Heritage System block or open space areas which may be disturbed during the development of the subdivision.	OAK (TE) CH
91.	That the Owner shall implement at no cost to the Town, a landscape, restoration and enhancement plan for the stormwater management facility within 12 months of registration to the satisfaction of the Development Services Department, Parks and Open Space and Conservation Halton in accordance with the Town’s stormwater management Landscaping Standards. The Owner shall be entirely responsible for the implementation of these features including all financial costs.	OAK (TE, POS) CH

92.	That the Owner agrees to not store construction materials on vacant lots and/or open space blocks that abut lots which are occupied by homeowners.	OAK (TE, POS)
93.	That the Owner provides a fire break plan and other fire prevention measures to the satisfaction of the Town of Oakville, where necessary.	OAK (FD)
94.	That the owner agree that any exposed soil within a watercourse block, either as a result of realignment or rehabilitation works, will be seeded or otherwise stabilized within 24 hours of exposure to minimize the transport of sediment downstream;	CH
95.	That the owner agree that no fill from the site may be dumped on or off-site in an area regulated by Conservation Halton without the prior written permission of Conservation Halton.	CH
96.	That the Owner acknowledges that all works which are the responsibility of the Owner to complete, shall be subject to general construction observation by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner’s engineer must provide competent full time staff on site during construction activities to obtain the required “as constructed” field information, and to ensure general compliance to the best of his/her professional knowledge with the approved drawings and the Town and Region’s Current Construction and Design Standards.	RMH (LPS) OAK (TE)
97.	That the Owner agrees that pre and post development storm water flows from the site to the existing drainage system are maintained both during and after construction, such that there are no adverse impacts to the existing storm drainage system to the satisfaction of Halton Region’s Development Project Manager.	RMH (LPS)
98.	That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region’s Development Project Manager.	RMH (LPS)
99.	The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The owner further agrees to decommission any existing private septic systems in accordance with MOE guidelines prior to commencing the development of these lands to the satisfaction of the Region’s Development Project Manager.	RMH (LPS)
100.	That the Owner acknowledges that development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Regional Municipality of Halton.	RMH (LPS)
101.	The Owner agrees that until notice from Halton Region’s Commissioner of Public Works is given to the Owner that development of these lands is able to proceed by the issuance of a building permit with residential water/wastewater capacity or that units under the Region’s Allocation Program will be operational within 12 months, that the Owner shall not seek the issuance of building permits for any development in this phase and: <ul style="list-style-type: none"> • shall not sell or offer for sale any lot or block or any part thereof within this phase if such sale obligates the Owner or permits the purchaser to construct a residential building on such lot or block; and, • shall not seek final approval for registration of such lots or blocks or any part thereof. 	RMH (LPS)
102.	The Owner agrees that should the development be phased, the Owner shall submit a phasing plan prior to final approval of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including, the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports. The phasing shall be to the satisfaction of the Regional Municipality of Halton, Conservation Halton and the Town of Oakville.	RMH (LPS) OAK (TE) CH
103.	That the Owner shall submit a copy of the approved sidewalk plan , prepared to the satisfaction of the Town of Oakville, to the Halton District School Board and Halton Catholic District School Board.	OAK (TE) HDSB HCDSB

104.	<p>The owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the Town’s subdivision agreement, to be registered on title:</p> <ul style="list-style-type: none"> • Prospective purchasers are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. • Prospective purchasers are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that school busses will not enter cul-de-sacs and private roads. • Prospective purchasers of lots/units abutting, fronting and adjacent to the school site designated for the HCDSB are advised that temporary facilities/portables will be sited on the school site in order to accommodate pupils in excess of the school building capacity. • The owner of lots adjoining the HCDSB school site are prohibited to install or use, for any purposes, a gate in any boundary line fence on such school property. In the event a gate is installed, the Board will remove it at the owner’s expense. 	HCDSB
105.	<p>In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements.</p>	HCDSB
106.	<p>That the Owner agrees to submit to the satisfaction of the Halton Catholic and Halton District School Boards appropriate soil and environmental investigations for all school sites, site grading plans, storm water management plans, site servicing plans (sanitary, water and utilities) and an archaeological assessment. In the event of an identified concern, the Board may commission its own studies at the cost of the landowner.</p>	HCDSB HDSB
107.	<p>That the Owner agrees in the Subdivision Agreement to the satisfaction of the Halton Catholic District School Board and the Halton District School Board to erect a chain link fence, in accordance with the Board’s standards. The fence shall be located along the school block boundaries as determined by the Board(s) and shall be erected at such time as the adjacent development proceeds. Privacy fencing may be required where adjacent to residential units and parking.</p>	HDSB HCDSB
108.	<p>That the Owner provides the Halton District School Board a geo-referenced AutoCAD file of the draft M-plan once all Lot and Block numbering configuration has been finalised. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan the Owner shall provide a new AutoCAD file and a memo outlining the changes.</p>	HDSB
109.	<p>That the Owner agrees to rough grade the school block or part of the school block to meet the grades of the adjacent residential lots or blocks as required by the Halton Catholic District School Board.</p>	HCDSB
110.	<p>That the Owner agrees to erect and maintain signs at all major entrances into the new development advising prospective purchasers that a permanent school is not available and that alternate accommodation and/or bussing will be provided. The Owner will make these signs to the specifications of the respective School Board and erect them prior to the issuance of building permits.</p>	HDSB HCDSB
111.	<p>That the Owner agrees to obtain written permission from the Halton District School Board and Halton Catholic District School Board prior to placing any fill on the school Block 11.</p>	HDSB HCDSB
112.	<p>That the Owner agrees to ensure that all new home buyers will be officially notified of the exact Community Mail Box locations prior to any house sales. Also that the owner shall post in a clear site a copy of the plan indicating the Community Mail Box sites at the sales office. This plan is requested to be completed and approved prior to the start of the House sales for the subdivision.</p>	CP

	Once the homeowner has closed their home sale, the developer shall notify all new homebuyers of the process to initiate Mail Delivery as well as the address of the local Post office where new homeowners can go and show their warranty documentation as well as a license for identification to begin the process of requesting mail delivery.	
113.	The Owner agrees to provide the location of all Community Mail Boxes on the approved Composite Utility Plan to the satisfaction of the Town and Canada Post.	CP
114.	The Owner agrees, prior to offering any units for sale, to display and maintain a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post. Further, the Owner agrees to inform all homebuyers of the process to initiate mail delivery for their new home address.	CP
115.	The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.	CP
116.	The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.	CP
117.	The Owner agrees to provide a suitable and safe temporary site for Community Mail Box locations. This temporary mail box pad will be a compacted gravel area with a minimum of a single row of patio stones for mail box placement. Temporary pad specifications will be provided to the Owner during the siting process. This location must be set up a minimum of 30 days prior to first occupancies.	CP
118.	The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy	CP
119.	That the Owner acknowledges that where multi-unit or commercial, office or similar buildings are located, one or more conduit or conduits of sufficient size will be provided from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.	BC /Cogeco/Rogers
120.	That the Owner acknowledge its responsibility to up-front the cost of any extension to the electrical distribution system .	OH
121.	That the Owner agrees to place the following notification in all offers of purchase and sale for all lots and/or units and in the Town's subdivision agreement to be registered on title: a) "Purchasers of Block 6 are advised that their properties abut lands which may be developed for future residential, commercial or mixed commercial / residential uses ." b) "Purchasers and/or tenants of lots or units in Block 10 are advised that they abut a Walkway Block which will allow for public access." c) "Purchasers and/or tenants of lots or units adjacent to or near the Village Square, Neighbourhood Park or any other parkland and open space are advised that these parks, in whole or in part, may be vegetated to create a natural setting. Be advised that, in these areas, the Town may not carry out routine maintenance such as grass and weed cutting." d) "Purchasers and/or tenants of lots or units adjacent to or near the Village Square, Neighbourhood Park and servicing / walkway block abutting Block 12 are advised that these open space areas will be used for general active and passive public recreation and leisure uses, including but not limited to walkways (lit and unlit), bikeways, playgrounds, trails, sports field (lit or unlit), splash pad, visitor parking, and/or multi-use courts. In addition to daytime use, park facilities may be used in the evenings and on weekends." e) "Purchasers and /or tenants are advised that gates are not permitted to be installed along any boundary fence adjacent to any lands intended for a school."	OAK (PS, TE)(POS) CH HDSB HCDSB CP

	<p>f) “Purchasers are advised that the Town of Oakville’s current street tree planting standards, which are subject to change, are intended to have an average of one tree for every 12 metres of frontage to be considered for planting in order to accommodate future tree growth. This means that not every house is intended to receive a tree. Purchasers are also advised that the ability to accommodate the planting of a street tree within the public road allowance will be influenced by housing form, development setbacks, utilities, driveway width and location. The Town reserves the right, in its sole discretion, to determine whether a street tree will be planted at any particular location within the subdivision particularly on narrow building lots.”</p> <p>g) “Purchasers are advised that winter maintenance and snow plowing from public streets and laneways will be done in accordance with the Council approved protocol and policies for snow removal.”</p> <p>h) “Purchasers and/or tenants are advised that the homeowner’s builder is responsible for the timing and coordination of rectifying lot grading matters which occur prior to assumption.”</p> <p>i) “Purchasers and/or tenants are advised that prior to the placement of any structures in side and rear yards, the Zoning By-law should be reviewed to determine compliance and that a Site Alteration Permit may be required prior to proceeding to do any site work.”</p> <p>j) “Purchasers and/or tenants are advised that private landscaping is not permitted to encroach within the Town’s road allowance, public open space or Natural Heritage System area. Any unauthorised encroachments are to be removed by the homeowner prior to Assumption.”</p> <p>k) “Purchasers and/or tenants are advised that an overall grade control plan has been approved for this Plan and further some lots will incorporate the drainage of adjoining lots through the design of swales and rear lot catch basins.”</p> <p>l) “Purchasers are advised that any unauthorized alteration of the established lot grading and drainage patterns by the homeowner may result in negative drainage impacts to their lot and/or adjoining lots.”</p> <p>m) “Purchasers are advised that the following street(s) in the area may be designated as interim or permanent bus routes, and that bus stops and shelters may be installed along the street(s): Post Road, Burnhamthorpe Road East and Sixth Line”</p> <p>n) “Purchasers and/or tenants of units within Blocks 1-3 are advised that despite the inclusion of any noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks.”</p> <p>o) “Purchasers and/or tenants are advised that home/business mail delivery will be from designated Community Mail Boxes and that purchasers are to be notified by the developer/owner regarding the exact centralized mail box locations prior to the closing of any home sales. “</p> <p>p) “Purchasers are advised that the schools on sites designated for the Halton District School Board or Halton Catholic District School Board in the community are not guaranteed. Attendance in the area is not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.”</p> <p>q) “Purchasers are advised that school buses will not enter a cul-de-sac and pick-up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick-up points will not be located within the subdivision until major construction activity has been completed.”</p>	
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	<p>r) “Purchasers are advised that Village Squares will contain children’s play equipment that may generate noise or nuisance to those homebuyers who purchase adjacent to parks and open space. Village Squares may also contain community mail boxes. Community Parks may also include the provisions for sports field lighting that may generate noise or nuisance to homebuyers who purchase adjacent to community parks.”</p> <p>s) “Purchasers are advised that Town Stormwater Management Ponds will be subject to scheduled maintenance and periodic cleanout in accordance with Town requirements.”</p> <p>t) “Purchasers are advised that driveway entrance widenings or modifications will not be permitted where they impact on the availability of on-street parking space. Property Owners must take note of the available parking space on their own private lot and purchase homes with knowledge that additional space for more personal / family vehicles may be limited or unavailable.”</p> <p>u) “Purchasers of lots/units abutting, fronting and adjacent to the school site (Blocks 6-10) designated for the Halton District School Board are advised that temporary facilities/portables may be sited on the school site in order to accommodate pupils in excess of the school building capacity.”</p> <p>v) “Purchasers are advised that Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. Halton Catholic District School Board will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board.”</p> <p>w) “Purchasers are advised that North Oakville is founded on the principle of public transit as a priority and as such buses with varying frequencies of services are expected to operate throughout the neighbourhoods. Residents are expected to accept bus operations, with their associated impacts as a reality along roadways of this community. Transit infrastructure including bus stops and bus shelters may be located on municipal streets within subdivisions either as temporary and/or permanent features.”</p> <p>x) “Purchasers are advised that Public roads are expected to accommodate pedestrians, cyclists and vehicles of all types. Temporary and/or permanent public parking along municipal roads except laneways adjacent to any property can be made available for on-street parking by the public and is not reserved for use by the property Owner. This will be most evident in close proximity to parks, schools, laneways and commercial or mixed use districts where visitors to these locations will be encouraged to park on-street in accordance with municipal requirements as on-site parking space will be minimal or non-existent.</p> <p>y) “Purchasers are advised that there is the potential for high water pressures within the subdivision”</p> <p>In cases where offers of purchase and sale have already been executed, the Owner shall send a letter to all purchasers which includes the above statements.</p>	
	CLOSING CONDITIONS	
1.	Prior to signing the final plan the Director of Planning Services shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.	OAK (PS)
2.	Prior to signing the final plan the Director of Planning Services shall be advised by the Regional Municipality of Halton that conditions 3-5, 21, 31, 35-36, 49-49, and 96-102, have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) RMH (LPS)
3.	Prior to the signing of the final plan the Director of Planning Services shall be advised by the Conservation Halton that conditions 1, 6-13, 21-24, 32, 34, 36-38, 43-45, 63, 77-79, 83, 87-88, 90-91, 94-95, 102, and 121 inclusive have been	OAK (PS) CH

	carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	
4.	Prior to signing the final plan the Director of Planning Services shall be advised by the Halton District School Board that conditions 51, 103, 106-108, 110-111, and 121 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) HDSB
5.	Prior to signing the final plan, the Director of Planning Services shall be advised by the Halton Catholic District School Board that conditions 50-51, 103-107, 109-111, and 121 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) HCDSB
6.	Prior to signing the final plan, the Director of Planning Services shall be advised by the telecommunications provider that conditions 54 and 119 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OAK (PS) BC, Cogeco, Rogers
7.	Prior to signing the final plan the Director of Planning Services shall be advised by Canada Post that conditions 52, 112-118, and 121 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) CP
8.	Prior to signing the final plan the Director of Planning Services shall be advised by the Ministry of Tourism, Culture and Sport that condition 3 has been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.	OAK (PS) MTCS RMH (LPS)
9.	Prior to signing the final plan, the Director of Planning Services shall be advised by Oakville Hydro that condition 120 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	OH
10.	Prior to signing the final plan, the Director of Planning Services shall be advised by Union Gas/Enbridge Gas that condition 53 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.	UG/Enbridge
	All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being Day __, Month ____, 20xx.	OAK (PS)

LEGEND – CLEARANCE AGENCIES

- BC Bell Canada
- Cogeco Cogeco Cable
- CP Canada Post
- HCDSB Halton Catholic District School Board
- HDSB Halton District School Board
- CH Conservation Halton
- MTCS Ministry of Tourism, Culture and Sport
- OAK (A) Town of Oakville – Planning Administration
- OAK (F) Town of Oakville – Finance
- OAK (L) Town of Oakville – Legal
- OAK (TE) Town of Oakville – Transportation and Engineering Department (formerly DE)
- OAK (PS) Town of Oakville – Current Planning Services
- OAK (LR) Town of Oakville – Long Range Planning
- OAK (Z) Town of Oakville – Building Services Department, Zoning Section
- OAK (FD) Town of Oakville – Fire Department
- OAK (POS) Town of Oakville – Parks and Open Space Department
- OAK (EC) Town of Oakville – Engineering and Construction Department

OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
Rogers	Rogers
UG/Enbridge	Union Gas/Enbridge Gas

NOTES:

1. The Owner should obtain the written approval of the Ministry of Natural Resources and Forestry (MNR) for any work within significant habitat of endangered and threatened species, as per the **Endangered Species Act**, where necessary.
2. The Owner should ensure that any vegetation removal take place outside of the nesting season, pursuant to the **Migratory Bird Convention Act**, where necessary.
3. The Owner should prepare and implement a **Soil Management Plan** (to be used for sites generating soil/fill material) and/or a **Fill Management Plan** (to be used for sites receiving fill material) in accordance with the document ‘*Management of Excess Soil – A Guide for Best Management Practices*’ as prepared by the Ministry of the Environment, dated January 2014, and post securities with the Town of Oakville to ensure effective implementation of the plan.
4. That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilisation, grading and seeding of non-development blocks.
5. The required payments and contributions for water, wastewater and roads are payable in accordance with the terms and conditions set out in the applicable allocation program agreement in which the Single-Detached Equivalents are being reserved for the Owner.
6. The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge and Front-ending Recovery Payment information, which is subject to change.

7. Fees are required by Halton Region for each extension to draft approval and for major revisions to the draft plan or conditions.
8. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
 - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town’s Planner
 - Regional Registration fee
 - Registry Office review form
9. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum yield that is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-029

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 15, Concession 1, North of Dundas Street (Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, TWKD Developments Inc.) – Z.1315.11

COUNCIL ENACTS AS FOLLOWS:

1. Map 12(5) of By-law 2009-189, as amended, is amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.111, as follows:

111	Part of Lot 15, Concession 1, NDS (Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, TWKD Developments Inc.)	Parent Zone: GU
Map 12(5)		(2022-029)
8.111.1 Only Permitted Building Types		
The following <i>building</i> types are the only <i>building</i> types permitted:		
a)	<i>Townhouse dwelling unit street access private garage</i>	
b)	<i>Townhouse dwelling unit with lane access</i>	
c)	<i>Townhouse dwelling unit back-to-back</i>	
8.111.2 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		

112	Part of Lot 15, Concession 1, NDS (Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, TWKD Developments Inc.)	Parent Zone: GU
Map 12(5)		(2022-029)
8.112.1 Only Permitted Building Types		
The following <i>building</i> types are the only <i>building</i> types permitted:		
a)	<i>Townhouse dwelling unit street access private garage</i>	
b)	<i>Townhouse dwelling unit with lane access</i>	
c)	<i>Townhouse dwelling unit back-to-back</i>	
8.112.2 Zone Provisions		
The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Notwithstanding the maximum width in Table 4.21(g), the maximum width of Bay, Box Out and Bow Windows with or without foundations which may be a maximum of three <i>storeys</i> in <i>height</i> and which may include a door.	4.0 m
b)	For <i>corner lots</i> , a <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and columns may encroach a maximum of 0.3 metres into the required depth.	
c)	Porches shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.	

4. Section 8, Special Provisions, of By-law 2009-189, as amended, is further amended by adding a new Section 8.113, as follows:

113	Part of Lot 15, Concession 1, NDS (Crosstrail Estates Inc., Trafalgar Road (Oakville) Developments Limited, TWKD Developments Inc.)	Parent Zone: NC
Map 12(5)		(2022-029)
8.113.1 Zone Provisions		

The following regulations apply to all lands identified as subject to this Special Provision:		
a)	Notwithstanding the maximum width in Table 4.21(g), the maximum width of Bay, Box Out and Bow Windows with or without foundations which may be a maximum of three <i>storeys</i> in height and which may include a door.	4.0 m
b)	For <i>corner lots</i> , a <i>porch</i> shall have a minimum depth from the exterior of the <i>building</i> to the outside edge of the <i>porch</i> of 1.5 metres. Required depths shall be provided for a minimum of 40% of the <i>porch</i> . However, steps and columns may encroach a maximum of 0.3 metres into the required depth.	
c)	Porches shall have walls that are open and unenclosed for at least 40% of the total area of the vertical planes forming its perimeter, other than where it abuts the exterior of the <i>building</i> or insect screening.	

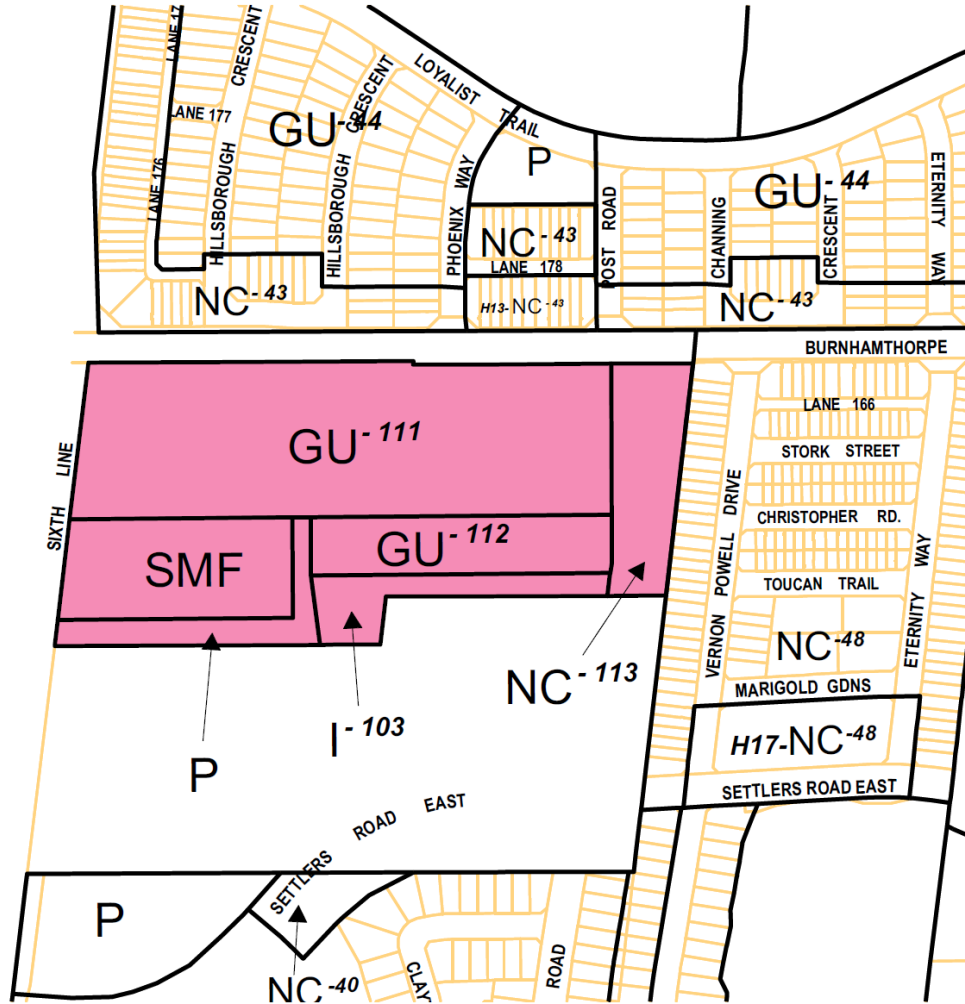
5. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 4th day of April, 2022


_____ MAYOR

_____ CLERK

SCHEDULE "A"
To By-law 2022-029



AMENDMENT TO BY-LAW 2009-189

 Re-zoned From: Future Development (FD) to
 Neighbourhood Centre (NC sp: 113);
 General Urban (GU sp: 111);
 General Urban (GU sp: 112);
 Institutional (I sp: 103);
 Park (P); and
 Storm Water Management Facility (SMF)

EXCERPT FROM MAP
 12 (5)



SCALE: 1:4000

Appendix “D”– Applicable Policies

Provincial Policy Statement - 2020

The Provincial Policy Statement (2020) (‘PPS’) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The subject lands are located within a settlement area, which are to be the focus of growth and development (policy 1.1.3.1). The land use patterns within the settlement area based on densities and a mix of land uses that, among other matters, efficiently use land and resources, appropriately use the infrastructure and public service facilities that are planned or available and are transit supportive.

Part V: Policies

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 – Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for

specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
- b) economic development strategies;
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;
- f) natural and human-made hazards;
- g) population, housing and employment projections, based on *regional market areas*; and
- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and

redevelopment, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure and public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
 - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.7 Transportation Systems

- 1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.
- 1.6.7.3 As part of a *multimodal transportation system*, connectivity with and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.
- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.
- 1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.
- 1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

Growth Plan (2020)

The Growth Plan is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options.

Section 1.2.1 – Guiding Principles

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

Section 2.2 – Policies for Where and How to Grow

2.2.1 – Managing Growth

2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a. the vast majority of growth will be directed to settlement areas that:
 - i. have a *delineated* built boundary;

- ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
- c. within *settlement areas*, growth will be focused in:
- i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- f) mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- g) integrate green infrastructure and low impact development.

2.2.2.3 – Delineated Built-up Areas

All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:

- a) encourage *intensification* generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c) identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- e) prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and

- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.6.3 – Housing

To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Section 3 – Policies for Infrastructure to Support Growth

3.2.1 – Integrated Planning

1. *Infrastructure* planning, land use planning and *infrastructure* investment will be co-ordinated to implement this Plan.
2. Planning for new or expanded *infrastructure* will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental and financial planning, and will be supported by relevant studies and should involve:
 - a) leveraging *infrastructure* investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
 - b) providing sufficient *infrastructure* capacity in *strategic growth areas*;
 - c) identifying the full life cycle of *infrastructure* and developing options to pay for these costs over the long-term; and
 - d) considering the impacts of a changing climate.
3. *Infrastructure* investment and other implementation tools and mechanisms will be used to facilitate *intensification* and higher density development in *strategic growth areas*. Priority will be given to *infrastructure* investments made by the Province that support the policies and schedules of this Plan.
4. Municipalities will assess *infrastructure* risks and vulnerabilities, including those caused by the impacts of a changing climate, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.
5. The Province will work with public sector partners, including Metrolinx, to identify strategic infrastructure needs to support the implementation of this Plan through multi-year infrastructure planning for the transportation system and public service facilities.

3.2.2 – Transportation General

1. *Transportation system* planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.
2. The *transportation system* within the *GGH* will be planned and managed to:
 - a. provide connectivity among transportation modes for moving people and for moving goods;
 - b. offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and *active transportation*;

- c. be sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for trip-making and supporting the use of zero- and low-emission vehicles;
 - d. offer *multimodal* access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services;
 - e. accommodate agricultural vehicles and equipment, as appropriate; and
 - f. provide for the safety of system users.
4. Municipalities will develop and implement *transportation demand management* policies in official plans or other planning documents or programs to:
- a. reduce trip distance and time;
 - b. increase the *modal share* of alternatives to the automobile, which may include setting *modal share* targets;
 - c. prioritize *active transportation*, transit, and goods movement over single-occupant automobiles;
 - d. expand *infrastructure* to support *active transportation*; and
 - e. consider the needs of *major trip generators*.

North Oakville East Secondary Plan

7.3 COMMUNITY STRUCTURE

7.3.3 RESIDENTIAL NEIGHBOURHOODS

Residential neighbourhoods as designated on Figure NOE1 (Community Structure lan) are comprised of a range of residential densities including significant areas appropriate for ground related housing and live/work opportunities:

- a) Neighbourhood Centre Neighbourhood Centres are located in the centre of each neighbourhood, within walking distance of most residents. While predominately residential in character, Neighbourhood Centres will permit a range of uses. These uses will be permitted throughout the area but will be focused at a central activity node for the neighbourhood. Neighbourhood Centres have denser development than other parts of the neighbourhood but are predominantly ground related, and, in addition to residential development, will include a range of convenience and service commercial, civic, institutional and live-work functions in buildings at a scale and with a design appropriate to the area.
- b) General Urban General Urban areas, while predominately residential, also provide for live-work functions. Development will be at lower densities than those found in the Neighbourhood Centre.

7.5.2 MASTER PLAN

- a) The North Oakville East Master Plan in Appendix 7.3 to the Official Plan is intended to illustrate graphically the design of the North Oakville East Planning Area and how the policies and Figures of the North Oakville East Secondary Plan are to be implemented. The spacing, function and design of intersections of Local Roads with Major Arterial/Transit Corridors (i.e. Regional arterials) shown on

Appendix 7.3 have not been approved by the Region, and such intersections shown on Appendix 7.3 and on any subsequent area design plan, plan of subdivision, or other development plan, are subject to Regional approval.

7.5.12 NEIGHBOURHOODS

Figure NOE1 identifies the neighbourhood structure for North Oakville East. Each neighbourhood will have distinctive characteristics, but with the following common features:

- a) Each neighbourhood will include at its centre, approximately a five minute walk from most areas of the neighbourhood, a neighbourhood activity node which would include a transit stop and other public facilities which serve the neighbourhood such as central mail boxes or mail pickup facilities. In addition, convenience commercial facilities or similar uses will be encouraged to locate at the neighbourhood activity node.
- b) Neighbourhoods shall be primarily residential in character, but will include mixed use development including commercial, institutional, live-work and civic facilities;
- c) Within neighbourhoods, a range of lot sizes, building types, architectural styles and price levels shall be provided to accommodate diverse ages and incomes;

7.6.7 NEIGHBOURHOOD AREA

- a) Purpose

The Neighbourhood Area designation on Figure NOE2 is applicable to areas intended for the development of residential neighbourhoods. Each neighbourhood is identified on Figure NOE1. The neighbourhoods will each include a neighbourhood central activity node, a five minute walk from most residences, which will include public facilities that serve the neighbourhood. Live/work units and limited commercial uses will also be encouraged to locate in this area.

- b) Land Use Policies

Each neighbourhood will be developed with a mix of development based on the following land use categories. The land use categories, Neighbourhood Centre, General Urban and Sub-urban, shall be represented in each neighbourhood, with the exception of Neighbourhood 14, generally in accordance with the percentages in Table 1 to this Secondary Plan.

The land use categories, High Density Residential, Neighbourhood Centre and General Urban, shall be represented in Neighbourhood 14 such that development results in a total number of units and population equal to or greater than 800 units and a population of approximately 2,000.

Notwithstanding the foregoing, development utilizing a land use category distribution which results in densities less than those required by Table 1 will generally not be permitted, but development which utilizes a land use category

distribution resulting in increased densities may be permitted subject to conformity with the policies of this Plan.

7.6.7.1 Neighbourhood Centre Area

a) Purpose

The Neighbourhood Centre Area land use category on Appendix 7.3 will generally be used for areas located central to each neighbourhood. It is intended to accommodate a range of medium density residential development including, mixed use, live/work units and limited commercial and civic uses focused at a central neighbourhood activity node to serve neighbourhood residents.

b) Permitted Uses, Buildings and Structures

- The permitted uses shall be medium density residential uses, mixed use and small scale convenience retail, personal service, restaurants and business activity, as well as public and institutional uses including village squares. Business activity may include a range of small scale uses including offices, medical clinics, workshops for artisans and artists studios.
- Permitted uses shall be primarily located in live/work, mixed use or medium density residential buildings. Both mixed use and single use buildings shall be permitted and this may include convenience commercial buildings in accordance with the provisions in Subsection c) below.
- Notwithstanding the above, a minimum of one mixed use or non-residential building in accordance with the provisions in Section 7.6.7.1.c) is required at the intersection of each neighbourhood activity node identified on Figure NOE 1.

c) Land Use Policies

- Mixed-use development will be focused at neighbourhood activity nodes, identified on Figure NOE 1, which will include a transit stop and other public facilities which serve the neighbourhood such as central mail boxes, or mail pickup facilities. In addition, convenience commercial facilities or similar uses will be encouraged to locate in these areas.
- A mix of uses shall be permitted at the following heights and densities:
 - Minimum density - FSI of 0.5 for mixed use;
 - Maximum density - FSI of 2 for mixed use;
 - Minimum density - 35 units per net hectare for residential;
 - Maximum density - 150 units per net hectare for residential;
 - Minimum height - 2 storeys; and,
 - Maximum height - 6 storeys.
- The zoning by-law shall establish minimum and maximum setbacks and implement densities and other standards to ensure that development achieves the minimum standards required as a basis for the creation of this centre area. In particular, on-street parking will be permitted and may be utilized to meet parking standards for commercial and other

- nonresidential development, and in such circumstances, live/work buildings may require no additional parking for the “work” component.
- The Town will require that a variety of building types be developed throughout the Neighbourhood Centre Area land use category in each neighbourhood. The location of building types shall be controlled through the zoning by-law. In this context, notwithstanding the permitted uses and maximum permitted density and height, consideration may be given by the Town to limited areas of housing, which may include public, convenience commercial or similar uses on the ground floor, with a minimum density of 150 units per net hectare and a maximum density of 250 units per net hectare located in proximity to the Core Preserve Area. However, the Town shall be satisfied that the development is appropriate to the context and may require the submission of studies, models and/or plans which address that consideration. In addition, the Town shall be satisfied that the total number of units and population for the plan of subdivision is the same as, or greater than, that which would be required by land use category distribution in Table 1.

7.6.7.2 General Urban Area

a) Purpose

- The General Urban Area land use category on Appendix 7.3 is intended to
- accommodate a range of low and medium density residential development.

b) Permitted Uses, Buildings and Structures

- The permitted uses shall be low and medium density residential uses and home occupation and home business uses.
- Permitted uses shall be located in low or medium density residential buildings.

c) Land Use Policies

- A mix of housing types shall be permitted at the following heights and densities:
 - Minimum density - 25 units per net hectare;
 - Maximum density - 75 units per net hectare; and,
 - Maximum height - 3 storeys.
- The Town will require that a variety of residential building types be developed throughout the General Urban Area designation in each neighbourhood. The location of building types shall be controlled through the zoning by-law. In this context, notwithstanding the minimum density, consideration may be given by the Town to limited areas of housing at a minimum density of 20 units per net hectare in areas abutting the Core Preserve Area designation or other significant open space features. In this addition, notwithstanding the permitted uses and maximum permitted density and height, the Town may also give consideration to limited areas

of housing with a minimum density of 75 units per net hectare and a maximum density of 250 units per net hectare located in proximity to the Core Preserve Area and to the Neighbourhood Centre Area. However, the Town shall be satisfied that the development is appropriate to the context and may require the submission of studies, models and/or plans which address that consideration. In addition, with respect to any development which results in a density exception, the Town shall be satisfied that the total number of units and population for the plan of subdivision is the same as, or greater than, that which would be required by land use category distribution in Table 1.

- Home occupations and home businesses shall be permitted in dwellings and accessory buildings in accordance with the regulations of the zoning by-law.
- The zoning by-law shall establish minimum and maximum setbacks, and implement densities and other standards to ensure that development achieves the minimum standards required as a basis for the creation of this residential area.
- Village squares may also be permitted within the General Urban Area designations subject to the provisions of Section 7.6.13.

7.6.14 ELEMENTARY AND SECONDARY SCHOOL SITES

7.6.14.1 Purpose

- The Elementary and Secondary School Site designation on Figure NOE2 is a conceptual designation intended to recognize general potential locations for publicly funded elementary and secondary schools.

7.6.14.2 Permitted Uses, Buildings and Structures

- The main permitted uses shall be schools, and other public and institutional uses including day care centres, as well as community and neighbourhood parks.

7.6.14.3 Land Use Policies

- a) The School Area designation denotes general potential locations for publicly funded elementary and secondary schools. The exact number, location and configuration of school sites will be established during the preparation of plans of subdivision in consultation with the Boards of Education, and without further amendment to this Plan.
- b) The number of schools and the size and configuration of each school shall be consistent with the policies and requirements of the respective School Board and the policies of this Plan.
- c) Whenever possible, schools shall be located adjacent to Community or Neighbourhood Park sites. Schools, particularly secondary schools, will also be located so that they will be well served by transit. The Town shall

continue to pursue, and shall work with the School Boards to achieve, multiple public use facilities as part of the subdivision design process as well as innovative urban design and building design approaches for schools, community facilities and other institutional uses with the objectives of maximizing the utility of the land while ensuring that the needs of those uses are met.

- d) Where a school is not developed on all or a portion of a particular site, uses permitted in the underlying land use designation on Figure NOE2 shall be permitted. Other uses which are compatible in scale and provide a service to the surrounding community may also be permitted, subject to the approval of the Town, including:
- Open space uses particularly parks or linkages which contribute to the creation of the Natural Heritage and Open Space System where deemed to be required, appropriate for such uses and financially feasible by the Town; and,
 - Institutional uses such as private schools, places of worship, day care centres, and community service or cultural buildings.

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Community Development Commission
Corporate Services Commission

DATE: March 29, 2022

SUBJECT: **Report of the Ontario Housing Affordability Task Force and Implications for Oakville**

LOCATION: Town-wide

WARD: Town-wide

Page 1

RECOMMENDATION

1. That the report from the Community Development Commission and Corporate Services Commission dated March 29, 2022, entitled *Report of the Ontario Housing Affordability Task Force and Implications for Oakville*, be received,
2. That the Town Clerk forward this staff report and Council's comments regarding the *Report of the Ontario Housing Affordability Task Force and Implications for Oakville* to the Minister of Municipal Affairs & Housing, Halton Area MPPs, Halton Region, the City of Burlington, the Town of Halton Hills, and the Town of Milton.

KEY FACTS

The following are key points for consideration with respect to this report:

- On 30 March, 2022, the provincial government tabled new legislation entitled: "*The More Homes for Everyone Act*". This legislation builds off of the recommendations made by the Housing Affordability Task Force. Staff have not had the opportunity to review the legislation in depth, and will report to Council in the near term.
- The Province of Ontario created a Housing Affordability Task Force in December 2021 with the mandate of determining ways in which to address housing affordability. The Province has referred to the lack of affordable

housing as a crisis and is seeking ways in which to bring more homes to market faster.

- The Task Force's Final Report was released 8 February, 2022 with the intent of generating feedback from the public.
- The Final Report includes 55 recommendations that touch all aspects of market-housing from supply to the approvals system to financial matters. An appendix to the HATF report includes 8 additional recommendations specific to affordable housing.
- The Province continues to seek ways to increase the supply of market rate rental and ownership housing as quickly as possible. These efforts to address market housing affordability are largely separate from Provincial supports for affordable housing for the most vulnerable Ontarians
- As indicated in Appendix B, and highlighted in this report, staff can offer qualified support for some of the recommendations that could assist in providing more attainable housing. A number of recommendations though, are difficult to support since they run counter to the land use planning policies implemented by local Councils in conformity with existing Provincial land use plans and policies.
- Several municipalities have voiced comment on the Final Report through their respective Councils, as has the Ontario Big City Mayors. There are similar themes throughout the commenting; however, varying financial and planning objectives among municipalities result in inconsistencies relative to individual recommendations from the Final Report.
- If the Province mandates unconstrained growth without due regard for the Town's Urban Structure, Staff remain concerned about the town's ability to plan for, and keep pace with, community facilities and services. Furthermore, it remains to be seen how the Province may support the town with provincially-funded facilities and services (e.g., new schools, hospital expansion, frequent transit, among others).
- Through the Town's Official Plan work, and in consultation with Halton Region, the Town has already planned for measured growth in accordance with the town's urban structure and in conformity with the Province's Growth Plan. While there remain opportunities for increased density, within reason, this needs to be in conformity with the town's Official Plan, and sound fiscal management.

BACKGROUND

As noted above, new legislation (Bill 109) has been brought forward by the Provincial government and at the time of writing this report, it has only had First Reading. The legislation intends to curb non-resident land speculation, strengthen consumer protection for new home purchasers, accelerate planning processes for municipalities, and ease the building of more community housing using provincially-owned lands, among others.

This Staff report was prepared prior to the release of Bill 109 and does not speak to the content of, or provide any opinion on, the Bill. That commentary will be provided at a future date.

The balance of this report is Staff's review of the Province's *Report of the Housing Affordability Task Force* and was prepared in anticipation of the then forthcoming legislation, and is offered for Council's information.

Town staff provided an initial report to Council in January 2022 which offered commentary on a leaked draft report from the Housing Affordability Task Force (HATF). As noted at that time, the HATF was appointed by the Provincial government in December 2021. The purpose of the Task Force was to provide the government with solutions for mitigating market-based housing affordability across the Province. The task force was to recommend ways in which to increase the supply of market housing, reduce red tape and support economic recovery and job creation.

The recommendations contained within HATF's final report were similar to what was identified in the January draft. A summary follows in this report.

COMMENTS

The HATF final report attached as Appendix 'A', and is composed of five theme areas:

- Require Greater Density
- Reduce and Streamline Urban Design Rules
- Depoliticise the Process and Cut Red Tape
- Support Municipalities that Commit to Transforming the System
- Fix the Ontario Land Tribunal

The essence of the report is to achieve 1.5 million more homes across the province within the next ten years. It supports this goal by allowing more housing supply in more locations "as of right". This would be through provincial direction and limit, or eliminate, local municipal approvals.

Requiring greater density at the local level has merit where it implements local planning objectives. As Council is aware, the Town's Urban Structure intends to achieve exactly this – to plan for intensification in appropriate locations throughout the town where that intensification can be supported by services, infrastructure and frequent transit. Arbitrary direction to simply increase densities undermines ability of all levels of government to plan, co-ordinate and finance the delivery of the facilities, services, infrastructure and frequent transit on which residents and employees depend. Furthermore, development which strays from a municipality's planning objectives runs the risk of diluting neighbourhood character which is often the very element that attracts residents in the first place.

As Halton Region has recently experienced through the Integrated Growth Management (IGMS) process, the Region, and the local municipalities are intent on meeting the Province's Growth Plan requirements to accommodate a population of 1.1 million people by 2051 – up from the current 597,000. The numerous delegations to Regional Council focussed on the tension between delivering needed housing in the right areas through intensification and preserving greenspaces, farmland and the Natural Heritage System. Municipal Councils are already acknowledging that relying on continued greenfield growth is not sustainable. There is a need to intensify Halton's communities. Councils and the public are working together, as intended, to do that in a manner that is sensitive to the built context.

It is difficult to understand how reducing urban design rules would add to the supply of housing in Oakville. As Council is aware, Urban Design has less to do with how a building looks, and more to do with ensuring places, buildings, and the spaces in-between are functional, safe and appropriate for the respective contexts. In considering parking requirements for new development, Council has often been supportive of innovative ways in addressing parking ratios, where appropriate. As the town continues to mature and develop, it is reasonable to expect that people will choose efficient ways to move throughout the municipality and the GTA overall.

Another theme in the HATF Report is to eliminate NIMBYism (Not In My BackYard). As stated in staff's January report to Council, public consultation and participation is an important, and needed, component of land use planning in Ontario. Reducing this opportunity will lead to greater tension in neighbourhoods where development is forced and not sufficiently shaped to complement the existing context. Similarly, limiting a community's ability to participate in the appeal process by putting the Ontario Land Tribunal (OLT) out of reach with increased fees dilutes the integrity of the public process.

The final theme recommends that the Provincial government "reward" those municipalities that support change and reduce funding to those municipalities that are not in support.

Considerations

As noted in Staff's January report, the delivery of housing is subject to forces often beyond a municipality's control; and not necessarily singularly focussed on the amount of supply. Housing affordability can be affected by factors related to federal immigration policy, financial factors (e.g. labour, supply chain challenges, interest rates), and location among others. Compressing the development approvals timeframe does nothing to address the foregoing.

Delivering housing supply is something that can only be addressed through the willing participation of all levels of government and the housing industry working towards shared, reasonable goals.

While there are some recommendations in the HATF Report that have merit, it is challenging to provide unqualified support due to how those same recommendations could be implemented. There are also peripheral considerations which will affect implementation of those recommendations, including but not limited to:

- Regional / local urban structure
- Water and wastewater services
- Stormwater management and tree canopy coverage
- Cultural heritage conservation
- Local zoning and urban design
- Building standards and fire safety
- Transit service

These considerations are similarly shared among municipalities who have presented reports. Again, the thrust of the HATF Report is also an important consideration – finding ways to increase housing supply, but within reason.

HATF Final Report Recommendations

Of the 63 recommendations (including sub-recommendations), Oakville staff can offer qualified support or neutrality for 38 of them, while not supporting the balance since these will either have no direct relation to housing affordability and attainable housing, or will adversely affect the municipality. A review of the HATF recommendations is provided in Appendix 'B'.

Some of the recommendations may assist in providing more attainable housing such as permitting secondary suites as-of-right (Recommendation #5), which has had support across most municipalities. Bill 108 already requires municipalities to authorize in their official plans and zoning by-laws the use of an additional residential unit in both a primary dwelling (i.e., detached, semi-detached and row houses) *and* in

an ancillary building or structure (e.g., above laneway garages or coach houses). The effect of Bill 108 will be to allow up to three units on most residential properties instead of two, but subject to new requirements and standards.

Another opportunity is with the permission for as-of-right multi-tenant housing (Recommendation #6). These are an important part of the affordable rental housing market, providing single-room accommodation to diverse communities, including students, seniors, new immigrants and low/moderate income residents. Staff recognise that municipal by-laws, licensing and enforcement will be required to ensure that such homes are safe and well-maintained.

There is also support for Recommendation #9 which could allow as-of-right zoning of six to 11 storeys (with no minimum parking requirements) on streets used by public transit. It would not be appropriate for all transit routes in the Town to be subject to this level of intensification. That said, the town's Urban Structure identifies opportunities for residential intensification, such as along two Rapid Transit Corridors (Dundas Street and Trafalgar Road). Locating buildings with a high concentration of affordable rental apartments in proximity to transit routes with high service levels is a reasonable planning objective.

Having this level of intensification along a street such as Reynolds Street though, would not be appropriate. Although it is considered a transit route, it also traverses a Heritage Conservation District and there would be greater potential to erode the integrity of this District with blanket intensification permissions.

Other recommendations that have merit include:

- Recommendation #40 – Requiring the federal government to create an urban, rural and northern indigenous housing strategy
- Recommendation #41 – Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners
- Recommendation #42 – Providing provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects

Recommendation #26 also has support among municipalities that have commented. This recommendation would require appellants to promptly seek permission (“leave to appeal”) of the OLT and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted. This will help prevent frivolous appeals because appellants, including development proponents, should be required to demonstrate that an appeal has merit. The caveat to this is that the Ontario Land Tribunal will need to be sufficiently resourced to support this requirement.

Implications for Oakville

Like many municipalities across the GTA, and the province, the town has demonstrated that it is doing its part to accommodate growth allocated to it in conformity with the Growth Plan. The latest update to the Growth Plan adjusted the planning horizon to 2051 and Halton Region and the local municipalities have been working to allocate that adjusted population of 1.1 million people throughout the Region.

It should be noted that while planning for an increased population has been ongoing, there remain constraints to housing supply such as:

- water and waste water servicing capacity
- transit and infrastructure improvements
- skilled labour to build new housing (and infrastructure)
- building materials, equipment and supply chain constraints

In addition, with increased population comes the needed provision for associated community facilities and services, and the burden those put on new and existing residents and businesses. As Council is aware, new development is limited in what can be collected through development charges. The tax levy needs to account for the balance of those fiscal demands.

These matters must also be balanced against the desire to direct growth to appropriate locations as identified in the Urban Structure. While some increased density may be appropriate in established neighbourhoods, this can only be done if new development is compatible with, and sensitive to, the existing neighbourhood character, and is sensitive to the town's cultural heritage resources.

Next Steps

While municipalities expect that the Province will respond to the HATF Report with new legislation, the timing and extent of the changes that will ultimately be proposed are unknown. The HATF Report recommendations are over-arching and lack important details about how they are intended to be implemented. It is therefore difficult to provide further commentary at this time. Should that legislation be identified, staff will respond in kind and present this to Council for its consideration.

CONSIDERATIONS

- (A) PUBLIC**
N/A

(B) FINANCIAL

N/A

(C) IMPACT ON OTHER DEPARTMENTS & USERS

N/A

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal to be the most liveable town in Canada.

(E) CLIMATE CHANGE/ACTION

N/A

CONCLUSION

There is little doubt there are numerous constraints in the system as it relates to how future residents can attain home ownership. As is appropriately identified in the HATF Final Report – each level of government, and the housing industry itself, has a role to play in easing the housing crisis in Ontario. There is no easy way out; however, blanket changes will not speed up the process, it will only exacerbate existing issues.

APPENDICES

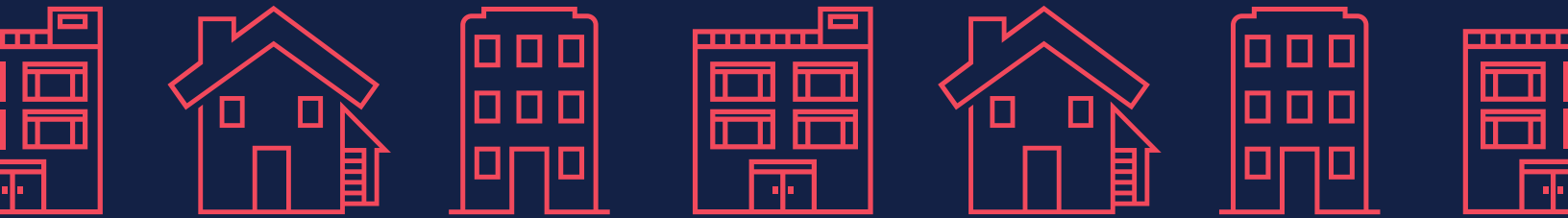
Appendix A – Report of the Ontario Housing Affordability Task Force

Appendix B – Preliminary Response on Recommendations

Submitted by:

Nancy Sully, CPA, CMA
Commissioner, Corporate Services Commission & Treasurer

Neil Garbe, RPP, PLE
Commissioner, Community Development Commission



Report of the
**Ontario Housing
Affordability Task Force**



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Letter to Minister Clark

Dear Minister Clark,

Hard-working Ontarians are facing a housing crisis. For many years, the province has not built enough housing to meet the needs of our growing population. While the affordability crisis began in our large cities, it has now spread to smaller towns and rural communities.

Efforts to cool the housing market have only provided temporary relief to home buyers. The long-term trend is clear: house prices are increasing much faster than Ontarian's incomes. The time for action is now.

When striking the Housing Affordability Task Force, you and Premier Ford were clear: you wanted actionable, concrete solutions to help Ontarians and there was no time to waste. You asked us to be bold and gave us the freedom and independence to develop our recommendations.

In the past two months, we have met municipal leaders, planners, unions, developers and builders, the financial sector, academics, think tanks and housing advocates. Time was short, but solutions emerged consistently around these themes:

- More housing density across the province
- End exclusionary municipal rules that block or delay new housing
- Depoliticize the housing approvals process
- Prevent abuse of the housing appeals system
- Financial support to municipalities that build more housing

We present this report to you not as an “all or nothing” proposal, but rather as a list of options that the government has at its disposal to help address housing affordability for Ontarians and get more homes built. We propose an ambitious but achievable target: 1.5 million new homes built in the next ten years.

Parents and grandparents are worried that their children will not be able to afford a home when they start working or decide to start a family. Too many Ontarians are unable to live in their preferred city or town because they cannot afford to buy or rent.

The way housing is approved and built was designed for a different era when the province was less constrained by space and had fewer people. But it no longer meets the needs of Ontarians. The balance has swung too far in favour of lengthy consultations, bureaucratic red tape, and costly appeals. It is too easy to oppose new housing and too costly to build. We are in a housing crisis and that demands immediate and sweeping reforms.

It has been an honour to serve as Chair, and I am proud to submit this report on behalf of the entire Task Force.



Jake Lawrence

Chair, Housing Affordability Task Force

Chief Executive Officer and Group Head, Global Banking and Markets, Scotiabank

Executive summary and recommendations

House prices in Ontario have almost tripled in the past 10 years, growing much faster than incomes. This has home ownership beyond the reach of most first-time buyers across the province, even those with well-paying jobs. Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns. The system is not working as it should.

For too long, we have focused on solutions to “cool” the housing market. It is now clear that we do not have enough homes to meet the needs of Ontarians today, and we are not building enough to meet the needs of our growing population. If this problem is not fixed – by creating more housing to meet the growing demand – housing prices will continue to rise. We need to build more housing in Ontario.

This report sets out recommendations that would set a bold goal and clear direction for the province, increase density, remove exclusionary rules that prevent housing growth, prevent abuse of the appeals process, and make sure municipalities are treated as partners in this process by incentivizing success.

Setting bold targets and making new housing the planning priority

Recommendations 1 and 2 urge Ontario to set a bold goal of adding 1.5 million homes over the next 10 years and update planning guidance to make this a priority.

The task force then recommends actions in five main areas to increase supply:

Require greater density

Land is not being used efficiently across Ontario. In too many neighbourhoods, municipal rules only allow single-family homes – not even a granny suite. Taxpayers have invested heavily in subway, light rail, bus and rail lines and highways, and the streets nearby are ideally suited for more mid- and high-rise housing. Underused or redundant commercial and industrial buildings are ripe to be redeveloped into housing or mixed commercial and residential use. New housing on undeveloped land should also be higher density than traditional suburbs, especially close to highways.

Adding density in all these locations makes better use of infrastructure and helps to save land outside urban boundaries. Implementing these recommendations will provide Ontarians with many more options for housing.

Recommendations 3 through 11 address how Ontario can quickly create more housing supply by allowing more housing in more locations “as of right” (without the need for municipal approval) and make better use of transportation investments.

Reduce and streamline urban design rules

Municipalities require numerous studies and set all kinds of rules for adding housing, many of which go well beyond the requirements of the provincial Planning Act. While some of this guidance has value for urban design, some rules appear to be arbitrary and not supported by evidence – for example, requiring condo buildings to include costly parking stalls even though many go unsold. These rules and requirements result in delays and extra costs that make housing either impossible to build or very expensive for the eventual home buyer or renter.

Recommendation 12 would set uniform provincial standards for urban design, including building shadows and setbacks, do away with rules that prioritize preservation of neighbourhood physical character over new housing, no longer require municipal approval of design matters like a building’s colour, texture, type of material or window details, and remove or reduce parking requirements in cities over 50,000 in population.

Depoliticize the process and cut red tape

NIMBYism (not in my backyard) is a major obstacle to building housing. It drags out the approval process, pushes up costs, and keeps out new residents. Because local councillors depend on the votes of residents who want to keep the status quo, the planning process has become politicized. Municipalities allow far more public consultation than is required, often using formats that make it hard for working people and families with young children to take part. Too few technical decisions are delegated to municipal staff. Pressure to designate buildings with little or no heritage value as “heritage” if development is proposed and bulk listings of properties with “heritage potential” are also standing in the way of getting homes built. Dysfunction throughout the system, risk aversion and needless bureaucracy have resulted in a situation where Ontario lags the rest of Canada and the developed world in approval times. Ontarians have waited long enough.

Recommendations 13 through 25 would require municipalities to limit consultations to the legislated maximum, ensure people can take part digitally, mandate the delegation of technical decisions, prevent abuse of the heritage process and see property owners compensated for financial loss resulting from designation, restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews, legislate timelines for approvals and enact several other common sense changes that would allow housing to be built more quickly and affordably.

Fix the Ontario Land Tribunal

Largely because of the politicization of the planning process, many proponents look to the Tribunal, a quasi-judicial body, to give the go-ahead to projects that should have been approved by the municipality. Even when there is municipal approval, however, opponents appeal to the Tribunal – paying only a \$400 fee – knowing that this may well succeed in delaying a project to the point where it might no longer make economic sense. As a result, the Tribunal faces a backlog of more than 1,000 cases and is seriously under-resourced.

Recommendations 26 through 31 seek to weed out or prevent appeals aimed purely at delaying projects, allow adjudicators to award costs to proponents in more cases, including instances where a municipality has refused an approval to avoid missing a legislated deadline, reduce the time to issue decisions, increase funding, and encourage the Tribunal to prioritize cases that would increase housing supply quickly as it tackles the backlog.

Support municipalities that commit to transforming the system

Fixing the housing crisis needs everyone working together. Delivering 1.5 million homes will require the provincial and federal governments to invest in change. Municipalities that make the difficult but necessary choices to grow housing supply should be rewarded, and those that resist new housing should see funding reductions.

Recommendations 49 and 50 call for Ontario government to create a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding, and suggest how the province should reward municipalities that support change and reduce funding for municipalities that do not.

This executive summary focuses on the actions that will get the most housing units approved and built in the shortest time. Other recommendations in the report deal with issues that are important but may take more time to resolve or may not directly increase supply (recommendation numbers are indicated in brackets): improving tax and municipal financing (**32-37, 39, 42-44**); encouraging new pathways to home ownership (**38, 40, 41**); and addressing labour shortages in the construction industry (**45-47**).

This is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions. This time must be different. **Recommendations 50-55** set out ways of helping to ensure real and concrete progress on providing the homes Ontarians need.

Introduction

Ontario is in a housing crisis. Prices are skyrocketing: the average price for a house across Ontario was \$923,000 at the end of 2021.^[1] Ten years ago, the average price was \$329,000.^[2] Over that period, average house prices have climbed 180% while average incomes have grown roughly 38%.^{[3][4]}

Not long ago, hard-working Ontarians – teachers, construction workers, small business owners – could afford the home they wanted. In small towns, it was reasonable to expect that you could afford a home in the neighbourhood you grew up in. Today, home ownership or finding a quality rental is now out of reach for too many Ontarians. The system is not working as it should be.

Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns.

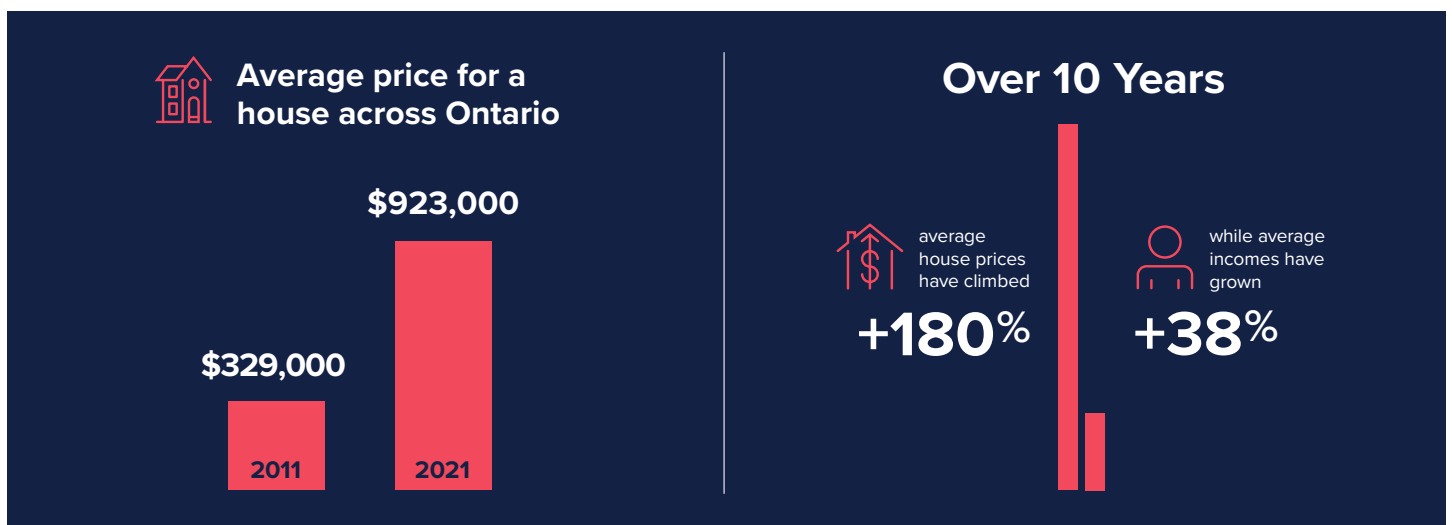
While people who were able to buy a home a decade or more ago have built considerable personal equity, the benefits of having a home aren't just financial. Having a place to call home connects people to their community, creates a gathering place for friends and family, and becomes a source of pride.

Today, the reality for an ever-increasing number of Ontarians is quite different. Everyone in Ontario knows people who are living with the personal and financial stress of not being able to find housing they can afford. The young family who can't buy a house within two hours of where they work. The tenant with a good job who worries about

where she'll find a new apartment she can afford if the owner decides to sell. The recent graduate who will have to stay at home for a few more years before he can afford to rent or buy.

While the crisis is widespread, it weighs more heavily on some groups than on others. Young people starting a family who need a larger home find themselves priced out of the market. Black, Indigenous and marginalized people face even greater challenges. As Ontarians, we have only recently begun to understand and address the reality of decades of systemic racism that has resulted in lower household incomes, making the housing affordability gap wider than average.

The high cost of housing has pushed minorities and lower income Ontarians further and further away from job markets. Black and Indigenous homeownership rates are less than half of the provincial average.^[5] And homelessness rates among Indigenous Peoples are 11 times the national average. When housing prevents an individual from reaching their full potential, this represents a loss to every Ontarian: lost creativity, productivity, and revenue. Lost prosperity for individuals and for the entire Ontario economy.



As much as we read about housing affordability being a challenge in major cities around the world, the depth of the challenge has become greater in Ontario and Canada than almost anywhere in the developed world.



Canada has the lowest amount of housing per population of any G7 country.

How did we get here? Why do we have this problem?

A major factor is that there just isn't enough housing. A 2021 Scotiabank study showed that Canada has the fewest housing units per population of any G7 country – and, our per capita housing supply has *dropped* in the past five years.^[6] An update to that study released in January 2022 found that two thirds of Canada's housing shortage is in Ontario.^[7] Today, Ontario is 1.2 million homes – rental or owned – short of the G7 average. With projected population growth, that huge gap is widening, and bridging it will take immediate, bold and purposeful effort. And to support population growth in the next decade, we will need one million more homes.

While governments across Canada have taken steps to “cool down” the housing market or provide help to first-time buyers, these demand-side solutions only work if there is enough supply. Shortages of supply in any market have a direct impact on affordability. Scarcity breeds price increases. Simply put, if we want more Ontarians to have housing, we need to build more housing in Ontario.

Ontario must build 1.5 million homes over the next 10 years to address the supply shortage

The housing crisis impacts all Ontarians. The ripple effect of the crisis also holds back Ontario reaching its full potential.

Economy

Businesses of all sizes are facing problems finding and retaining workers. Even high-paying jobs in technology and manufacturing are hard to fill because there's not enough housing nearby. This doesn't just dampen the economic growth of cities, it makes them less vibrant, diverse, and creative, and strains their ability to provide essential services.

Public services

Hospitals, school boards and other public service providers across Ontario report challenges attracting and retaining staff because of housing costs. One town told us that it

could no longer maintain a volunteer fire department, because volunteers couldn't afford to live within 10 minutes drive of the firehall.

Environment

Long commutes contribute to air pollution and carbon emissions. An international survey of 74 cities in 16 countries found that Toronto, at 96 minutes both ways, had the longest commute times in North America and was essentially tied with Bogota, Colombia, for the longest commute time worldwide.^[8] Increasing density in our cities and around major transit hubs helps reduce emissions to the benefit of everyone.

Ontario must build

1.5M

homes over the next 10 years
to address the supply shortage.



Our mandate and approach

Ontario's Minister of Municipal Affairs and Housing tasked us with recommending ways to accelerate our progress in closing the housing supply gap to improve housing affordability.

Time is of the essence. Building housing now is exactly what our post-pandemic economy needs. Housing construction creates good-paying jobs that cannot be outsourced to other countries. Moreover, the pandemic gave rise to unprecedented levels of available capital that can be invested in housing – if we can just put it to work.

We represent a wide range of experience and perspectives that includes developing, financing and building homes, delivering affordable housing, and researching housing market trends, challenges and solutions. Our detailed biographies appear as [Appendix A](#).



We acknowledge that every house in Ontario is built on the traditional territory of Indigenous Peoples.



People in households that spend 30% or more of total household income on shelter expenses are defined as having a “housing affordability” problem. Shelter expenses include electricity, oil, gas, coal, wood or other fuels, water and other municipal services, monthly mortgage payments, property taxes, condominium fees, and rent.

Our mandate was to focus on how to increase market housing supply and affordability. By market housing, we are referring to homes that can be purchased or rented without government support.

Affordable housing (units provided at below-market rates with government support) was not part of our mandate.

The Minister and his cabinet colleagues are working on that issue. Nonetheless, almost every stakeholder we spoke with had ideas that will help deliver market housing and also make it easier to deliver affordable housing. However, affordable housing is a societal responsibility and will require intentional investments and strategies to bridge the significant affordable housing gap in this province. We have included a number of recommendations aimed at affordable housing in the body of this report, but have also included further thoughts in [Appendix B](#).

We note that government-owned land was also outside our mandate. Many stakeholders, however, stressed the value of surplus or underused public land and land associated with major transit investments in finding housing solutions. We agree and have set out some thoughts on that issue in [Appendix C](#).

How we did our work

Our Task Force was struck in December 2021 and mandated to deliver a final report to the Minister by the end of January 2022. We were able to work to that tight timeline because, in almost all cases, viewpoints and feasible solutions are well known. In addition, we benefited from insights gleaned from recent work to solve the problem in other jurisdictions.

During our deliberations, we met with and talked to over 140 organizations and individuals, including industry associations representing builders and developers, planners, architects, realtors and others; labour unions; social justice advocates; elected officials at the municipal level; academics and research groups; and municipal planners. We also received written submissions from many of these participants. In addition, we drew on the myriad public reports and papers listed in the [References](#).

We thank everyone who took part in sessions that were uniformly helpful in giving us a deeper understanding of the housing crisis and the way out of it. We also thank the staff of the Ministry of Municipal Affairs and Housing who provided logistical and other support, including technical briefings and background.

The way forward

The single unifying theme across all participants over the course of the Task Force’s work has been the urgency to take decisive action. Today’s housing challenges are incredibly complex. Moreover, developing land, obtaining approvals, and building homes takes years.

Some recommendations will produce immediate benefits, others will take years for the full impact.

This is why there is no time to waste. We urge the Minister of Municipal Affairs and Housing and his cabinet colleagues to continue measures they have already taken to accelerate housing supply and to move quickly in turning the recommendations in this report into decisive new actions.

The province must set an ambitious and bold goal to build 1.5 million homes over the next 10 years. If we build 1.5 million new homes over the next ten years, Ontario can fill the housing gap with more affordable choices, catch up to the rest of Canada and keep up with population growth.

By working together, we can resolve Ontario’s housing crisis. In so doing, we can build a more prosperous future for everyone.

The balance of this report lays out our recommendations.

Focus on getting more homes built

Resolving a crisis requires intense focus and a clear goal. The province is responsible for the legislation and policy that establishes the planning, land use, and home building goals, which guide municipalities, land tribunals, and courts. Municipalities are then responsible for implementing provincial policy in a way that works for their communities. The province is uniquely positioned to lead by shining a spotlight on this issue, setting the tone, and creating a single, galvanizing goal around which federal support, provincial legislation, municipal policy, and the housing market can be aligned.

In 2020, Ontario built about 75,000 housing units.^[9] For this report, we define a housing unit (home) as a single dwelling (detached, semi-detached, or attached), apartment, suite, condominium or mobile home. Since 2018, housing completions have grown every year as a result of positive measures that the province and some municipalities have implemented to encourage more home building. But we are still 1.2 million homes short when compared to other G7 countries and our population is growing. The goal of 1.5 million homes feels daunting – but reflects both the need and what is possible. In fact, throughout the 1970s Ontario built more housing units each year than we do today.^[10]

The second recommendation is designed to address the growing complexity and volume of rules in the legislation, policy, plans and by-laws, and their competing priorities, by providing clear direction to provincial agencies, municipalities, tribunals, and courts on the overriding priorities for housing.

- 1. Set a goal of building 1.5 million new homes in ten years.**
- 2. Amend the Planning Act, Provincial Policy Statement, and Growth Plans to set “growth in the full spectrum of housing supply” and “intensification within existing built-up areas” of municipalities as the most important residential housing priorities in the mandate and purpose.**



The “missing middle” is often cited as an important part of the housing solution. We define the missing middle as mid-rise condo or rental housing, smaller houses on subdivided lots or in laneways and other additional units in existing houses.

Making land available to build

The Greater Toronto Area is bordered on one side by Lake Ontario and on the other by the protected Greenbelt. Similarly, the Ottawa River and another Greenbelt constrain land supply in Ottawa, the province's second-largest city.

But a shortage of land isn't the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts.

We need to make better use of land. Zoning defines what we can build and where we can build. If we want to make better use of land to create more housing, then we need to modernize our zoning rules. We heard from planners, municipal councillors, and developers that "as of right" zoning – the ability to by-pass long, drawn out consultations and zoning by-law amendments – is the most effective tool in the provincial toolkit. We agree.

Stop using exclusionary zoning that restricts more housing

Too much land inside cities is tied up by outdated rules. For example, it's estimated that 70% of land zoned for housing in Toronto is restricted to single-detached or semi-detached homes.^[11] This type of zoning prevents homeowners from adding additional suites to create housing for Ontarians and income for themselves. As one person said, "my neighbour can tear down what was there to build a monster home, but I'm not allowed to add a basement suite to my home."

It's estimated that

70%

of land zoned for housing in Toronto is restricted to **single-detached** or **semi-detached** homes.



While less analysis has been done in other Ontario communities, it's estimated that about half of all residential land in Ottawa is zoned for single-detached housing, meaning nothing else may be built on a lot without public consultation and an amendment to the zoning by-law. In some suburbs around Toronto, single unit zoning dominates residential land use, even close to GO Transit stations and major highways.

One result is that more growth is pushing past urban boundaries and turning farmland into housing. Undeveloped land inside and outside existing municipal boundaries must be part of the solution, particularly in northern and rural communities, but isn't nearly enough on its own. Most of the solution must come from densification. Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.

Modernizing zoning would also open the door to more rental housing, which in turn would make communities more inclusive.

Allowing more gentle density also makes better use of roads, water and wastewater systems, transit and other public services that are already in place and have capacity, instead of having to be built in new areas.

The Ontario government took a positive step by allowing secondary suites (e.g., basement apartments) across the province in 2019. However, too many municipalities still place too many restrictions on implementation. For the last three years, the total number of secondary suites in Toronto has actually declined each year, as few units get permitted and owners convert two units into one.^[12]

These are the types of renovations and home construction performed by small businesses and local trades, providing them with a boost.

Underused and vacant commercial and industrial properties are another potential source of land for housing. It was suggested to us that one area ripe for redevelopment into a mix of commercial and residential uses is the strip mall, a leftover from the 1950s that runs along major suburban streets in most large Ontario cities.

“As of right” zoning allows more kinds of housing that are accessible to more kinds of people. It makes neighbourhoods stronger, richer, and fairer. And it will get more housing built in existing neighbourhoods more quickly than any other measure.

- 3. Limit exclusionary zoning in municipalities through binding provincial action:**
 - a) Allow “as of right” residential housing up to four units and up to four storeys on a single residential lot.
 - b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow single-staircase construction for up to four storeys, allow single egress, etc.).
- 4. Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.**
- 5. Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.**
- 6. Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.**
- 7. Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.**

Align investments in roads and transit with growth

Governments have invested billions of dollars in highways, light rail, buses, subways and trains in Ontario. But without ensuring more people can live close to those transit routes, we’re not getting the best return on those infrastructure investments.

Access to transit is linked to making housing more affordable: when reliable transit options are nearby, people can get to work more easily. They can live further from the centre of the city in less expensive areas without the added cost of car ownership.

The impacts of expanding public transit go far beyond serving riders. These investments also spur economic growth and reduce traffic congestion and emissions. We all pay for the cost of transit spending, and we should all share in the benefits.

If municipalities achieve the right development near transit – a mix of housing at high- and medium-density, office space and retail – this would open the door to better ways of funding the costs. Other cities, like London, UK and Hong Kong, have captured the impacts of increased land value and business activity along new transit routes to help with their financing.

Ontario recently created requirements (residents/hectare) for municipalities to zone for higher density in transit corridors and “major transit station areas”.^[3] These are areas surrounding subway and other rapid transit stations and hubs. However, we heard troubling reports that local opposition is blocking access to these neighbourhoods and to critical public transit stations. City staff, councillors, and the province need to stand up to these tactics and speak up for the Ontarians who need housing.

The Province is also building new highways in the Greater Golden Horseshoe, and it’s important to plan thoughtfully for the communities that will follow from these investments, to make sure they are compact and liveable.



8. Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets.
9. Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).
10. Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.
11. Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.

example of a policy that appears neutral on its surface but is discriminatory in its application.^[14]

Far too much time and money are spent reviewing and holding consultations for large projects which conform with the official plan or zoning by-law and small projects which would cause minimal disruption. The cost of needless delays is passed on to new home buyers and tenants.

Minimum parking requirements for each new unit are another example of outdated municipal requirements that increase the cost of housing and are increasingly less relevant with public transit and ride share services. Minimum parking requirements add as much as \$165,000 to the cost of a new housing unit, even as demand for parking spaces is falling: data from the Residential Construction Council of Ontario shows that in new condo projects, one in three parking stalls goes unsold. We applaud the recent vote by Toronto City Council to scrap most minimum parking requirements. We believe other cities should follow suit.

While true heritage sites are important, heritage preservation has also become a tool to block more housing. For example, some municipalities add thousands of properties at a time to a heritage register because they have “potential” heritage value. Even where a building isn’t heritage designated or registered, neighbours increasingly demand it be as soon as a development is proposed.

This brings us to the role of the “not in my backyard” or NIMBY sentiment in delaying or stopping more homes from being built.

Start saying “yes in my backyard”

Even where higher density is allowed in theory, the official plans of most cities in Ontario contain conflicting goals like maintaining “prevailing neighbourhood character”. This bias is reinforced by detailed guidance that often follows from the official plan. Although requirements are presented as “guidelines”, they are often treated as rules.

Examples include:

- Angular plane rules that require successively higher floors to be stepped further back, cutting the number of units that can be built by up to half and making many projects uneconomic
- Detailed rules around the shadows a building casts
- Guidelines around finishes, colours and other design details

One resident’s desire to prevent a shadow being cast in their backyard or a local park frequently prevails over concrete proposals to build more housing for multiple families. By-laws and guidelines that preserve “neighbourhood character” often prevent simple renovations to add new suites to existing homes. The people who suffer are mostly young, visible minorities, and marginalized people. It is the perfect



New housing is often the last priority

A proposed building with market and affordable housing units would have increased the midday shadow by 6.5% on a nearby park at the fall and spring equinox, with no impact during the summer months. To conform to a policy that does not permit “new net shadow on specific parks”, seven floors of housing, including 26 affordable housing units, were sacrificed.

Multiple dry cleaners along a transit route were designated as heritage sites to prevent new housing being built. It is hard not to feel outrage when our laws are being used to prevent families from moving into neighbourhoods and into homes they can afford along transit routes.

NIMBY versus YIMBY

NIMBYism (not in my backyard) is a large and constant obstacle to providing housing everywhere. Neighbourhood pushback drags out the approval process, pushes up costs and discourages investment in housing. It also keeps out new residents. While building housing is very costly, opposing new housing costs almost nothing.

Unfortunately, there is a strong incentive for individual municipal councillors to fall in behind community opposition – it's existing residents who elect them, not future ones. The outcry of even a handful of constituents (helped by the rise of social media) has been enough, in far too many cases, to persuade their local councillor to vote against development even while admitting its merits in private. There is a sense among some that it's better to let the Ontario Land Tribunal approve the development on appeal, even if it causes long delays and large cost increases, then to take the political heat.

Mayors and councillors across the province are fed up and many have called for limits on public consultations and more “as of right” zoning. In fact, some have created a new term for NIMBYism: BANANAs – Build Absolutely Nothing Anywhere Near Anything, causing one mayor to comment “NIMBYism has gone BANANAs”. We agree. In a growing, thriving society, that approach is not just bad policy, it is exclusionary and wrong.

As a result, technical planning decisions have become politicized. One major city has delegated many decisions to senior staff, but an individual councillor can withdraw the delegation when there is local opposition and force a vote at Council. We heard that this situation is common across the province, creating an electoral incentive for a councillor to delay or stop a housing proposal, or forcing a councillor to pay the electoral cost of supporting it. Approvals of individual housing applications should be the role of professional staff, free from political interference.

The pressure to stop any development is now so intense that it has given rise to a counter-movement – YIMBYism, or “yes in my backyard,” led by millennials who recognize entrenched opposition to change as a huge obstacle to finding a home. They provide a voice at public consultations for young people, new immigrants and refugees, minority groups, and Ontarians struggling to access housing by connecting our ideals to the reality of housing. People who welcome immigrants to Canada should welcome them to the neighbourhood, fighting climate change means supporting higher-density housing, and “keeping the neighbourhood the way it is” means keeping it off-limits. While anti-housing voices can be loud,

a member of More Neighbours Toronto, a YIMBY group that regularly attends public consultations, has said that the most vocal opponents usually don't represent the majority in a neighbourhood. Survey data from the Ontario Real Estate Association backs that up, with almost 80% of Ontarians saying they are in favour of zoning in urban areas that would encourage more homes.

Ontarians want a solution to the housing crisis. We cannot allow opposition and politicization of individual housing projects to prevent us from meeting the needs of all Ontarians.

12. Create a more permissive land use, planning, and approvals system:

- a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood
- b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances
- c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements; and
- d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.

13. Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the Planning Act.

14. Require that public consultations provide digital participation options.

15. Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.

- 16.** Prevent abuse of the heritage preservation and designation process by:
 - a) Prohibiting the use of bulk listing on municipal heritage registers
 - b) Prohibiting reactive heritage designations after a Planning Act development application has been filed
- 17.** Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.
- 18.** Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.

We have heard mixed feedback on Committees of Adjustment. While they are seen to be working well in some cities, in others they are seen to simply add another lengthy step in the process. We would urge the government to first implement our recommendation to delegate minor variances and site plan approvals to municipal staff and then assess whether Committees of Adjustment are necessary and an improvement over staff-level decision making.

Cut the red tape so we can build faster and reduce costs

One of the strongest signs that our approval process is not working: of 35 OECD countries, only the Slovak Republic takes longer than Canada to approve a building project. The UK and the US approve projects three times faster without sacrificing quality or safety. And they save home buyers and tenants money as a result, making housing more affordable.^[15]

A 2020 survey of development approval times in 23 Canadian cities shows Ontario seriously lagging: Hamilton (15th), Toronto (17th), Ottawa (21st) with approval times averaging between 20-24 months. These timelines do not include building permits, which take about two years for an apartment building in Toronto. Nor did they count the time it takes for undeveloped land to be designated for housing, which the study notes can take five to ten years.^[16]

Despite the good intentions of many people involved in the approvals and home-building process, decades of dysfunction in the system and needless bureaucracy have made it too difficult for housing approvals to keep up with the needs of Ontarians. There appear to be numerous reasons why Ontario performs so poorly against other Canadian cities and the rest of the developed world. We believe that the major problems can be summed up as:

- Too much complexity in the planning process, with the page count in legislation, regulation, policies, plans, and by-laws growing every year
- Too many studies, guidelines, meetings and other requirements of the type we outlined in the previous section, including many that go well beyond the scope of Ontario's Planning Act
- Reviews within municipalities and with outside agencies that are piecemeal, duplicative (although often with conflicting outcomes) and poorly coordinated
- Process flaws that include reliance on paper
- Some provincial policies that are more relevant to urban development but result in burdensome, irrelevant requirements when applied in some rural and northern communities.



All of this has contributed to widespread failure on the part of municipalities to meet required timelines. The provincial Planning Act sets out deadlines of 90 days for decisions on zoning by-law amendments, 120 days for plans of subdivision, and 30 days for site plan approval, but municipalities routinely miss these without penalty. For other processes, like site plan approval or provincial approvals, there are no timelines and delays drag on. The cost of delay falls on the ultimate homeowner or tenant.

The consequences for homeowners and renters are enormous. Ultimately, whatever cost a builder pays gets passed on to the buyer or renter. As one person said: "Process is the biggest project killer in Toronto because developers have to carry timeline risk."

Site plan control was often brought up as a frustration. Under the Planning Act, this is meant to be a technical review of the external features of a building. In practice, municipalities often expand on what is required and take too long to respond.

Then: In 1966, a draft plan of subdivision in a town in southwestern Ontario to provide 529 low-rise and mid-rise housing units, a school site, a shopping centre and parks was approved by way of a two-page letter setting out 10 conditions. It took seven months to clear conditions for final approval.

And now: In 2013, a builder started the approval process to build on a piece of serviced residential land in a seasonal resort town. Over the next seven years, 18 professional consultant reports were required, culminating in draft plan approval containing 50 clearance conditions. The second approval, issued by the Local Planning Appeals Board in 2020, ran to 23 pages. The developer estimates it will be almost 10 years before final approval is received.

An Ontario Association of Architects study calculating the cost of delays between site plan application and approval concluded that for a 100-unit condominium apartment building, each additional month of delay costs the applicant an estimated \$193,000, or \$1,930 a month for each unit.^[17]

A 2020 study done for the Building Industry and Land Development Association (BILD) looked at impacts of delay on low-rise construction, including single-detached homes. It estimated that every month an approval is delayed adds, on average, \$1.46 per square foot to the cost of a single home. A two-year delay, which is not unusual for this housing type, adds more than \$70,000 to the cost of a 2,000-square-foot house in the GTA.^[16]

Getting rid of so much unnecessary and unproductive additional work would significantly reduce the burden on staff. It would help address the widespread shortages of planners and building officials. It would also bring a stronger sense among municipal staff that they are part of the housing solution and can take pride in helping cut approval times and lower the costs of delivering homes.

Adopt common sense approaches that save construction costs

Wood using “mass timber” – an engineer compressed wood, made for strength and weight-bearing – can provide a lower-cost alternative to reinforced concrete in many mid-rise projects, but Ontario’s Building Code is hampering its use. Building taller with wood offers advantages beyond cost:

- Wood is a renewable resource that naturally sequesters carbon, helping us reach our climate change goals

- Using wood supports Ontario’s forestry sector and creates jobs, including for Indigenous people

British Columbia’s and Quebec’s building codes allow woodframe construction up to 12 storeys, but Ontario limits it to six. By amending the Building Code to allow 12-storey woodframe construction, Ontario would encourage increased use of forestry products and reduce building costs.

Finally, we were told that a shift in how builders are required to guarantee their performance would free up billions of dollars to build more housing. Pay on demand surety bonds are a much less onerous option than letters of credit, and are already accepted in Hamilton, Pickering, Innisfil, Whitchurch-Stouffville and other Ontario municipalities. We outline the technical details in [Appendix D](#).

- 19.** Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.
- 20.** Fund the creation of “approvals facilitators” with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met.
- 21.** Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.
- 22.** Simplify planning legislation and policy documents.
- 23.** Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.
- 24.** Allow wood construction of up to 12 storeys.
- 25.** Require municipalities to provide the option of pay on demand surety bonds and letters of credit.

Prevent abuse of the appeal process

Part of the challenge with housing approvals is that, by the time a project has been appealed to the Ontario Land Tribunal (the Tribunal), it has usually already faced delay and compromises have been made to reduce the size and scope of the proposal. When an approved project is appealed, the appellant – which could just be a single individual – may pay \$400 and tie up new housing for years.

The most recent published report showed 1,300 unresolved cases.^[18] While under-resourcing does contribute to delays, this caseload also reflects the low barrier to launching an appeal and the minimal risks if an appeal is unsuccessful:

- After a builder has spent time and money to ensure a proposal conforms with a municipality's requirements, the municipal council can still reject it – even if its own planning staff has given its support. Very often this is to appease local opponents.
- Unlike a court, costs are not automatically awarded to the successful party at the Tribunal. The winning side must bring a motion and prove that the party bringing the appeal was unreasonable, clearly trying to delay the project, and/or being vexatious or frivolous. Because the bar is set so high, the winning side seldom asks for costs in residential cases.

This has resulted in abuse of the Tribunal to delay new housing. Throughout our consultations, we heard from municipalities, not-for-profits, and developers that affordable housing was a particular target for appeals which, even if unsuccessful, can make projects too costly to build.

Clearly the Tribunal needs more resources to clear its backlog. But the bigger issue is the need for so many appeals: we believe it would better to have well-defined goals and rules for municipalities and builders to avoid this costly and time-consuming quasi-judicial process. Those who bring appeals aimed at stopping development that meets established criteria should pay the legal costs of the successful party and face the risk of a larger project being approved.

The solution is not more appeals, it's fixing the system. We have proposed a series of reforms that would ensure only meritorious appeals proceeded, that every participant faces some risk and cost of losing, and that abuse of the Tribunal will be penalized. We believe that if Ontario accepts our recommendations, the Tribunal will not face the same volume of appeals. But getting to that point will take time, and the Tribunal needs more resources and better tools now.

Recommendation 1 will provide legislative direction to adjudicators that they must prioritize housing growth and intensification over competing priorities contained in provincial and municipal policies. We further recommend the following:

- 26.** Require appellants to promptly seek permission (“leave to appeal”) of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.
- 27.** Prevent abuse of process:
 - a) Remove right of appeal for projects with at least 30% affordable housing in which units are guaranteed affordable for at least 40 years.
 - b) Require a \$10,000 filing fee for third-party appeals.
 - c) Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.
- 28.** Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.
- 29.** Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.
- 30.** Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries, outsource more matters to mediators, and set shorter time targets.
- 31.** In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.

Reduce the costs to build, buy and rent

The price you pay to buy or rent a home is driven directly by how much it costs to build a home. In Ontario, costs to build homes have dramatically increased at an unprecedented pace over the past decade. In most of our cities and towns, materials and labour only account for about half of the costs. The rest comes from land, which we have addressed in the previous section, and government fees.

A careful balance is required on government fees because, as much as we would like to see them lowered, governments need revenues from fees and taxes to build critically needed infrastructure and pay for all the other services that make Ontario work. So, it is a question of balance and of ensuring that our approach to government fees encourages rather than discourages developers to build the full range of housing we need in our Ontario communities.

Align government fees and charges with the goal of building more housing

Improve the municipal funding model

Housing requires more than just the land it is built on. It requires roads, sewers, parks, utilities and other infrastructure. The provincial government provides municipalities with a way to secure funding for this infrastructure through development charges, community benefit charges and parkland dedication (providing 5% of land for public parks or the cash equivalent).

These charges are founded on the belief that growth – not current taxpayers – should pay for growth. As a concept, it is compelling. In practice, it means that new home buyers pay the entire cost of sewers, parks, affordable housing, or colleges that will be around for generations and may not be located in their neighbourhood. And, although building

affordable housing is a societal responsibility, because affordable units pay all the same charges as a market unit, the cost is passed to new home buyers in the same building or the not-for-profit organization supporting the project. We do not believe that government fees should create a disincentive to affordable housing.

If you ask any developer of homes – whether they are for-profit or non-profit – they will tell you that development charges are a special pain point. In Ontario, they can be as much as \$135,000 per home. In some municipalities, development charges have increased as much as 900% in less than 20 years.^[20] As development charges go up, the prices of homes go up. And development charges on a modest semi-detached home are the same as on a luxury 6,000 square foot home, resulting in a disincentive to build housing that is more affordable. Timing is also a challenge as development charges have to be paid up front, before a shovel even goes into the ground.

To help relieve the pressure, the Ontario government passed recent legislation allowing builders to determine development charges earlier in the building process. But they must pay interest on the assessed development charge to the municipality until a building permit is issued, and there is no cap on the rate, which in one major city is 13% annually.

Cash payments to satisfy parkland dedication also significantly boost the costs of higher-density projects, adding on average \$17,000 to the cost of a high-rise condo across the GTA.^[21] We heard concerns not just about the amount of cash collected, but also about the money not being spent in the neighbourhood or possibly not being spent on parks at all. As an example, in 2019 the City of Toronto held \$644 million in parkland cash-in-lieu payments.^[22] Everyone can agree that we need to invest in parks as our communities grow, but if the funds are not being spent, perhaps it means that more money is being collected for parklands than is needed and we could lower the cost of housing if we adjusted these parkland fees.



A 2019 study carried out for BILD showed that in the Greater Toronto Area, development charges for low-rise housing are on average more than three times higher per unit than in six comparable US metropolitan areas, and roughly 1.75-times higher than in the other Canadian cities.

For high-rise developments the average per unit charges in the GTA are roughly 50% higher than in the US areas, and roughly 30% higher than in the other Canadian urban areas.^[19]

Modernizing HST Thresholds

Harmonized sales tax (HST) applies to all new housing – including purpose-built rental. Today, the federal component is 5% and provincial component is 8%. The federal and provincial government provide a partial HST rebate. Two decades ago, the maximum home price eligible for a rebate was set at \$450,000 federally and \$400,000 provincially, resulting in a maximum rebate of \$6,300 federally and \$24,000 provincially, less than half of today’s average home price. Buyers of new homes above this ceiling face a significant clawback. Indexing the rebate would immediately reduce the cost of building new homes, savings that can be passed on to Ontarians. When both levels of government agree that we are facing a housing crisis, they should not be adding over 10% to the cost of almost all new homes.

- 32.** Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.
- 33.** Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years.
- 34.** Prohibit interest rates on development charges higher than a municipality’s borrowing rate.
- 35.** Regarding cash in lieu of parkland, s.37, Community Benefit Charges, and development charges:
 - a) Provincial review of reserve levels, collections and drawdowns annually to ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected.
 - b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there’s a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.
- 36.** Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.

Government charges on a new single-detached home averaged roughly \$186,300, or almost 22% of the price, across six municipalities in southcentral Ontario. For a new condominium apartment, the average was almost \$123,000, or roughly 24% of a unit’s price.

Make it easier to build rental

In cities and towns across Ontario, it is increasingly hard to find a vacant rental unit, let alone a vacant rental unit at an affordable price. Today, 66% of all purpose-built rental units in the City of Toronto were built between 1960 and 1979. Less than 15% of Toronto’s purpose-built rentals were constructed over the ensuing 40 years in spite of the significant population growth during that time. In fact, between 2006 and 2016, growth in condo apartments increased by 186% while purpose-built rental only grew by 0.6%.^[22] In 2018, the Ontario government introduced positive changes that have created growth in purpose-built rental units – with last year seeing 18,000 units under construction and 93,000 proposed against a 5-year average prior to 2020 of 3,400 annually.^[23]

Long-term renters often now feel trapped in apartments that don’t make sense for them as their needs change. And because they can’t or don’t want to move up the housing ladder, many of the people coming up behind them who would gladly take those apartments are instead living in crowded spaces with family members or roommates. Others feel forced to commit to rental units at prices way beyond what they can afford. Others are trying their luck in getting on the wait list for an affordable unit or housing co-op – wait lists that are years long. Others are leaving Ontario altogether.

66%

of all purpose-built rental units
in the City of Toronto were
built between **1960** and **1979**.



A pattern in every community, and particularly large cities, is that the apartments and rented rooms that we do have are disappearing. Apartment buildings are being converted to condos or upgraded to much more expensive rental units. Duplexes get purchased and turned into larger single-family homes.

A major challenge in bridging the gap of rental supply is that, more often than not, purpose-built rental projects don't make economic sense for builders and investors. Ironically, there is no shortage of Canadian investor capital seeking housing investments, particularly large pension funds – but the economics of investing in purpose-built rental in Ontario just don't make sense. So, investments get made in apartment projects in other provinces or countries, or in condo projects that have a better and safer return-on-investment. What can governments do to get that investor capital pointed in the right direction so we can create jobs and get more of the housing we need built?

Some of our earlier recommendations will help, particularly indexing the HST rebate. So will actions by government to require purpose-built rental on surplus government land that is made available for sale. ([Appendix C](#))

Municipal property taxes on purpose-built rental can be as much as 2.5 times greater than property taxes for condominium or other ownership housing.^[24]

The Task Force recommends:

37. Align property taxes for purpose-built rental with those of condos and low-rise homes.

Make homeownership possible for hardworking Ontarians who want it

Home ownership has always been part of the Canadian dream. You don't have to look far back to find a time when the housing landscape was very different. The norm was for young people to rent an apartment in their twenties, work hard and save for a down payment, then buy their first home in their late twenties or early thirties. It was the same for many new Canadians: arrive, rent, work hard and buy. The house might be modest, but it brought a sense of ownership, stability and security. And after that first step onto the ownership ladder, there was always the possibility of selling and moving up. Home ownership felt like a real possibility for anyone who wanted it.

That's not how it works now. Too many young people who would like their own place are living with one or both parents well into adulthood.

The escalation of housing prices over the last decade has put the dream of homeownership out of reach of a growing number of aspiring first-time home buyers. While 73% of Canadians are homeowners, that drops to 48% for Black people, 47% for LGBTQ people^[5] (StatsCan is studying rates for other populations, including Indigenous People who are severely underhoused). This is also an issue for younger adults: a 2021 study showed only 24% of Torontonians aged 30 to 39 are homeowners.^[25]

In Canada, responsibility for Indigenous housing programs has historically been a shared between the federal and provincial governments. The federal government works closely with its provincial and territorial counterparts to improve access to housing for Indigenous peoples both on and off reserve. More than 85% of Indigenous people live in urban and rural areas, are 11 times more likely to experience homelessness and have incidence of housing need that is 52% greater than all Canadians. The Murdered and Missing Indigenous Women and Girls report mentions housing 299 times – the lack of which being a significant, contributing cause to violence and the provision of which as a significant, contributing solution. The Province of Ontario has made significant investments in Urban Indigenous Housing, but we need the Federal Government to re-engage as an active partner.

While measures to address supply will have an impact on housing prices, many aspiring homeowners will continue to face a gap that is simply too great to bridge through traditional methods.

The Task Force recognizes the need for caution about measures that would spur demand for housing before the supply bottleneck is fixed. At the same time, a growing number of organizations – both non-profit and for-profit are proposing a range of unique home equity models. Some of these organizations are aiming at households who have sufficient income to pay the mortgage but lack a sufficient down payment. Others are aiming at households who fall short in both income and down payment requirements for current market housing.

The Task Force heard about a range of models to help aspiring first-time home buyers, including:

- Shared equity models with a government, non-profit or for-profit lender holding a second “shared equity mortgage” payable at time of sale of the home
- Land lease models that allow residents to own their home but lease the land, reducing costs
- Rent-to-own approaches in which a portion of an occupant’s rent is used to build equity, which can be used as a down payment on their current unit or another market unit in the future
- Models where the equity gain is shared between the homeowner and the non-profit provider, such that the non-profit will always be able to buy the home back and sell it to another qualified buyer, thus retaining the home’s affordability from one homeowner to the next.

Proponents of these models identified barriers that thwart progress in implementing new solutions.

- The Planning Act limits land leases to a maximum of 21 years. This provision prevents home buyers from accessing the same type of mortgages from a bank or credit union that are available to them when they buy through traditional homeownership.
- The Perpetuities Act has a similar 21-year limit on any options placed on land. This limits innovative non-profit models from using equity formulas for re-sale and repurchase of homes.
- Land Transfer Tax (LTT) is charged each time a home is sold and is collected by the province; and in Toronto, this tax is also collected by the City. This creates a double-tax in rent-to-own/equity building models where LTT ends up being paid first by the home equity organization and then by the occupant when they are able to buy the unit.
- HST is charged based on the market value of the home. In shared equity models where the homeowner neither owns nor gains from the shared equity portion of their home, HST on the shared equity portion of the home simply reduces affordability.
- Residential mortgages are highly regulated by the federal government and reflective of traditional homeownership. Modifications in regulations may be required to adapt to new co-ownership and other models.

The Task Force encourages the Ontario government to devote further attention to avenues to support new homeownership options. As a starting point, the Task Force offers the following recommendations:

- 38.** Amend the Planning Act and Perpetuities Act to extend the maximum period for land leases and restrictive covenants on land to 40 or more years.
- 39.** Eliminate or reduce tax disincentives to housing growth.
- 40.** Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy.
- 41.** Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.
- 42.** Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.

Support and incentivize scaling up housing supply

Our goal of building 1.5 million homes in ten years means doubling how many homes Ontario creates each year. As much as the Task Force’s recommendations will remove barriers to realizing this ambitious goal, we also need to ensure we have the capacity across Ontario’s communities to deliver this new housing supply. This includes capacity of our housing infrastructure, capacity within our municipal planning teams, and boots on the ground with the skills to build new homes.

There is much to be done and the price of failure for the people of Ontario is high. This is why the provincial government must make an unwavering commitment to keeping the spotlight on housing supply. This is also why the province must be dogged in its determination to galvanize and align efforts and incentives across all levels of government so that working together, we all can get the job done.

Our final set of recommendations turns to these issues of capacity to deliver, and the role the provincial government can play in putting the incentives and alignment in place to achieve the 1.5 million home goal.

Invest in municipal infrastructure

Housing can’t get built without water, sewage, and other infrastructure

When the Task Force met with municipal leaders, they emphasized how much future housing supply relies on having the water, storm water and wastewater systems, roads, sidewalks, fire stations, and all the other parts of community infrastructure to support new homes and new residents.

Infrastructure is essential where housing is being built for the first time. And, it can be a factor in intensification when added density exceeds the capacity of existing infrastructure, one of the reasons we urge new infrastructure in new developments to be designed for future capacity. In Ontario, there are multiple municipalities where the number one barrier to approving new housing projects is a lack of infrastructure to support them.

Municipalities face a myriad of challenges in getting this infrastructure in place. Often, infrastructure investments are required long before new projects are approved and funding must be secured. Notwithstanding the burden development charges place on the price of new housing, most municipalities report that development charges are still not enough to fully cover the costs of building new infrastructure and retrofitting existing infrastructure in neighbourhoods that are intensifying. Often infrastructure crosses municipal boundaries creating complicated and time-consuming “who pays?” questions. Municipal leaders also shared their frustrations with situations where new housing projects are approved and water, sewage and other infrastructure capacity is allocated to the project – only to have the developer land bank the project and put off building. Environmental considerations with new infrastructure add further cost and complexity. The Task Force recommends:

- 43. Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.**
- 44. Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.**

Create the Labour Force to meet the housing supply need

The labour force is shrinking in many segments of the market

You can't start to build housing without infrastructure. You can't build it without people – skilled trades people in every community who can build the homes we need.

The concern that we are already facing a shortage in skilled trades came through loud and clear in our consultations. We heard from many sources that our education system funnels young people to university rather than colleges or apprenticeships and creates the perception that careers in the skilled trades are of less value. Unions and builders are working to fill the pipeline domestically and recruit internationally, but mass retirements are making it challenging to maintain the workforce at its current level, let alone increase it.

Increased economic immigration could ease this bottleneck, but it appears difficult for a skilled labourer with no Canadian work experience to qualify under Ontario's rules. Moreover, Canada's immigration policies also favour university education over skills our economy and society desperately need. We ought to be welcoming immigrants with the skills needed to build roads and houses that will accommodate our growing population.

The shortage may be less acute, however, among smaller developers and contractors that could renovate and build new "missing middle" homes arising from the changes in neighbourhood zoning described earlier. These smaller companies tap into a different workforce from the one needed to build high rises and new subdivisions. Nonetheless, 1.5 million more homes will require a major investment in attracting and developing the skilled trades workforce to deliver this critically needed housing supply. We recommend:

45. Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.
46. Undertake multi-stakeholder education program to promote skilled trades.
47. Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers, and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario's program.

Create a large Ontario Housing Delivery Fund to align efforts and incent new housing supply

Build alignment between governments to enable builders to deliver more homes than ever before

All levels of government play a role in housing.

The federal government sets immigration policy, which has a major impact on population growth and many tax policies. The province sets the framework for planning, approvals, and growth that municipalities rely upon, and is responsible for many other areas that touch on housing supply, like investing in highways and transit, training workers, the building code and protecting the environment. Municipalities are on the front lines, expected to translate the impacts of federal immigration policy, provincial guidance and other factors, some very localized, into official plans and the overall process through which homes are approved to be built.

The efficiency with which home builders can build, whether for-profit or non-profit, is influenced by policies and decisions at every level of government. In turn, how many home developers can deliver, and at what cost, translates directly into the availability of homes that Ontarians can afford.

Collectively, governments have not been sufficiently aligned in their efforts to provide the frameworks and incentives that meet the broad spectrum of housing needs in Ontario. Much action, though, has been taken in recent years.

- The Ontario government has taken several steps to make it easier to build additional suites in your own home: reduced disincentives to building rental housing, improved the appeal process, focused on density around transit stations, made upfront development charges more predictable, and provided options for municipalities to create community benefits through development.
- The federal government has launched the National Housing Strategy and committed over \$70 billion in funding.^[26] Most recently, it has announced a \$4 billion Housing Accelerator Fund aimed at helping municipalities remove barriers to building housing more quickly.^[27]
- Municipalities have been looking at ways to change outdated processes, rules, and ways of thinking that create delays and increases costs of delivering homes. Several municipalities have taken initial steps towards eliminating exclusionary zoning and addressing other barriers described in this report.

All governments agree that we are facing a housing crisis. Now we must turn the sense of urgency into action and alignment across governments.

Mirror policy changes with financial incentives aligned across governments

The policy recommendations in this report will go a long way to align efforts and position builders to deliver more homes.

Having the capacity in our communities to build these homes will take more than policy. It will take money. Rewarding municipalities that meet housing growth and approval timelines will help them to invest in system upgrades, hire additional staff, and invest in their communities. Similarly, municipalities that resist new housing, succumb to NIMBY pressure, and close off their neighbourhoods should see funding reductions. Fixing the housing crisis is a societal responsibility, and our limited tax dollars should be directed to those municipalities making the difficult but necessary choices to grow housing supply.

In late January 2022, the provincial government announced \$45 million for a new *Streamline Development Approval Fund* to “unlock housing supply by cutting red tape and improving processes for residential and industrial developments”.^[28] This is encouraging. More is needed.

Ontario should also receive its fair share of federal funding but today faces a shortfall of almost \$500 million,^[29] despite two thirds of the Canadian housing shortage being in Ontario. We call on the federal government to address this funding gap.

- 48.** The Ontario government should establish a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding. This fund should reward:
 - a) Annual housing growth that meets or exceeds provincial targets
 - b) Reductions in total approval times for new housing
 - c) The speedy removal of exclusionary zoning practices
- 49.** Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.

We believe that the province should consider partial grants to subsidize municipalities that waive development charges for affordable housing and for purpose-built rental.

Sustain focus, measure, monitor, improve

Digitize and modernize the approvals and planning process

Some large municipalities have moved to electronic tracking of development applications and/or electronic building permits (“e-permits”) and report promising results, but there is no consistency and many smaller places don’t have the capacity to make the change.

Municipalities, the provincial government and agencies use different systems to collect data and information relevant to housing approvals, which slows down processes and leaves much of the “big picture” blank. This could be addressed by ensuring uniform data architecture standards.

Improve the quality of our housing data to inform decision making

Having accurate data is key to understanding any challenge and making the best decisions in response. The Task Force heard from multiple housing experts that we are not always using the best data, and we do not always have the data we need.

Having good population forecasts is essential in each municipality as they develop plans to meet future land and housing needs. Yet, we heard many concerns about inconsistent approaches to population forecasts. In the Greater Golden Horseshoe, the forecast provided to municipalities by the province is updated only when the Growth Plan is updated, generally every seven years; but federal immigration policy, which is a key driver of growth, changes much more frequently. The provincial Ministry of Finance produces a population forecast on a more regular basis than the Growth Plan, but these are not used consistently across municipalities or even by other provincial ministries.

Population forecasts get translated into housing need in different ways across the province, and there is a lack of data about how (or whether) the need will be met. Others pointed to the inconsistent availability of land inventories. Another challenge is the lack of information on how much land is permitted and how much housing is actually getting built once permitted, and how fast. The Task Force also heard that, although the Provincial Policy Statement requires municipalities to maintain a three-year supply of short-term (build-ready) land and report it each year to the province, many municipalities are not meeting that requirement.

At a provincial and municipal level, we need better data on the housing we have today, housing needed to close the gap, consistent projections of what we need in the future, and data on how we are doing at keeping up. Improved data will help anticipate local and provincial supply bottlenecks and constraints, making it easier to determine the appropriate level and degree of response.

It will also be important to have better data to assess how much new housing stock is becoming available to groups that have been disproportionately excluded from home ownership and rental housing.

Put eyes on the crisis and change the conversation around housing

Ours is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions so everyone in Ontario can find and afford the housing they need. This time must be different.

The recommendations in this report must receive sustained attention, results must be monitored, significant financial investment by all levels of government must be made. And, the people of Ontario must embrace a housing landscape in which the housing needs of tomorrow’s citizens and those who have been left behind are given equal weight to the housing advantages of those who are already well established in homes that they own.

- 50.** Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.
- 51.** Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.
- 52.** Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery Fund.
- 53.** Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location, and make underlying data freely available to the public.
- 54.** Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.
- 55.** Commit to evaluate these recommendations for the next three years with public reporting on progress.

Conclusion

We have set a bold goal for Ontario: building 1.5 million homes in the next 10 years.

We believe this can be done. What struck us was that everyone we talked to – builders, housing advocates, elected officials, planners – understands the need to act now. As one long-time industry participant said, “for the first time in memory, everyone is aligned, and we need to take advantage of that.”

Such unity of purpose is rare, but powerful.

To leverage that power, we offer solutions that are bold but workable, backed by evidence, and that position Ontario for the future.

Our recommendations focus on ramping up the supply of housing. Measures are already in place to try to cool demand, but they will not fill Ontario’s housing need. More supply is key. Building more homes will reduce the competition for our scarce supply of homes and will give Ontarians more housing choices. It will improve housing affordability across the board.

Everyone wants more Ontarians to have housing. So let’s get to work to build more housing in Ontario.

APPENDIX A:

Biographies of Task Force Members

Lalit Aggarwal is President of Manor Park Holdings, a real estate development and operating company active in Eastern Ontario. Previously, Lalit was an investor for institutional fund management firms, such as H.I.G. European Capital Partners, Soros Fund Management, and Goldman Sachs. He is a past fellow of the C.D. Howe Institute and a former Director of both Bridgepoint Health and the Centre for the Commercialization of Regenerative Medicine. Lalit holds degrees from the University of Oxford and the University of Pennsylvania. He is also a current Director of the Hospital for Sick Children Foundation, the Sterling Hall School and the Chair of the Alcohol & Gaming Commission of Ontario.

David Amborski is a professional Urban Planner, Professor at Ryerson University's School of Urban and Regional Planning and the founding Director of the Centre for Urban Research and Land Development (CUR). His research and consulting work explore topics where urban planning interfaces with economics, including land and housing markets. He is an academic advisor to the National Executive Forum on Public Property, and he is a member of Lambda Alpha (Honorary Land Economics Society). He has undertaken consulting for the Federal, Provincial and a range of municipal governments. Internationally, he has undertaken work for the Canadian International Development Agency (CIDA), the World Bank, the Inter-American Development Bank, the Lincoln Institute of Land Policy, and several other organizations in Eastern Europe, Latin America, South Africa, and Asia. He also serves on the editorial boards of several international academic journals.

Andrew Garrett is a real estate executive responsible for growing IMCO's \$11+ Billion Global Real Estate portfolio to secure public pensions and insurance for Ontario families. IMCO is the only Ontario fund manager purpose built to onboard public clients such as pensions, insurance, municipal reserve funds, and endowments. Andrew has significant non-profit sector experience founding a B Corp certified social enterprise called WeBuild to help incubate social purpose real estate projects. He currently volunteers on non-profit boards supporting social purpose real estate projects, youth programs and the visual arts at Art Gallery

of Ontario. Andrew sits on board advisory committees for private equity firms and holds a Global Executive MBA from Kellogg School Management and a Real Estate Development Certification from MIT Centre for Real Estate.

Tim Hudak is the CEO of the Ontario Real Estate Association (OREA). With a passion and voice for championing the dream of home ownership, Tim came to OREA following a distinguished 21-year career in politics, including five years as Leader of the Progressive Conservative Party of Ontario.

In his role, Tim has focused on transforming OREA into Ontario's most cutting-edge professional association at the forefront of advocacy on behalf of REALTORS® and consumers, and providing world-class conferences, standard forms, leadership training and professional guidance to its Members. As part of his work at OREA, Tim was named one of the most powerful people in North American residential real estate by Swanepoel Power 200 for the last five years. Tim is married to Deb Hutton, and together they have two daughters, Miller and Maitland. In his spare time, Tim enjoys trails less taken on his mountain bike or hiking shoes as well as grilling outdoors.

Jake Lawrence was appointed Chief Executive Officer and Group Head, Global Banking and Markets in January 2021. In this role, Jake is responsible for the Bank's Global Banking and Markets business line and strategy across its global footprint. Jake joined Scotiabank in 2002 and has held progressively senior roles in Finance, Group Treasury and Global Banking and Markets. From December 2018 to January 2021, Jake was Co-Group Head of Global Banking and Markets with specific responsibility for its Capital Markets businesses, focused on building alignment across product groups and priority markets to best serve our clients throughout our global footprint. Previously, Jake was Executive Vice President and Head of Global Banking and Markets in the U.S., providing overall strategic direction and execution of Scotiabank's U.S. businesses. Prior to moving into GBM, Jake served as Senior Vice President and Deputy Treasurer, responsible for Scotiabank's wholesale funding activities and liquidity management as well as Senior Vice President, Investor Relations.

Julie Di Lorenzo (GPLLM, University of Toronto 2020), is self-employed since 1982, operates one of the largest female-run Real Estate Development Companies in North America. She was instrumental in the Daniel Burnham award-winning Ontario Growth Management Plan (2004) as President of BILD. Julie served as the first female-owner President of GTHBA (BILD) and on the boards of the Ontario Science Centre, Harbourfront Toronto, Tarion (ONHWP), St. Michael's Hospital, NEXT36, Waterfront Toronto, Chair of IREC Committee WT, Havergal College (Co-Chair of Facilities), York School (interim Vice-Chair), and Canadian Civil Liberties Association Board. Julie has served various governments in advisory capacity on Women's issues, Economic Development, Innovation and Entrepreneurship. Awards include Lifetime Achievement BILD 2017, ICCO Business Excellence 2005 & ICCO Businesswoman of the Year 2021.

Justin Marchand (CIHCM, CPA, CMA, BComm) is Métis and was appointed Chief Executive Officer of Ontario Aboriginal Housing Services (OAHS) in 2018. Justin has over 20 years of progressive experience in a broad range of sectors, including two publicly listed corporations, a large accounting and consulting firm, and a major crown corporation, and holds numerous designations across financial, operations, and housing disciplines. He was most recently selected as Chair of the Canadian Housing and Renewal Association's (CHRA's) Indigenous Caucus Working Group and is also board member for CHRA. Justin is also an active board member for both the Coalition of Hamilton Indigenous Leadership (CHIL) as well as Shingwauk Kinoomaage Gamig, located in Bawaating. Justin believes that Housing is a fundamental human right and that when Indigenous people have access to safe, affordable, and culture-based Housing this provides the opportunity to improve other areas of their lives.

Ene Underwood is CEO of Habitat for Humanity Greater Toronto Area), a non-profit housing developer that helps working, lower income families build strength, stability and self-reliance through affordable homeownership. Homes are delivered through a combination of volunteer builds, contractor builds, and partnerships with non-profit and for-profit developers. Ene's career began in the private sector as a strategy consultant with McKinsey & Company before transitioning to not-for-profit sector leadership. Ene holds a Bachelor of Arts (Honours) from the University of Waterloo and a Master of Business Administration from Ivey Business School.

Dave Wilkes is the President and CEO of the Building Industry and Land Development Association of the GTA (BILD). The Association has 1,300 members and proudly represents builders, developers, professional renovators and those who support the industry.

Dave is committed to supporting volunteer boards and organizations. He has previously served on the George Brown College Board of Directors, Ontario Curling Association, and is currently engaged with Black North Initiative (Housing Committee) and R-Labs I+T Council.

Dave received his Bachelor of Arts (Applied Geography) from Ryerson.

APPENDIX B:

Affordable Housing

Ontario's affordable housing shortfall was raised in almost every conversation. With rapidly rising prices, more lower-priced market rental units are being converted into housing far out of reach of lower-income households. In parallel, higher costs to deliver housing and limited government funding have resulted in a net decrease in the number of affordable housing units run by non-profits. The result is untenable: more people need affordable housing after being displaced from the market at the very time that affordable supply is shrinking.

Throughout our consultations, we were reminded of the housing inequities experienced by Black, Indigenous and marginalized people. We also received submissions describing the unique challenges faced by off-reserve Indigenous Peoples both in the province's urban centres and in the north.

While many of the changes that will help deliver market housing will also help make it easier to deliver affordable housing, affordable housing is a societal responsibility. We cannot rely exclusively on for-profit developers nor on increases in the supply of market housing to fully solve the problem.

The non-profit housing sector faces all the same barriers, fees, risks and complexities outlined in this report as for-profit builders. Several participants from the non-profit sector referred to current or future partnerships with for-profit developers that tap into the development and construction expertise and efficiencies of the private sector. Successful examples of leveraging such partnerships were cited with Indigenous housing, supportive housing, and affordable homeownership.

We were also reminded by program participants that, while partnerships with for-profit developers can be very impactful, non-profit providers have unique competencies in the actual delivery of affordable housing. This includes confirming eligibility of affordable housing applicants, supporting independence of occupants of affordable housing, and ensuring affordable housing units remain affordable from one occupant to the next.

One avenue for delivering more affordable housing that has received much recent attention is inclusionary zoning. In simple terms, inclusionary zoning (IZ) requires developers to deliver a share of affordable units in new

housing developments in prescribed areas. The previous Ontario government passed legislation in April 2018 providing a framework within which municipalities could enact Inclusionary Zoning bylaws.

Ontario's first inclusionary zoning policy was introduced in fall 2021 by the City of Toronto and applies to major transit station areas. Internationally, inclusionary zoning has been used successfully to incentivize developers to create new affordable housing by providing density bonuses (more units than they would normally be allowed, if some are affordable) or reductions in government fees. Unfortunately, the City's approach did not include any incentives or bonuses. Instead, Toronto requires market-rate fees and charges for below-market affordable units. This absence of incentives together with lack of clarity on the overall density that will be approved for projects has led developers and some housing advocates to claim that these projects may be uneconomic and thus will not get financed or built. Municipalities shared with us their concerns regarding the restriction in the provincial IZ legislation that prohibits "cash in lieu" payments. Municipalities advised that having the option of accepting the equivalent value of IZ units in cash from the developer would enable even greater impact in some circumstances (for example, a luxury building in an expensive neighbourhood, where the cost of living is too high for a low-income resident).

Funding for affordable housing is the responsibility of all levels of government. The federal government has committed to large funding transfers to the provinces to support affordable housing. The Task Force heard, however, that Ontario's share of this funding does not reflect our proportionate affordable housing needs. This, in turn, creates further financial pressure on both the province and municipalities, which further exacerbates the affordable housing shortages in Ontario's communities.

Finally, many participants in Task Force consultations pointed to surplus government lands as an avenue for building more affordable housing and this is discussed in [Appendix C](#).

We have made recommendations throughout the report intended to have a positive impact on new affordable housing supply. We offer these additional recommendations specific to affordable housing:

- Call upon the federal government to provide equitable affordable housing funding to Ontario.
 - Develop and legislate a clear, province-wide definition of “affordable housing” to create certainty and predictability.
 - Create an Affordable Housing Trust from a portion of Land Transfer Tax Revenue (i.e., the windfall resulting from property price appreciation) to be used in partnership with developers, non-profits, and municipalities in the creation of more affordable housing units. This Trust should create incentives for projects serving and brought forward by Black- and Indigenous-led developers and marginalized groups.
- Amend legislation to:
 - Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality.
 - Require that municipalities utilize density bonusing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing.
 - Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units.
 - Encourage government to closely monitor the effectiveness of Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing.
 - Rebate MPAC market rate property tax assessment on below-market affordable homes.

APPENDIX C:

Government Surplus Land

Surplus government lands fell outside the mandate of the Task Force. However, this question came up repeatedly as a solution to housing supply. While we take no view on the disposition of specific parcels of land, several stakeholders raised issues that we believe merit consideration:

- Review surplus lands and accelerate the sale and development through RFP of surplus government land and surrounding land by provincially pre-zoning for density, affordable housing, and mixed or residential use.
- All future government land sales, whether commercial or residential, should have an affordable housing component of at least 20%.
- Purposefully upzone underdeveloped or underutilized Crown property (e.g., LCBO).
- Sell Crown land and reoccupy as a tenant in a higher density building or relocate services outside of major population centres where land is considerably less expensive.
- The policy priority of adding to the housing supply, including affordable units, should be reflected in the way surplus land is offered for sale, allowing bidders to structure their proposals accordingly.

APPENDIX D:

Surety Bonds

Moving to surety bonds would free up billions of dollars for building

When a development proposal goes ahead, the developer typically needs to make site improvements, such as installing common services. The development agreement details how the developer must perform to the municipality's satisfaction.

Up until the 1980s, it was common practice for Ontario municipalities to accept bonds as financial security for subdivision agreements and site plans. Today, however, they almost exclusively require letters of credit from a chartered bank. The problem with letters of credit is that developers are often required to collateralize the letter of credit dollar-for-dollar against the value of the municipal works they are performing.

Often this means developers can only afford to finance one or two housing projects at a time, constraining housing supply. The Ontario Home Builders' Association estimates that across Ontario, billions of dollars are tied up in collateral or borrowing capacity that could be used to advance more projects.

Modern "pay on demand surety bonds" are proven to provide the same benefits and security as a letter of credit, while not tying up private capital the way letters of credit do. Moving to this option would give municipalities across Ontario access to all the features of a letter of credit with the added benefit of professional underwriting, carried out by licensed bonding companies, ensuring that the developer is qualified to fulfill its obligations under the municipal agreement.

Most important from a municipal perspective, the financial obligation is secured. If a problem arises, the secure bond is fully payable by the bond company on demand. Surety companies, similar to banks, are regulated by Ontario's Office of the Superintendent of Financial Institutions to ensure they have sufficient funds in place to pay out bond claims.

More widespread use of this instrument could unlock billions of dollars of private sector financial liquidity that could be used to build new infrastructure and housing projects, provide for more units in each development and accelerate the delivery of housing of all types.

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Review of the Housing Affordability Task Force Recommendations

1. Set a goal of building 1.5 million new homes in 10 years.

As the report suggests, "*affordable housing is a societal responsibility*". Housing solutions cannot rely solely on for-profit developers or on increases in the supply of market housing, the province should identify specific affordable rental and ownership housing targets in this goal.

2. Amend the *Planning Act*, Provincial Policy Statement, and Growth Plans to set "growth in the full spectrum of housing supply" and "intensification within existing built-up areas" of municipalities as the most important residential housing priorities in the mandate and purpose.

Staff support residential intensification in built-up areas within a defined urban structure.

Staff do not support unfettered residential intensification in the absence of balancing other critical planning objectives.

Residential intensification should not override other goals and objectives but be achieved in tandem. Residential intensification should be balanced with key objectives including municipal community and infrastructure capacity as well as access to employment. Residential intensification should always contribute the creation of complete sustainable communities.

3. Limit exclusionary zoning in municipalities through binding provincial action:

a) Allow "as of right" residential housing up to four units and up to four storeys on a single residential lot.

The *Planning Act* should enable municipalities to implement 'as of right residential housing' by eliminating the appeal of municipal approaches to implement the recommendation.

Staff do not support the removal of all zoning controls in favour of a province-wide regulation since municipalities would have limited tools to plan and service development. The opportunity to implement the concept should be reflected in the individual approach to be taken by municipalities.

This also needs to be subject to Heritage Conservation District and By-law review to ensure compatibility with adjacent/existing heritage resources.

b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow

single-staircase construction for up to four storeys, allow single egress, etc.).

While accessibility can be made a priority, it should not come at the sacrifice of heritage attributes. For example, adaptive reuse of heritage buildings for affordable housing should be possible, but done with careful consideration and respect for the cultural heritage value and heritage attributes of the property.

4. Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.

Staff cannot support an “as of right” recommendation without further details:

- The full extent is difficult to understand in a broader context and the impacts of this recommendation.
- For example, what are the implications for employment conversions to non-employment uses outside of local Official Plan policies and a circumventing a required Municipal Comprehensive Review?

5. Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.

The *Planning Act* could be amended to enable municipalities to adopt policies to address local circumstances to implement 'gentle density' in the absence of appeals to the OLT.

Any new construction with Heritage Conservation Districts (HCDs) and on designated properties would still require heritage permit approval to ensure compatibility with the cultural heritage value of the property/HCD.

6. Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.

Staff support the general approach:

- Multi-tenant houses are an important part of the affordable rental housing market, providing single-room accommodation to diverse communities, including students, seniors, new immigrants and low/moderate income residents.
- Support the concept of a municipality's ability to implement multi-tenant housing subject to meeting criteria established by each municipality through their zoning by-laws and licensing regulations.
- While the municipality's support permitting multi-tenant houses as a form of housing, it is important the zoning standards be accompanied by enhanced

operator licensing requirements; an enforcement and compliance program; initiatives to support tenants and maintain affordability of housing; and a phased implementation plan that are informed by municipalities.

7. Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.

While Staff support this general concept, increasing density needs to be evaluated on the basis of a broad range of factors that comprise complete communities and infrastructure considerations.

8. Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets.

Staff do not support this recommendation:

- This proposal would amount to unplanned growth, and would not address the qualitative and quantitative components of increasing density.
- Municipalities are identifying MTSAs as part of their MCRs. In the absence of a timely approval by the Province of MTSAs this would be an unrealistic timeline with respect to zoning.
- Concept would place significant pressure on existing hard and soft services, making it challenging to undertake the necessary infrastructure planning to support the creation of new housing.
- Recommendation fails to address other key objectives that must accompany growth.

9. Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).

Staff offer qualified support:

- An alternative to this Recommendation could be to allow as of right zoning for "purpose-built rental and/or affordable rental housing" of six to 11 storeys. This will recognize and incentivize the type/tenure of housing supply most needed by the cities.
- Allowing this could negatively affect established neighbourhoods, where bus routes are provided in the middle of communities.

- Infrastructure would need to be assessed. “As of right” conditions would limit the ability of municipalities to provide appropriate services.

Heights within HCDs and on designated properties should be compatible and sympathetic to the cultural heritage value of the HCD/property and subject to heritage permit approval. For example, a building of 11 storeys would not be appropriate within a residential HCD that has homes 1-3 storeys in height.

10. Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.

Staff do not support:

- Lands along transit corridors include Employment Areas (Speers Road)
- Lands along transit corridors include window streets not directly fronting onto transit and accessed through communities.
- Lands considered as 'mixed commercial' may overlap lands designated employment. Municipal Official Plan reviews and MCRs allow for municipalities to consider the introduction of residential uses on employment lands.

11. Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.

Staff do not support:

- Continued urban expansion into natural heritage or agricultural lands in the Greater Golden Horseshoe is not sustainable. This is also counter to the Growth Plan's goals and place a strain on the urban fringes and other goals related to building a more livable region.
- "Undeveloped land" should not include parkland.
- This does not conform to the Growth Plan, or the Land Needs Assessment Methods required to assess urban boundary expansion.

12. Create a more permissive land use, planning, and approvals system:

- a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood

- b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances
- c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the *Planning Act* and reduce or eliminate minimum parking requirements; and
- d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.

Staff do not support:

- Over-stepping of municipal decision-making which takes into account local planned context.
- Urban Design direction (such as addressing built form) is not simply for building design but also for context, adjacent areas, safety and public realm functionality.

This would significantly impact the ability to conserve Heritage Conservation Districts from the *Ontario Heritage Act*. The OHA currently states in s.41.2 (1) “*Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not, (a) carry out any public work in the district that is contrary to the objectives set out in the plan; or (b) pass a by-law for any purpose that is contrary to the objectives set out in the plan.* 2005, c. 6, s. 31.”

Provincial standards for any type of heritage controls, including view cones, prohibits the municipality’s ability to address the unique cultural heritage value and heritage attributes of a property. This would negatively impact the municipal ability to conserve cultural heritage

13. Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the *Planning Act*.

Staff do not support:

- Public information and engagement meetings are a best practice to ensure accurate information is shared with local communities and provide an opportunity for residents to ask questions and share comments.
- Public information and engagement meetings help to inform and educate the community at large on new approaches and changes.

- A cornerstone of good planning is providing an opportunity for all voices to be heard.
- Consultation also provides a rich resource for understanding changing community needs. Limiting consultation will limit the capacity for change.

14. Require that public consultations provide digital participation options.

Staff offer qualified support:

- Since the beginning of the COVID-19 pandemic, municipalities have been using digital platforms to engage with residents. Digital engagement options will continue to improve its engagement processes to remove barriers to participation for those with limited access to Internet and digital devices.
- Consultation should be tailored to the communities that are being served. Requiring digital participation may not be as effective as in-person consultation in all cases.

Of note, this Recommendation is as at odds with Recommendation 13, which would limit public consultation options

15. Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.

Staff offer qualified support:

- Bill 13 provided the delegation of certain matters to subject to municipal councils providing for such delegation. Municipal councils should continue to have this ability to determine which matters be delegated.
- However, there is a lack of information regarding pre-approved qualified third part technical consultants.

16. Prevent abuse of the heritage preservation and designation process by:

- a) Prohibiting the use of bulk listing on municipal heritage registers
- b) Prohibiting reactive heritage designations after a *Planning Act* development application has been filed

Staff do not support:

- Heritage evaluations are rigorous, completed by staff or consultants who are professionals, and involve careful research and analysis.
- Unless a municipality has previously evaluated all properties to identify which properties have heritage value developments can occur on sites that require a heritage evaluation, the results of which may recommend designation and conservation.
- The *Ontario Heritage Act* (as recently revised through Bill 108) includes statutory timeline limitations on when municipalities can designate a property following the submission of certain applications under the *Planning Act*. The Act also allows municipalities and owners to mutually extend timelines.
- The current legislation, which provides a mechanism for mutually agreed extensions allows for community consultation, rigorous research and evaluation, and for a collaborative approach to the conservation of heritage properties.

17. Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.

Staff do not support since it is unclear how this would work in practice and would negatively impact a municipality's ability to conserve cultural heritage resources.

18. Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.

Staff do not support as proposed, this may inadvertently extend timelines as a result of MCR appeals. This may create excess pressure to continue development without addressing capacity issues.

19. Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.

Staff do not support recommendations with respect to municipal review and deeming an application approved if response time is exceeded

- It is not clear how this would work in practice. How would the legislation regulate complete submissions/ addressing incomplete applications? Is there any intent to develop fines or administrative penalties in legislation?
- The concept of "automatic approval" is concerning; a delay should not warrant site-plan approval.

- System assessments and implementation of solutions (e.g. for water infrastructure) can require timelines that may not meet a legislated response time. It is appropriate for applicants to share responsibility to have a complete and acceptable submission.
- Process is also dependent on the applicant – it is not clear how delays would be attributed to a municipality.
- Support legislative timelines for provincial review process.
- Difficult for municipalities to advance implementing Secondary Plans or zoning by-laws if the province has not approved the Official Plan.

20. Fund the creation of “approvals facilitators” with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met.

Staff would support the provincial creation of a fair and unbiased body to help mediate and resolve issues in a timely fashion.

21. Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.

Staff may support:

- Support pre-consultation. Official Plan policies can set out the pre-consultation process (essentially codifying current practices).
- Regarding liability, unclear what the reference is to 'no additional stamp'. Would the Province work with Professional Engineers Ontario (PEO) to set guidelines/standards that are current and relevant to specific issues dealing with development and planning?
- Would there be mandated insurance requirements for these practitioners?

22. Simplify planning legislation and policy documents.

Staff would support simplification of Provincial Legislation and policy documents and require additional information to understand what is specifically being referenced, *Planning Act*, Growth Plan, Provincial Policy Statement.

23. Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.

Staff do not support without clarification as to the standard set of conditions - each municipality may have varying needs that need to be addressed prior to development occurring.

In a complex built-up area, conditions need to address challenges with encroachments, easements, areas with combined sewers and infill development and ensuring drainage in specific circumstances which a standardized province-wide agreement may not address.

24. Allow wood construction of up to 12 storeys.

Staff could support the increased use of low-carbon building materials (like wood/MASS timber). Municipalities will be responding to the Province's proposed amendments to the Building Code that would amend the Code to allow construction of 'tall wood' buildings using Encapsulate Mass Timber up to 12 storeys.

25. Require municipalities to provide the option of pay on demand surety bonds and letters of credit.

Staff may support in principle. There are no cases to draw on to show that pay on demand surety bonds work well, however, they do seem to be better than performance bonds which many municipalities have had problems with when trying to make a claim. There are definite benefits for developers and, if set up correctly, potential benefits for municipalities as it is essentially the same as a letter of credit but also promotes affordability, is pro business/growth, and reduces costs.

26. Require appellants to promptly seek permission ("leave to appeal") of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.

Staff support in principle the requirement for timely reasons in support of an appeal to prevent frivolous appeals

Staff do not support in totality, given that the nature of appeal may not necessitate the submission of expert reports.

27. Prevent abuse of process:

- a) Remove right of appeal for projects with at least 30% affordable housing in which units are guaranteed affordable for at least 40 years.
- b) Require a \$10,000 filing fee for third-party appeals.

Staff support in principle a threshold for no appeal that could be increased to a higher percentage of the total units.

Staff do not support b) as it seems arbitrary without justification. It may also unreasonably limit access for some individuals / groups.

- c) Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.

Staff do not support

- 28. Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.

Staff may support in principle, in complex decisions, written decisions are needed to reflect complexities in hearing outcomes. Easier to implement when the threshold of the decision is simple not requiring additional conditions to be addressed before an Order is issued. It would be impractical to implement a decision that cannot be clearly and readily shared.

- 29. Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.

Staff do not support. It is unclear the intent of this recommendation. Additional information is needed to assess this proposal.

- 30. Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries, outsource more matters to mediators, and set shorter time targets.

Staff may support this in principle.

- 31. In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.

Staff may support in principle since prioritization should include both projects and policies that include affordable housing.

Priorities should be given to municipal initiated amendments that are appealed in addition to development applications.

Should include transportation infrastructure to unlock development capacity (i.e. Environmental Assessments)

32. Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.

Staff do not support without further analysis:

- Proposal requires further analysis and individual municipal approaches. In general, Development Charges facilitate construction of growth related infrastructure. While municipalities may elect to exempt or defer DC for certain initiatives, waiving them would put the burden on another funding mechanism, most likely the tax levy (i.e. result in a revenue shortfall and shift growth costs onto existing homeowners).
- Need clarification on the definition of "no new material infrastructure". Difficult to interpret and could result in appeals and delays.

33. Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years.

Staff offer qualified support:

- If there is a desire to explore financial incentives, there are existing tools a municipality can use – namely a community improvement plan (s.28 of the Planning Act).

34. Prohibit interest rates on development charges higher than a municipality's borrowing rate.

The current interest rate on development charges is not higher than the municipality's borrowing rate but, given the other complexities (inflation being greater than interest rates, uncertainty of infrastructure/construction costs, and municipal debt limits), municipalities would be better served by being able to maintain some flexibility on the rate.

35. Regarding cash in lieu of parkland, s.37, Community Benefit Charges, and development charges:

- a) Provincial review of reserve levels, collections and drawdowns annually to

ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected.

Staff support in principle as it is current practice to complete annual reporting and set out use of funds through the capital budget. Where review points to a significant concern, the province should work with municipalities to consider future plans for the use of funding.

- b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there's a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.

Staff do not support this recommendation:

- This limits the municipality's ability to respond to local needs
- Restricting how development charges can be used may result in growth-related costs having to be borne by the tax levy.
- These requirements may be hard to apply in some areas of town which lack sufficient parkland.

36. Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.

Not applicable.

37. Align property taxes for purpose-built rental with those of condos and low-rise homes.

A reduction of property taxes on rental buildings may increase affordability (assuming the savings are passed on to the tenants); however, it would increase the taxes on all other tax classes. If savings are not passed on it may result in increased supply as profit increases. Use of services between condominium and rental tenure are likely the same. Furthermore, new rentals are not covered by rent control.

38. Amend the *Planning Act* and *Perpetuities Act* to extend the maximum period for land leases and restrictive covenants on land to 40 or more years.

No comment.

39. Eliminate or reduce tax disincentives to housing growth.

It is unclear what tax disincentives may be and difficult to comment without having them being identified.

40. Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy.

Staff support this recommendation.

41. Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.

Staff support this recommendation.

42. Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.

Staff support this recommendation.

43. Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.

Staff may support this general concept pending what is meant by "adverse external economic events".

This could encourage land owners to pursue development activity and not languish with previous allocation approvals.

44. Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.

This is a Halton Region matter.

45. Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.

Staff may support this recommendation.

46. Undertake multi-stakeholder education program to promote skilled trades.

Staff may support this recommendation.

47. Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers, and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario's program.

Staff may support this recommendation.

48. The Ontario government should establish a large "Ontario Housing Delivery Fund" and encourage the federal government to match funding. This fund should reward:
- a) Annual housing growth that meets or exceeds provincial targets
 - b) Reductions in total approval times for new housing
 - c) The speedy removal of exclusionary zoning practices

Staff may support this recommendation:

- a) Does the Province have annual housing growth targets on which to assess success in meeting a yearly target?
- b) Methodology for demonstrating reduction in total approval times for new housing?
- c) What is considered "speedy" and to what extent is it considered to be "removed".

49. Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.

Staff do not support:

- It is beyond a municipality's control as when housing units are built.
- It is not clear what funding would be reduced.

50. Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.

Staff may support this recommendation; however, further information is required.

51. Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.

Staff may support this recommendation.

52. Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery Fund.

Staff may support this recommendation; longer term monitoring is encouraged.

53. Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location, and make underlying data freely available to the public.

Staff may support this recommendation.

54. Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.

Staff may support this recommendation.

55. Commit to evaluate these recommendations for the next three years with public reporting on progress.

Staff may support this recommendation.

Additional comments on the Affordable Housing Recommendations (Appendix B to the HATF Report) have been made that are intended to have a positive impact specific to new affordable housing supply.

- Call upon the federal government to provide equitable affordable housing funding to Ontario.
- Develop and legislate a clear, province-wide definition of “affordable housing” to create certainty and predictability.
- Create an Affordable Housing Trust from a portion of Land Transfer Tax Revenue (i.e., the windfall resulting from property price appreciation) to be used in partnership with developers, non-profits, and municipalities in the creation of more affordable housing units. This Trust should create incentives for projects serving and brought forward by Black- and Indigenous-led developers and marginalized groups.

- Amend legislation to:
 - Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality.
 - Require that municipalities utilize density bonussing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing.
 - Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units.
 - Encourage government to closely monitor the effectiveness of Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing.
 - Rebate MPAC market rate property tax assessment on below-market affordable homes.



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Planning Services Department

DATE: March 22, 2022

SUBJECT: Heritage Delegation By-law 2022-021

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

1. That By-law 2022-021, a by-law to delegate Council's power under the *Ontario Heritage Act* and to repeal By-law 2016-121 and By-law 2018-020, be passed; and
2. That Alterations to Designated Heritage Properties Procedure G-GEN-010-001, be rescinded.

KEY FACTS:

The following are key points for consideration with respect to this report:

- In accordance with the *Ontario Heritage Act* and the *Municipal Act*, Council can delegate certain authority to staff.
- The town's Heritage Delegation By-law was originally enacted in 2011, then updated in 2016 and 2018.
- Staff has prepared a new Heritage Delegation By-law 2022-021 to be consistent with the *Ontario Heritage Act*, as recently amended.
- The Heritage Oakville Advisory Committee ('Heritage Oakville') reviewed and endorsed the draft by-law on February 22, 2022.
- All delegated heritage approvals would remain subject to Council's approved cultural heritage conservation plans, policies and guidelines.

BACKGROUND:

The purpose of the proposed Delegation By-law 2022-021 is to include additional powers to be delegated to the Director of Planning. The draft by-law is attached as Appendix A.

In 2011, the town's first Heritage Delegation By-law 2011-115 was enacted. That by-law delegated to staff the authority to approve minor alterations to properties designated under Part IV and Part V of the *Ontario Heritage Act*, including: alterations to minor features, alterations to non-heritage features and minor alterations to heritage features.

In 2016, By-law 2011-115 was amended by By-law 2016-121, which made minor revisions to wording and added the delegated authority to approve property severance (not resulting in a new lot) and to approve the extension of the approval timeline related to heritage permit applications.

In 2018, a new Heritage Designation By-law 2018-020 was enacted. That by-law includes the following additions: a list of definitions; references to conservation plans made for cultural heritage landscapes; and a new requirement to report back to Heritage Oakville on a quarterly basis. By-law 2018-020, which is still in effect and attached as Appendix B, also repealed By-law 2011-115, but not By-law 2016-121 whose sole purpose was to amend By-law 2011-115.

Staff have now prepared a new Heritage Delegation By-law 2022-021 in order to provide additional powers to address new requirements in the *Ontario Heritage Act*, which was updated in 2021. The proposed new by-law also clarifies some of the existing requirements from By-law 2018-020. More details are provided below.

IMPLEMENTATION:

In order to clearly outline the proposed changes introduced in the draft By-law 2022-021, sections that have been added or significantly revised have been highlighted in the attached draft by-law.

In section 1, the list of definitions has been updated to delete definitions that are not referenced in the document. Additionally, the new definition of "alter" has been added to reflect the 2021 update to the *Ontario Heritage Act*.

In section 3, the list of alterations to heritage properties to be delegated to staff for approval has been updated. The purpose of this update is not to make any significant changes to the types of alterations to be delegated, but rather to simplify the direction of the delegation. This has been done by including only the types of alterations that *cannot* be delegated to staff, rather than including all of the types of alterations that *can* be delegated to staff.

Staff is proposing that all alterations to heritage properties be delegated to the Director of Planning, except for the following:

- Removal of heritage attributes
- Construction of accessory building or wing with over 5 metre height and over 15 square metre footprint
- Removal of accessory building or wing with over 15 square metre footprint
- Severance of a property resulting in new lot
- Alterations with significant impact on cultural heritage value

As such, the types of alterations that could be approved by staff would remain minor in nature. The process of delegating alterations to staff would also remain the same as the current process. Staff would continue to have the authority to grant or consent to heritage permits with or without conditions. If staff could not support an application, or there were issues that could not be resolved between the applicant and staff, the application would be referred to Heritage Oakville and Council in a timely manner so that Council could make a final decision within the 90-day time limit.

In order to ensure that Heritage Oakville and Council remain informed about all heritage permit applications, staff would continue to provide quarterly memos summarizing all of the applications approved through delegated authority.

The town's current process delegating minor heritage approvals to staff provides for good customer service, and reduces unnecessary wait times and workload. The simplified list of alterations that would be delegated to staff for approval under By-law 2022-021, combined with the quarterly updates to Heritage Oakville and Council, would allow for the process to remain clear and transparent. It is also important to note that all delegated heritage approvals would remain subject to Council's approved cultural heritage conservation plans, policies and guidelines.

In section 8, a new delegated power has been added to allow staff to issue a notice of intention to amend a designating by-law. Currently, staff are required to take a report to both Heritage Oakville and Council recommending that a notice be issued. This update would allow staff to immediately issue a notice without those added steps. This delegated power is only for amendments to designating by-laws that correct the legal description of the property, or correct the statement of cultural heritage value or interest as a result of an approved heritage permit (i.e., a heritage attribute was removed through a heritage permit and therefore needs to be removed from the by-law). Any other proposed amendments to designating by-laws would still require Council to issue the notice after consultation with Heritage Oakville.

In section 9, a new delegated power has been added to allow staff to enter into and execute a heritage easement agreement. Currently, staff require approval from Council to take this step. This delegation would allow staff to move more quickly to protect heritage properties through heritage easement agreements. Any planning

applications or heritage permit applications related to a project that requires a heritage easement agreement would still be brought to Heritage Oakville for review.

In section 10, new delegated powers have been added to extend time limits under the *Ontario Heritage Act*. This section has been added as a result of the 2021 updates to the *Ontario Heritage Act*, which include new time limits related to the following processes: individual designation of a property; alterations to and demolition of individually designated properties; and alterations to and demolition of properties designated as part of heritage conservation districts. Delegating authority for this item would allow staff to work with property owners to extend these time limits when appropriate.

Finally, in section 14, the draft by-law proposes to repeal By-law 2016-121 and By-law 2018-020 and replace them with By-law 2022-021.

When the original Heritage Delegation By-law 2011-115 was prepared, staff reviewed heritage delegation by-laws from municipalities across Ontario to ensure that the town's by-law was based on best practices. The same was done in preparing the proposed By-law 2022-021. Much of the content is consistent with the heritage delegation by-laws of other municipalities, including the City of Toronto.

The intent of the Alterations to Designated Heritage Properties Procedure G-GEN-010-001 was to outline the process for the exercise of delegated authority for the granting of permits for alterations to designated heritage properties. This process is captured in By-law 2022-021, and as such, staff recommend rescinding this procedure.

Conclusion

The delegation of authority to staff for the various items identified in the draft Heritage Delegation By-law 2022-021 would greatly improve customer service by reducing the wait time for applicants. Additionally, the delegated processes would significantly reduce the amount of time spent by staff, Heritage Oakville and Council in the preparation, processing and review of reports, and allow staff to focus on other heritage activities. This streamlining would also have a positive impact on the public perception of heritage planning and its various approval processes, while continuing to support the conservation of Oakville's significant cultural heritage resources.

The staff recommendation was endorsed by Heritage Oakville at their meeting on February 22, 2022.

CONSIDERATIONS:

(A) PUBLIC

Delegation of authority to staff helps to reduce wait times for applicants and improves customer service.

(B) FINANCIAL

Delegation of authority to staff will continue to reduce the amount of staff time spent on report preparation and Committee and Council administration.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal department has been consulted on this report and the proposed by-law.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- Continuously improve our programs and services
- Provide outstanding service to our residents and businesses
- Enhance our cultural environment
- Be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The proposed update to the heritage delegation by-law does not have a negative impact on the town's climate initiatives.

APPENDICES:

Appendix A – Heritage Delegation By-law 2022-021

Appendix B – Heritage Delegation By-law 2018-020

Prepared by:

Carolyn Van Sligtenhorst, CAHP, MCIP, RPP
Heritage Planner

Recommended by:

Kirk Biggar, MCIP, RPP
Acting Manager, Policy Planning and Heritage

Submitted by:

Gabe Charles, MCIP, RPP
Director, Planning Service



OAKVILLE

APPENDIX A

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-021

A by-law to delegate Council's power under the Ontario Heritage Act and to repeal By-law 2016-121 and By-law 2018-020

WHEREAS pursuant to subsection 33(15) and 33(16) of the *Ontario Heritage Act* (the "Act"), the council of a municipality may by by-law delegate the power to consent to alterations to property designated under Part IV to an employee or official of the municipality after having consulted with its municipal heritage committee;

WHEREAS pursuant to subsection 42(16) and 42(17) of the *Ontario Heritage Act*, the council of a municipality may by by-law delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to an employee or official of the municipality after having consulted with its municipal heritage committee;

WHEREAS pursuant to subsection 30.1 of the *Ontario Heritage Act*, the council of a municipality may, by by-law, amend a by-law designating a property made under section 29 and section 29 applies with prescribed modifications, to an amending by-law;

WHEREAS pursuant to section 37(1) of the *Ontario Heritage Act*, the council of a municipality may pass by-laws providing for the entering into of easements or covenants with owners of real property or interests in real property;

WHEREAS the Council of The Corporation of the Town of Oakville is authorized by subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*"), to pass by-laws respecting matters within the sphere of jurisdiction for culture, parks, recreation and heritage;

WHEREAS clause 23.2(1)(c) of the *Municipal Act* permits a municipality to delegate certain legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality;

WHEREAS the Council of the Corporation of the Town of Oakville has consulted with its municipal heritage committee;

COUNCIL ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law:

“**Alter**” means to change in any manner and includes to restore, renovate, repair or disturb but does not include to demolish or to remove a heritage attribute;

“**Building**” means a building as defined in the *Building Code Act*;

“**Building Code Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“**Consent**” means a consent issued under Part IV of the *Ontario Heritage Act*;

“**Council**” means the Council for the Corporation of the Town of Oakville;

“**Cultural heritage landscape conservation plan**” or “**CHL conservation plan**” means, for a cultural heritage landscape that is located in whole or in part on a protected heritage property, a conservation plan approved by the Town pursuant to Town By-law 2018-019;

“**Director**” means the Director of Planning Services and the designate or designates of the Director;

“**Municipal Heritage Committee**” means the Heritage Oakville Advisory Committee, or “Heritage Oakville” which reviews heritage permits and other heritage-related matters, and is constituted under Section 28 of the *Ontario Heritage Act*;

“**Ontario Heritage Act**” means the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended;

“**Permit**” means a permit issued under Part V of the *Ontario Heritage Act*;

“**Protected Heritage Property**” means real property in the Town, including all buildings, structures and other features thereon, that:

- (a) has been designated under Part IV of the *Ontario Heritage Act*;
- (b) has been designated under Part V of the *Ontario Heritage Act*; or
- (c) is subject to a notice of intention to designate under section 29 of Part IV of the *Ontario Heritage Act* for having cultural heritage value or interest.

“

Structure” means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the Building Code, as amended, a building permit for which has been issued under the authority of the *Building Code Act*; and

“Town” means the Corporation of the Town of Oakville.

2. Subject to Sections 3, 4, 6 and 11, the Council hereby delegates to the Director, or their designate, the following powers of Council related to the process of granting or refusing its consent under section 33 of the Act or issuing or refusing to issue a permit under section 42 of the Act:
 - (a) consent to the alteration of a Protected Heritage Property under section 33 of the Act;
 - (b) granting a permit to alter a Protected Heritage Property situated in a heritage conservation district designated under Part V of the Act;
 - (c) requesting, receiving, reviewing and accepting or rejecting applications, plans, reports, documents, and any other information received from an applicant seeking consent under subsection 33(2) or a permit under subsection 42(2.2);
 - (d) upon receipt of an application together with such information and documentation as may be required under subsection (c), causing a notice of receipt to be served on the applicant under subsections 33(3) and 42(3) of the Act; and
 - (e) extending the timeline in which alterations set out in Part IV consents or Part V permits can be undertaken if the applicant is not able to complete the works within the required timeline.

3. Notwithstanding Section 2, the authority delegated by Council to the Director under paragraphs 2(a) and 2(b) of this By-law includes any and all alterations to a Protected Heritage Property that is not subject to a CHL conservation plan, except for the following:
 - (a) removal of heritage attributes included in the designation by-law or heritage conservation district plan or identified by Heritage Planning staff as being of cultural heritage value;
 - (b) the construction of a new detached single-storey accessory building or a new single-storey wing of a structure, if the entire footprint of the accessory building or wing, including all open porches and spaces, is over 15 square metres (or 161 square feet);
 - (c) the removal of a detached accessory building or a wing of a structure if the entire footprint of the accessory building or wing, including all open porches and spaces, is over 15 square metres (or 161 square feet);
 - (d) the severance of property made through an application for consent under the *Planning Act*, if the application results in the creation of a new lot or development; and
 - (e) alterations to a property that would have a significant impact on the cultural heritage value of the property or relevant heritage conservation district, if applicable.

4. In exercising the delegated authority in sections 2 and 3, the Director may:
 - (a) consent to alter a Protected Heritage Property under Part IV of the Act or issue a permit to alter a Protected Heritage Property situated within a heritage conservation district designated under Part V of the Act; or
 - (b) grant a Part IV consent or issue a Part V permit to alter a protected heritage property subject to written terms and/or conditions; or
 - (c) refer an application for a Part IV consent or a Part V permit to alter a Protected Heritage Property to Heritage Oakville and Council.
5. Notwithstanding Section 2 of this By-law, Council shall retain all powers and authority under the Act where the Director refers an application to Heritage Oakville and Council.
6. With respect to any part of a Protected Heritage Property that is subject to a CHL conservation plan:
 - (a) no consent is required for an action that is listed as a Category A action in the CHL conservation plan; and
 - (b) the delegated authority in paragraphs 2(a) and (b) is limited to an alteration listed as a Category B alteration in the CHL conservation plan.
7. In exercising the delegated authority in paragraph 6(b) for a property subject to a CHL conservation plan, the Director may:
 - (a) consent to alter a Protected Heritage Property;
 - (b) consent to alter a Protected Heritage Property, subject to written terms and/or conditions; or
 - (c) refer an application to alter a Protected Heritage Property to Heritage Oakville and Council.
8. The Council hereby delegates to the Director, or their designate, the following powers of Council related to the process of amending a designating by-law under section 30.1 of the Act:
 - (a) issue a notice of intention to amend a designating by-law to clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes, if the clarification or correction is the result of an approved heritage permit under sections 33 or 34 of the Act which resulted in a change to either or both of these portions of the designating by-law; and
 - (b) issue a notice of intention to amend a designating by-law to correct the legal description of the property.
9. The Council hereby delegates to the Director, or their designate, the powers of Council to enter into and execute a heritage easement agreement or covenant in accordance with subsection 37(1) of the Act or to amend a heritage easement or covenant under subsection 37(1) of the Act.

10. The Council hereby delegates to the Director, or their designate, the powers of Council to, at any point of time, agree in writing with the property owner to the extension of any time limit under the Act, or agree that any time limit does not apply within which Council must make a decision under the Act for any of the following:
 - (a) the exception to prescribed event in subsection 29(1.2) of the Act;
 - (b) the prescribed circumstances to subsection 29(8)1 of the Act;
 - (c) an application made under section 32 of the Act;
 - (d) an application made under section 33 of the Act;
 - (e) an application made under section 34 of the Act;
 - (f) an application made under section 42 of the Act;
 - (g) as may be otherwise permitted or prescribed under the Act.
11. Regardless of any authority delegated to the Director under this By-law, Council may, after notifying the Director in writing, exercise any authority that is delegated to the Director as concerns any or all protected heritage properties or a specific protected heritage property.
12. On a quarterly basis, the Director, or their designate, shall present to Heritage Oakville and Council a written list of all decisions made on matters delegated under this by-law.
13. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
14. By-law 2016-121 and By-law 2018-020 are hereby repealed and replaced by this By-law.

PASSED this 4th day of April, 2022

MAYOR

CLERK



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2018-020

A by-law to delegate Council's power under Parts IV and V of the *Ontario Heritage Act* to address proposed alterations of protected heritage properties and to repeal By-law 2011-115, as amended

WHEREAS pursuant to subsection 33(15) and 33(16) of the *Ontario Heritage Act*, the council of a municipality may by by-law delegate the power to consent to alterations to property designated under Part IV to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS pursuant to subsection 42(16) and 42(17) of the *Ontario Heritage Act*, the council of a municipality may by by-law delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to an employee or official of the municipality after having consulted with its municipal heritage committee;

AND WHEREAS the Council of The Corporation of the Town of Oakville is authorized by subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act*"), to pass by-laws respecting matters within the sphere of jurisdiction for culture, parks, recreation and heritage;

AND WHEREAS clause 23.2(1)(c) of the *Municipal Act* permits a municipality to delegate certain legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Oakville has consulted with its municipal heritage committee;

COUNCIL ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law:

“**Building**” means a building as defined in the *Building Code Act*;

“**Building Code Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“**Built heritage resource**” means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated or otherwise protected under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers;

“**Consent**” means a consent issued under Part IV of the *Ontario Heritage Act*;

“**Council**” means the Council for the Corporation of the Town of Oakville;

“**Cultural heritage landscape conservation plan**” or “**CHL conservation plan**” means, for a cultural heritage landscape that is located in whole or in part on a protected heritage property, a conservation plan approved by the Town pursuant to Town By-law 2018-XXX;

“**Director**” means the Director of Planning Services and the designate or designates of the Director;

“**Feature**” means, in relation to a cultural heritage landscape, a built heritage resource, a circulation system, a spatial organization, a visible sign of past or continuing land use or pattern of land use, an archaeological site, a space, a natural element, a visual relationship, a view or a vista that has cultural heritage value or interest or contributes to the cultural heritage value or interest or heritage attributes of the landscape;

“**Municipal Heritage Committee**” means the Heritage Oakville Advisory Committee which reviews heritage permits and other heritage-related matters, and is constituted under Section 28 of the *Ontario Heritage Act*;

“**Natural element**” means soil, rock, water and vegetation, and includes a landform, hill, mound, berm, watercourse, water body, ditch, spring, wetland or forest, whether designed or otherwise;

“**Ontario Heritage Act**” means the Ontario Heritage Act, R.S.O.1990 c. O.18, as amended;

“**Permit**” means a permit issued under Part V of the *Ontario Heritage Act*;

“**Protected Heritage Property**” means real property in the Town, including all buildings, structures and other features thereon, that:

- (a) has been designated under Part IV of the *Ontario Heritage Act*;
- (b) has been designated under Part V of the *Ontario Heritage Act*; or

- (c) is subject to a notice of intention to designate under section 29 of Part IV of the *Ontario Heritage Act* for having cultural heritage value or interest;

“Structure” means a building or other manufactured thing erected on land by humans that is distinct in visual form and materials from the land itself and natural elements and includes any structure designated under the Building Code, as amended, a building permit for which has been issued under the authority of the *Building Code Act*;

“Town” means the Corporation of the Town of Oakville;

- 2. Subject to Sections 3, 4, 6 and 8, the Council hereby delegates to the Director, or his or her designate, the following powers of Council related to the process of granting or refusing its consent under section 33 of the *Ontario Heritage Act* or issuing or refusing to issue a permit under section 42 of the *Ontario Heritage Act*:
 - (a) consent to the alteration of a Protected Heritage Property under section 33 of the *Ontario Heritage Act*;
 - (b) granting a permit to alter a Protected Heritage Property situated in a heritage conservation district designated under Part V of the *Ontario Heritage Act*;
 - (c) requesting, receiving, reviewing and accepting or rejecting applications, plans, reports, documents, and any other information received from an applicant seeking consent under subsection 33(2) or a permit under subsection 42(2.2);
 - (d) upon receipt of an application together with such information and documentation as may be required under subsection (c), causing a notice of receipt to be served on the applicant under subsections 33(3) and 42(3) of the *Ontario Heritage Act*;
 - (e) extending the timeline in which alterations set out in Part IV consents or Part V permits can be undertaken if the applicant is not able to complete the works within the required timeline; and
 - (f) with the agreement of the applicant and in accordance with subsections 33(5) and 42(4) of the *Ontario Heritage Act*, extending the 90-day timeline in which Council must make a decision on requested alterations to a Protected Heritage Property under Parts IV and V of the *Ontario Heritage Act*.
- 3. Notwithstanding Section 2, the authority delegated by Council to the Director under paragraphs 2(a) and 2(b) of this By-law is limited to the following alterations to a Protected Heritage Property that is not subject to a CHL conservation plan:
 - (a) exterior repainting of part or the whole of a building or structure;
 - (b) alterations to roofing material and colour;

- (c) addition/removal/replacement of, or alterations to, permanent hard landscaping features, including but not limited to walkways, driveways, patios, planters, fences, gates, walls, trellises, arbours and gazebos;
 - (d) addition/removal/replacement of, or alterations to, signage;
 - (e) addition/removal/replacement of, or alterations to, lighting;
 - (f) addition/removal/replacement of, or alterations to, basement windows and window wells;
 - (g) addition/removal/replacement of, or alteration to, non-heritage features, including but not limited to doors, windows, trim, shutters, railings, stairs, porch flooring, columns, brackets, and decorative features;
 - (h) addition/removal/replacement of, or alterations to, detached single-storey accessory buildings or single-storey wings of structures provided that the entire footprint of the accessory building or wing, including all open porches and spaces, is under 15 square metres (or 161 square feet);
 - (i) minor revisions to previously approved consents or issued permits for alterations that are included in this By-law;
 - (j) temporary measures reasonably necessary to deal with an emergency which puts the security or integrity of a building or structure at risk of damage; and
 - (k) severance of property made through an application for consent under the *Planning Act*, provided that the application does not result in the creation of a new lot or development.
4. In exercising the delegated authority in sections 2 and 3, the Director may:
- (a) consent to alter a Protected Heritage Property under Part IV of the *Ontario Heritage Act* or issue a permit to alter a Protected Heritage Property situated within a heritage conservation district designated under Part V of the *Ontario Heritage Act*, or
 - (b) grant a Part IV consent or issue a Part V permit to alter a protected heritage property subject to written terms and/or conditions; or
 - (c) refer an application for a Part IV consent or a Part V permit to alter a Protected Heritage Property to Heritage Oakville and Council.
5. Notwithstanding Section 2 of this By-law, Council shall retain all powers and authority under the *Ontario Heritage Act* where the Director refers an application to Heritage Oakville and Council.

6. With respect to any part of a Protected Heritage Property that is subject to a CHL conservation plan:
 - (a) no consent is required for an action that is listed as a Category A action in the CHL conservation plan; and
 - (b) the delegated authority in paragraphs 2(a) and (b) is limited to an alteration listed as a Category B alteration in the CHL conservation plan.
7. In exercising the delegated authority in paragraph 6(b) for a property subject to a CHL conservation plan, the Director may:
 - (a) consent to alter a Protected Heritage Property;
 - (b) consent to alter a Protected Heritage Property, subject to written terms and/or conditions; or
 - (c) refer an application to alter a Protected Heritage Property to Heritage Oakville and Council.
8. Regardless of any authority delegated to the Director under this By-law, Council may, after notifying the Director in writing, exercise any authority that is delegated to the Director as concerns any or all protected heritage properties or a specific protected heritage property.
9. On a quarterly basis, the Director shall present to Heritage Oakville and Council a written list of all decisions made on matters delegated under this by-law.
10. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
11. By-law 2011-115 is hereby repealed and replaced by this By-law.

PASSED this 30th day of January, 2018

Rob Burton Mayor

Kathy Patrick Acting Town Clerk



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Planning Services Department

DATE: March 22, 2022

SUBJECT: **Heritage Documents Updates**

LOCATION: Town wide

WARD: Town-wide

Page 1

RECOMMENDATION:

That the report 'Heritage Documents Updates' by the Planning Services Department dated March 22, 2022, be approved.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Bill 108 – the *More Homes, More Choice Act, 2019* – made changes to the *Ontario Heritage Act*, its associated regulations and the Ontario Heritage Toolkit that require updates to the Town of Oakville's existing heritage documents, including the heritage permit forms and notice of intention to demolish.
- Several new documents are also required as a result of the legislative changes, including a notice of listing under s. 27 of the *Ontario Heritage Act*, and a mutual agreement template to extend the legislated deadlines for a number of processes.
- Heritage Planning staff have attached the revised and new documents to this staff report for review and for final approval.

BACKGROUND:

Over the past two years, Heritage Planning staff have provided several updates to the Heritage Oakville Advisory Committee and Town Council on the changes to Ontario's heritage legislation through the *Ontario Heritage Act*, new regulations and the Ontario Heritage Toolkit. As these changes are being implemented at the municipal level, there are updates required to existing documents for regulated

processes under the revised legislation. As well, several new documents are required for newly introduced processes in the legislation.

These documents were reviewed by the Heritage Oakville Advisory Committee at their meeting on February 22, 2022.

IMPLEMENTATION:

Updates are required to the following existing documents, which are attached to this report:

- Heritage Permit Application Guide and Form, attached as Appendix A.
- Notice of Intention to Demolish Submission Guide, Submission Requirements and Submission Form, attached as Appendix B.

The new sections and information in these documents have been highlighted for ease of review; the highlighting will be removed following approval of the documents by Council. The highlighted changes include references to the new Ontario Land Tribunal and appeal/objection processes, as well as new terminology.

The following new documents are required and are attached to this report:

- Notice of Listing on the Oakville Heritage Register, attached as Appendix C
- Templates for Extension of Deadlines, attached as Appendix D
 - Planning Act Applications
 - Passing of Designation By-law under Part IV
 - Heritage Permit Application under Part IV
 - Heritage Permit Application under Part V
 - Demolition or Removal under Part IV
 - Repealing of Designation By-law under Part IV
- Notice of Complete Application/Receipt, attached as Appendix E
 - Heritage Permit Application under Part IV
 - Heritage Permit Application under Part V
 - Notice of Intention to Demolish under s.27
 - Notice of Intention to Demolish under s. 34
- Notice of Incomplete Application, attached as Appendix F
 - Heritage Permit Application under Part IV
 - Heritage Permit Application under Part V
 - Notice of Intention to Demolish under s. 34

Changes to the Town's Heritage Delegation By-law are also required due to legislative changes and previous feedback received from the Heritage Oakville Advisory Committee and Council in 2021. Those changes are being addressed in a separate staff report to Planning and Development Council.

CONSIDERATIONS:

(A) PUBLIC

The updated guides and forms will be available to the public following Council approval.

(B) FINANCIAL

There are no costs associated with the new documents.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The documents attached in the appendices have been reviewed and approved by the Legal Services department.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The conservation of Oakville's cultural heritage resources can assist in the reduction of carbon footprints as the greenest building is the one that already exists.

APPENDICES:

Appendix A – Heritage Permit Applications

Appendix B – Notice of Intention to Demolish Forms

Appendix C – Notice of Listing on the Oakville Heritage Register

Appendix D – Templates for Extension of Deadlines

Appendix E – Notices of Complete Application

Appendix F – Notices of Incomplete Application

Prepared by:

Susan Schappert, CAHP, MCIP, RPP
Heritage Planner

Recommended by:

Kirk Biggar, MCIP, RPP
Acting Manager, Policy Planning and Heritage

Submitted by:

Gabe Charles, MCIP, RPP
Director, Planning Services

HERITAGE PERMIT APPLICATION GUIDE



What is a Heritage Permit?

A heritage permit is required to undertake changes to properties designated under the *Ontario Heritage Act* (OHA). Properties are either designated individually under Part IV of the OHA or are designated within a Heritage Conservation District under Part V of the OHA. Properties that are listed in Section F of the Oakville Register of Properties of Cultural Heritage Value or Interest do not require a heritage permit.

When is a Heritage Permit Required?

A heritage permit is required prior to any change to a designated property that is likely to impact one or more heritage attributes on the property. Generally, a heritage permit is required for any large-scale work that would also require a building permit, demolition permit or other formal approvals by the town and other government agencies.

Examples of work that require a Heritage Permit include:

- All new construction including new additions to existing structures and new independent structures such as garages, sheds, porches, decks and steps
- Alteration, addition, removal or replacement of windows, doors, porches, verandahs, chimneys, cladding, roofing material, trim and other exterior details of a structure
- Demolition of a structure or part of a structure
- Change in paint colour of exterior elements of a structure
- New signage
- Hard landscaping such as the alteration, addition, removal or replacement of patios, fences, gates, trellises, arbours, gazebos, retaining walls and walkways

**Due to recent changes to the OHA, removal or demolition of a heritage attribute and/or structure on a Part IV property may require a notice of intention to demolish to be submitted. Please contact Heritage Planning staff for more details.*

When is a Heritage Permit Not Required?

A heritage permit is not required for minor works that have no impact on the property's heritage attributes, including works such as:

- Routine maintenance and minor repairs to exterior features
- Re-painting of architectural elements in the same colour
- Replacement of standard and non-historic eavestroughs and downspouts
- Soft landscape work (ie. plantings)
- Internal changes to a building (an exception to this is a small number of individually designated properties that have interior elements included in the designation by-law)

What Are the Criteria Used to Evaluate the Proposed Work?

- Individual Designation By-laws
Over 150 properties in Oakville are individually designated under Part IV of the OHA and each of these has its own designation by-law which describes the property's heritage attributes.
- Heritage Easement Agreements
Several properties in Oakville have a heritage easement agreement registered on title which requires the owner to seek approval for alterations from the town and/or the Province of Ontario.
- Conservation Plans for Cultural Heritage Landscapes
Each property that has been fully protected as a Cultural Heritage Landscape has an associated Conservation Plan that outlines how the property is to be managed and protected.
- Heritage Conservation District Plans
Over 400 properties are designated as part of a Heritage Conservation District under Part V of the OHA. Each district has a district plan on managing change in the district. These plans are available on the town's website.
- Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada
Oakville's Town Council has adopted these guidelines for all of the town's heritage properties. The document provides sound, practical guidance to achieve good conservation practice for heritage sites and structures.

What Are the Submission Requirements?

The heritage permit application must be submitted in a manner that provides a clear understanding of the specific details and visual representation of the proposed alterations to the property. Contact staff for submission deadlines.

a) Pre-consultation meeting with staff:

Before the submission of a heritage permit application, applicants may be required to meet with Heritage Planning staff and Heritage Oakville Advisory Committee members to discuss the proposed alterations. This pre-consultation is an important step in the application process as it provides an opportunity for the applicant and staff to review the policies related to the property in order to ensure that the application meets the relevant requirements.

b) All heritage permit applications must be submitted digitally and must include:

- Completed application form
- All relevant drawings
- All relevant photographs
- In some cases, a Heritage Impact Assessment or other relevant cultural heritage study may also be required

c) Information on submitted drawings and visual materials:

Staff may require the following to be submitted as part of the heritage permit application:

- Site plan or a current survey of the property that shows all structures, all critical setbacks and distances from adjacent properties, and the location of all proposed work to structures and/or landscaping
- Architectural drawings to clearly illustrate the proposal, including:
 - Elevations
 - Floor plans (to be used for internal review purposes only and not made available to the public)
 - Clear dimensions of the building, including roof slopes, finished floor level, door and window openings, signage, outdoor lighting, mechanical units and other relevant exterior elements
 - 3-D drawings or artist renderings of proposed work for large scale projects
 - Streetscape drawings showing the subject property in context with its surrounding area
- Photographs of the property, including:
 - Photographs of the front of the property showing the main structure
 - Photographs of the nearby streetscape and neighbouring properties
 - Photographs of all applicable portions of the property, including affected heritage attributes
- Landscape details including:
 - Architectural drawings of patios, fencing, arbours and other hard landscaping
- Physical and/or visual samples of materials proposed to be used
 - Examples of windows, roofing materials, cladding materials, landscaping materials, etc.

What is the Approval Process?

Heritage permits can be approved in two ways: by town staff or by Oakville’s Town Council.

Process 1: Staff approval

In accordance with the Town of Oakville Heritage Delegation By-law in effect, certain alterations to heritage properties can be approved at the staff level if they do not have a significant negative impact on any heritage features of the property or district. See the town’s Heritage Delegation By-law for more details.

Heritage Planning staff process the completed application. If the application is supported by staff, approval is granted by the Director of Planning Services. This process typically takes less than 5 business days. If the application is not supported by staff, the application is forwarded to the Heritage Oakville Advisory Committee and Council for review. The application would then follow Process 2, outlined below.

Process 2: Council approval

Heritage Planning staff process the application which is then reviewed by the Heritage Oakville Advisory Committee, a municipal advisory committee that reviews heritage permits and other heritage-related matters. The Committee is constituted under Section 28 of the *Ontario Heritage Act*. The Committee makes a recommendation to Council and Council makes the final decision. If Council does not make a decision on a heritage permit application within 90 days of its submission, Council shall be deemed to have consented to the application. If mutually agreed upon, an extension can be granted.

The following are the steps that a Council-approved heritage permit application typically goes through:

1)	Applicant contacts Heritage Planning staff to arrange pre-consultation meeting to discuss proposed work				
	↓				
2)	Applicant meets with Heritage Planning staff (and members of the Heritage Oakville Advisory Committee if deemed necessary by staff) at a pre-consultation meeting prior to submission of application				
	↓				
3)	Applicant submits heritage permit application and all required components of the application to Heritage Planning staff				
	↓				
4)	Heritage Planning staff confirm that the application is complete and send applicant a notice of receipt with details on the upcoming Heritage Oakville Advisory Committee and Planning and Development Council meetings.				
	↓				
5)	Heritage Planning staff prepare report and recommendation on the heritage permit application				
	↓				
6)	Heritage Oakville Advisory Committee Meeting – Heritage Planning staff present the report and recommendation on the heritage permit application. The Committee makes a recommendation on the application and forwards the recommendation to Council for a final decision				
	↓				
7)	Planning and Development Council Meeting – Council makes final decision to either:				
	Approve application	<u>OR</u>	Approve application with conditions	<u>OR</u>	Refuse application
	↓				
	Applicant either:				
	Accepts approval	<u>OR</u>	Accepts approval with conditions OR Appeals decision to OLT	<u>OR</u>	Accepts refusal OR Appeals decision to OLT
	<i>OLT – Ontario Land Tribunal</i>				

Additional Information

- The owner and/or an agent should attend the Heritage Oakville Advisory Committee meeting.
- The owner and/or an agent may be requested to prepare a presentation for the Heritage Oakville Advisory Committee meeting.
- Applicants undertaking work on their property are subject to all applicable policies and regulations that may apply.
- A heritage permit approval should precede all other town approvals, excluding any applications through the Committee of Adjustment which must be processed prior to heritage permit approval.
- It is in the interest of a heritage property owner to retain licensed heritage professionals to undertake the design and execution of projects on heritage properties.
- Follow up site inspections will be conducted to ensure compliance with drawings as submitted and approved; significant infractions may result in charges laid against the owner in accordance with the *Ontario Heritage Act*.

Contact Information

For more information, contact the town's Heritage Planners below or visit www.oakville.ca and search for 'heritage planning'.

Susan Schappert
Heritage Planner
905-845-6601 ext. 3870
susan.schappert@oakville.ca

Carolyn Van Sligtenhorst
Heritage Planner
905-845-6601 ext. 3875
carolyn.van@oakville.ca

HERITAGE PERMIT

Application Form

Submit form to Heritage Planning staff. Please use ink or complete fillable PDF. The completeness of the application is to be determined by staff. A notice of receipt will be provided to the applicant upon the submission of a complete application.

Policy Planning & Heritage
Planning Services Department
Town of Oakville

A – Property and Applicant Information

Property Address:

Owner Contact Information:

Name:

Address & Postal Code:

Phone:

E-mail:

Agent Contact Information (if applicable):

Name:

Company Name:

Address & Postal Code:

Phone:

E-mail:

B – Heritage Permit Application Summary

Alterations to Building

New Construction

Landscaping

Demolition

Clearly describe the changes you are undertaking to alter the property (attach additional page(s) if needed):

1.

2.

3.

4.

5.

6.

C – Review of Heritage Guidelines

Explain the reasons for undertaking the alterations and describe how the proposal is consistent with the Part IV individual designating by-law, the Part V District Plan or the CHL Conservation Plan:

D – Other Required Approvals

Please state if the proposal in this heritage permit application will also require approvals for the following:

- | | | |
|------------------------|------------------------------|-----------------------------|
| Building Permit | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Minor Variance | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Site Plan | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Site Alteration | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Sign Permit | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| Tree Removals | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

If Yes, please describe the application for all required approvals listed above:

E – Product and Manufacturer Details (fill in all applicable information)

Item(s) to be changed	Indicate if material is <i>new</i> or <i>existing</i>	Indicate type of material	Indicate colour	Other product details
Cladding (Siding, brick, etc.)				
Roof				
Foundation Walls				
Trim				
Doors				
Windows				
Porch				
Fencing				
Landscaping				
Other				

F – Completed Submission

Before submitting this application, please check off the following applicable boxes to ensure that your application is complete:

- Pre-consultation meeting with staff has been completed
- Digital copies of all drawings have been submitted
- Digital copies of all photographs have been submitted

G – Declaration & Signature

I hereby declare that the statements made herein are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application. I have reviewed the submission requirements and understand that incomplete applications may not be accepted.

I also understand that the proposal must comply with all other applicable legislation and by-laws and that other approvals if required must be described clearly in Section D of this application form (ie. minor variance, site plan, building permit, sign permit, site alteration, tree permit).

I acknowledge that any change to the approved drawings, however small, may require an amendment to the permit and may require resubmission for approval. Failure to reveal these changes to Heritage Planning staff may result in work stoppage and charges and/or fines under the *Ontario Heritage Act*.

I acknowledge that Town of Oakville staff and members of the Heritage Oakville Advisory Committee may visit the property that is the subject of this application for the purpose of evaluating the merits of this application. Property entry will be organized with the applicant or agent prior to entry.

I acknowledge that personal information on this form is collected under the authority of the *Ontario Heritage Act* and will be used to process heritage permit applications.

I confirm that the owner and/or agent for this property has reviewed this application with Heritage Planning staff at a pre-consultation meeting.

Owner's Signature (*required*)

Date

Agent's Signature (*if applicable*)

Date

This form is available in an alternate format upon request. Please contact the Planning Services Department for details.
Phone 905-845-6601 TTY 905-338-4200

APPENDIX B

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Pre-Consultation Form

Submit form to Heritage Planning staff. Please use ink or complete fillable PDF. The completeness of the submission is to be determined by staff.

Policy Planning & Heritage
Planning Services Department
Town of Oakville

Property Address: _____

Applicant's Name: _____

Address & Postal Code: _____

Phone: _____ Email: _____

Required?	Item
Yes <input checked="" type="checkbox"/>	Notice of Intention to Demolish/Remove Submission Form
Yes <input type="checkbox"/> No <input type="checkbox"/>	A Heritage Impact Assessment, to be submitted in accordance with the Heritage Impact Assessment Terms of Reference developed by Planning Services
Yes <input type="checkbox"/> No <input type="checkbox"/>	A scaled full size site plan and elevation drawings which clearly illustrate the proposed future use of the site with the location of the existing heritage building(s) clearly identified
Yes <input type="checkbox"/> No <input type="checkbox"/>	Photographs of the existing buildings, structures and/or heritage attributes that are affected by the submission.
Yes <input type="checkbox"/> No <input type="checkbox"/>	A complete and certified title search for the property, including: <ul style="list-style-type: none"> ○ A chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar; ○ Block map; ○ Certified copy of PIN; ○ Certified copy of old abstract pages; ○ Full copies of transfers and other relevant title documents (i.e. wills, mortgages); and ○ Copies of reference plans
Yes <input type="checkbox"/> No <input type="checkbox"/>	Other:

Notice of receipt of a complete submission will not be provided until the items below which are checked off as 'Required' are submitted to the Heritage Planning Section of the Planning Services Department by the applicant. This Pre-Consultation Form must also be submitted along with the Notice of Intention to Demolish Submission Form.

Heritage Planning Staff: _____

Signature: _____ Date: _____

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Submission Form

Submit form to Heritage Planning staff. Please use ink or complete fillable PDF. The completeness of the application is to be determined by staff. A notice of receipt will be provided to the applicant upon the submission of a complete application.

Policy Planning & Heritage
Planning Services Department
Town of Oakville

Part A: Property and Applicant Information

Owner Contact Information:

Name:

Address & Postal Code:

Phone:

E-mail:

Agent Contact Information (if applicable):

Name:

Company Name:

Address & Postal Code:

Phone:

E-mail:

Part B: Property Information

Address of Subject Property:

Heritage Status: Designated Part IV (individual) Listed on Heritage Register

Date of Acquisition of Subject Property:

Current Use(s):

Number and Type of Structures on Subject Property:

Is the subject property currently or previously the subject of a development application (i.e. re-zoning, site plan control, building permit)?

Yes No If yes, please provide details here:

Part C: Reasons for Demolition/Removal Request

Please provide the reasons for which the owner would like the building(s), structure(s) and/or heritage attribute(s) on the property demolished/removed.

If you have any additional information regarding the building(s), structure(s) and/or heritage attribute(s) or property that supports your request for demolition/removal, please attach to this form.

Part D: Declaration & Signature

I hereby declare that the statements made herein are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application. I have reviewed the Notice of Intention to Demolish/Remove Submission Requirements and the Pre-Consultation Form for my application and have submitted all of the required documents. I understand that incomplete applications may not be accepted.

I acknowledge that Town of Oakville staff and members of the Heritage Oakville Advisory Committee may visit the property that is the subject of this application for the purpose of evaluating the merits of this application. Property entry will be organized with the applicant or agent prior to entry.

I acknowledge that personal information on this form is collected under the authority of the *Ontario Heritage Act* and will be used to process the notice of intention to demolish application.

I confirm that the owner and/or agent for this property has reviewed this application with Heritage Planning staff at a pre-consultation meeting.

Owner's Signature (*required*)

Date

Agent's Signature (*if applicable*)

Date

This form is available in an alternate format upon request. Please contact the Planning Services Department for details.
Phone 905-845-6601 TTY 905-338-4200

NOTICE OF INTENTION TO DEMOLISH/REMOVE

Submission Requirements

The following is a guide to the Town of Oakville's submission requirements for property owners who wish to demolish/remove a building(s), structure(s) and/or heritage attribute(s) on their heritage property. This guide does not constitute legal advice and is suitable for use in conjunction with appropriate independent legal advice.

"Heritage property" includes properties which are:

- Listed on the Town of Oakville's Register of Properties of Cultural Heritage Value or Interest;
- Individually designated under Part IV of the *Ontario Heritage Act*; or
- Subject to a "Notice of Intention to Designate"

**Note: for properties designated as part of a heritage conservation district under Part V of the Ontario Heritage Act, proposed demolitions are processed through a heritage permit application. See Heritage Planning staff for details.*

A notice of intention to demolish/remove for a heritage property will not be deemed to be received or complete unless/until it is accompanied by any plans or information required by Heritage Planning staff, which may include:

1. A Heritage Impact Assessment, to be submitted in accordance with the Heritage Impact Assessment Terms of Reference developed by Planning Services;
2. A scaled full size site plan and elevation drawings which clearly illustrate the proposed future use of the site with the location of the existing building(s), structure(s) and/or heritage attribute(s) clearly identified;
3. Photographs of the existing building(s), structure(s) and/or heritage attribute(s) that are affected by the submission; and
4. A complete and certified title search for the property, including:
 - A chain of title with instrument numbers and brief legal descriptions identified with title searcher's name, stamp or similar;
 - Block map;
 - Certified copy of PIN;
 - Certified copy of old abstract pages;
 - Full copies of transfers and other relevant title documents (i.e. wills, mortgages); and
 - Copies of reference plans.

In addition to the requirements listed above, the property owner may be required to submit any other supporting information and materials that may be identified by the Town prior to submission of the notice of intention to demolish/remove or in consultation with the owner as being relevant and necessary to the evaluation of the notice. Town staff may also request entry onto the property as part of an evaluation of the heritage significance of the site.

The following is an outline of the notice of intention to demolish/remove process:

Submission of Notice

1. The owner contacts a Heritage Planning staff member to notify staff of their intention to demolish/remove the building(s), structure(s) and/or heritage attribute(s) on their heritage property.
2. Staff arranges a pre-consultation meeting with the owner (or an agent working on the owner's behalf). Staff makes it clear to the owner that if he or she decides to proceed with the submission of a notice of intention to demolish/remove for the heritage property, there is no mechanism to later withdraw the notice. Once the notice has been submitted, staff must follow the procedure outlined below in order for Council to make a final decision on the submission.
3. Heritage Planning staff provides the owner with a Pre-Consultation Form which lists the additional submission requirements which are applicable to their property.

4. Owner submits to Heritage Planning staff a Notice of Intention to Demolish/Remove Submission Form for the demolition/removal of the building(s), structure(s) and/or heritage attribute(s) on the heritage property, along with any additional information required, as outlined on the Pre-Consultation Form provided by staff. The Pre-Consultation Form must also be submitted at this time.
5. Upon receipt of the Notice of Intention to Demolish/Remove Submission Form and other submitted information (if applicable), Heritage Planning staff determines if the submission is complete in accordance with the Pre-Consultation Form. If the submission is not complete, staff contacts the owner to inform them of the additional information required. If the submission is complete, staff sends a letter to the owner, which confirms receipt of the complete submission and includes the dates and times of the Heritage Oakville Advisory Committee meeting and the Planning and Development Council meeting where the notice of intention to demolish/remove will be reviewed. Upon receipt of the submission by Heritage Planning staff, Council has 60 days to deal with a notice submitted for a listed property and 90 days for a notice submitted for a designated property, or those subject to a notice of intention to designate.

Review and Final Decision

1. Heritage Planning staff prepares a report to be presented to the Heritage Oakville Advisory Committee.
2. The Heritage Oakville Advisory Committee reviews the notice of intention to demolish/remove at their meeting and makes a recommendation to Council. The owner may attend the meeting and speak to the Committee regarding the submission.
3. Heritage Planning staff prepares a report to be presented to the Planning and Development Council.
4. Planning and Development Council reviews the notice of intention to demolish/remove at their meeting and makes a final decision on the matter. The owner may attend the meeting and speak to Council regarding the submission.
5. For listed properties:
 - (a) If Council proceeds to designate the property under the *Ontario Heritage Act*, notice will be served to the owner and the Ontario Heritage Trust and published in the local newspaper. A person who objects to a proposed designation has 30 days, upon the newspaper publication, to provide notice of their objection to the Town Clerk. The matter is then referred for a hearing before the Ontario Land Tribunal (OLT) who will make a final decision on the matter.
 - (b) If the OLT decides that the property is not to be designated under the *Ontario Heritage Act*, the property is removed from the Oakville Register of Properties of Cultural Heritage Value or Interest. If the OLT decides that the property is to be designated under the *Ontario Heritage Act*, the town will continue with the designation process by passing a designation by-law.
6. For designated Part IV properties:
 - (a) Unless otherwise agreed, within 90 days after a notice of receipt of a complete notice of intention to demolish/remove submission has been served on the owner, notice of Council's decision shall be served on the owner. Notice of Council's decision shall also be served on the Ontario Heritage Trust and published in the local newspaper. If Council does not consent to the demolition/removal, or if Council consents to the demolition/removal subject to terms and conditions, the owner may appeal Council's decision within 30 days of being notified to the Ontario Land Tribunal.
 - (b) If Council consents to the demolition/removal, the owners can continue with the demolition process. The property will remain designated unless further action is taken by Council to de-designate the property. An amendment to the designation by-law may be required.

Please be advised that buildings or structures or heritage attributes removed or demolished without approval of Town Council will result in prosecution under the Ontario Heritage Act.

Heritage Planning Staff Contacts:

Susan Schappert
Heritage Planner
susan.schappert@oakville.ca
905-845-6601 ext. 3870

Carolyn Van Sligtenhorst
Heritage Planner
carolyn.van@oakville.ca
905-845-6601 ext. 3875

APPENDIX C



NOTICE OF ADDITION OF PROPERTY TO OAKVILLE HERITAGE REGISTER

DATE

[Owner Name]
[Owner Address]

RE: [Property Address], Oakville, Ontario

Dear [Owner name]:

At its meeting of [date], Oakville Town Council approved the addition of the property at [property address] to the Oakville Register of Properties of Cultural Heritage Value or Interest as a listed heritage property.

The property has been added to the Register because of the potential cultural heritage value of its [description of potential attributes, i.e. house]. This property is considered to be a property of cultural heritage value or interest because [add reason(s) why].

This letter serves as the notice to the property owner of the inclusion of the property on the Register. In accordance with the *Ontario Heritage Act*, the owner of the property may object to the property's inclusion on the Register by serving on the Town Clerk a notice of objection setting out the reasons for the objection and all relevant facts. This notice can be submitted to townclerk@oakville.ca.

For properties which have been listed on the Register, the owner of the property shall not demolish or remove a building or structure on the property, or permit this work, unless the owner gives Town Council at least 60 days notice in writing of their intention to demolish or remove the building or structure.

Please let me know if you have any further questions.

Sincerely,

[Heritage planner signature]

[Name of heritage planner]
Heritage Planner

APPENDIX D

EXTENSION OF DEADLINE - PLANNING ACT APPLICATIONS

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville

c/o Town Council

Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s. 29 (1.2) sets out a restriction that when a notice of a particular *Planning Act* application has been completed (Official Plan Amendments, Zoning By-Law Amendments and Plans of Subdivision) Oakville Town Council if it wishes to give notice of intention to designate the property under s. 29 of the *Ontario Heritage Act*, it must do so within 90 days of that notice.

However, Ontario Regulation 385/21, s. 1(2)1 under the *Ontario Heritage Act*, permits Oakville Town Council and the property owner to agree that that restriction under subsection 29 (1.2) of the OHA does not apply to the property.

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s. 29 (1.2) of the *Ontario Heritage Act* shall not apply to *Planning Act* application(s) [insert application type (s), number (s)/name(s)] for the above property.

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the designation of the property under s. 29 of the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name

EXTENSION OF DEADLINE - PASSING OF HERITAGE DESIGNATION BY-LAW - PART IV

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville
c/o Town Council
Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s.29 (8) sets out a deadline of 120 days from the publication of the notice of intention to designate under the *Ontario Heritage Act* for Town Council to pass the designation by-law if no objection is served with the 30 day period under s.29 (5).

However, s.29 (8) 1. of the *Ontario Heritage Act*, permits Oakville Town Council and the property owner to agree to a longer period of time for Council to make its decision under the 'prescribed circumstances' set out in Ontario Regulation 385/24 s.2(1).

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s.29 (8) of the *Ontario Heritage Act* be extended to an additional [insert number of days here].

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the property under the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name

EXTENSION OF DEADLINE - HERITAGE PERMIT APPLICATIONS - PART IV

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville

c/o Town Council

Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s.33 (7) sets out a deadline of 90 days from the notice of receipt of a complete application for alterations to a property designated under s.29 of the *Ontario Heritage Act* for Town Council to make a decision regarding said application.

However, s.33 (7) 1 of the *Ontario Heritage Act*, permits Oakville Town Council and the property owner to agree to a longer period of time for Council to make its decision.

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s.33 (7) of the *Ontario Heritage Act* be extended to an additional [insert number of days here].

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the property under the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name

EXTENSION OF DEADLINE - HERITAGE PERMIT APPLICATIONS - PART V

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville
c/o Town Council
Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s.42 (4) sets out a deadline of 90 days from the notice of receipt of a complete application to alter, erect, demolish or remove a building/structure to a property designated under s.41 (1) of the *Ontario Heritage Act* as part of a Heritage Conservation District for Town Council to make a decision regarding said application.

However, s.42 (4) of the *Ontario Heritage Act* also permits Oakville Town Council and the property owner to agree to a longer period of time for Council to make its decision.

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s.42 (4) of the *Ontario Heritage Act* be extended to an additional [insert number of days here].

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the property under the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name

EXTENSION OF DEADLINE - DEMOLITION OR REMOVAL APPLICATION- PART IV

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville
c/o Town Council
Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s.34 (4.3) sets out a deadline of 90 days from the notice of receipt of a complete application for a demolition or removal of heritage attributes/building(s)/structure(s) to a property designed under s.29 of the *Ontario Heritage Act* for Town Council to make a decision regarding said proposed demolition or removal.

However, s.34 (4.3) 1 of the *Ontario Heritage Act*, permits Oakville Town Council and the property owner to agree to a longer period of time for Council to make its decision.

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s.34 (4.3) of the *Ontario Heritage Act* be extended to an additional [insert number of days here].

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the property under the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name

EXTENSION OF DEADLINE - REPEAL OF HERITAGE DESIGNATION BY-LAW - PART IV

Date

Name

Company

Street

Town, Province

Postal Code

Attn: The Corporation of the Town of Oakville

c/o Town Council

Authorized Delegate of Council [insert name]

The *Ontario Heritage Act* s.32 (5) sets out a deadline of 90 days from the publication of the notice of application to repeal a by-law for a property designated under s.29 of the *Ontario Heritage Act* for Town Council to make a decision regarding said application.

However, s.32 (6) of the *Ontario Heritage Act*, permits Oakville Town Council and the property owner to agree to a longer period of time for Council to make its decision.

Therefore, I, [insert name], the owner of the property at [insert property address], hereby request that Oakville Town Council (or its authorized delegate) agree that the restriction under s.32 (5) of the *Ontario Heritage Act* be extended to an additional [insert number of days here].

I understand that the waiver of the said restriction does not commit myself as the property owner or Oakville Town Council to any other future actions taken in regards to the property under the *Ontario Heritage Act*.

Sincerely,

[Insert signature]

Property owner name



APPENDIX E

Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Heritage Permit Application
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to alter your designated heritage property under s. 33(1) of the *Ontario Heritage Act*. Having received all required information under s. 33(2) and 33(3), Heritage Planning staff have deemed your application complete under s. 33(4) as of [insert date].

The Heritage Permit application [Insert Heritage Permit Number] for the above address to undertake the following works:

1. [Insert Work]

will be considered by the Heritage Oakville Advisory Committee at its [virtual] meeting of [insert date] at 9:30am. To register as a delegate, please contact the Town Clerk at townclerk@oakville.ca or 905-815-6015 by noon of the day before the meeting. [A link to the virtual meeting will be sent out to registered delegates.]

Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Heritage Permit Application
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to alter your designated heritage property under s. 42(2.1) of the *Ontario Heritage Act*. Having received all required information under s. 42(2.2), Heritage Planning staff have deemed your application complete under s. 42(3) as of [insert date].

The Heritage Permit application [Insert Heritage Permit Number] for the above address to undertake the following works:

1. [Insert Work]

will be considered by the Heritage Oakville Advisory Committee at its [virtual] meeting of [insert date] at 9:30am. To register as a delegate, please contact the Town Clerk at townclerk@oakville.ca or 905-815-6015 by noon of the day before the meeting. [A link to the virtual meeting will be sent out to registered delegates.]

Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Demolition or Removal of Listed Property
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to demolish or remove your listed heritage property under s. 27(9) of the *Ontario Heritage Act*. Having received all required information under s. 27(11), Heritage Planning staff have deemed your application complete as of [insert date].

Your application to demolish or remove your listed heritage property will be considered by the Heritage Oakville Advisory Committee at its [virtual] meeting of [insert date] at 9:30am. To register as a delegate, please contact the Town Clerk at townclerk@oakville.ca or 905-815-6015 by noon of the day before the meeting. [A link to the virtual meeting will be sent out to registered delegates.]

Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Demolition or Removal of Heritage Attribute/Building/Structure
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to demolish or remove a building, structure or any of the property's heritage attributes under s. 34(1) of the *Ontario Heritage Act*. Having received all required information under s. 34(2) and (3), Heritage Planning staff have deemed your application complete under s. 34(4) as of [insert date].

Your application will be considered by the Heritage Oakville Advisory Committee at its [virtual] meeting of [insert date] at 9:30am. To register as a delegate, please contact the Town Clerk at townclerk@oakville.ca or 905-815-6015 by noon of the day before the meeting. [A link to the virtual meeting will be sent out to registered delegates.]

Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Heritage Permit Application
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to alter your designated heritage property under s.33(1) of the *Ontario Heritage Act*. Having reviewed the submitted information, Heritage Planning staff have determined that the application has not supplied all required information under subsections (2) and (3). Therefore, Heritage Planning staff have deemed your application incomplete under s. 33(5) as of [insert date].

The following information is required to be submitted for your application to be considered complete:

- [insert list of items required]

Your application will not be considered by the Heritage Oakville Advisory Committee and Town Council until the required information is provided. Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Heritage Permit Application
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to alter your designated heritage property under s.42(2.1) of the *Ontario Heritage Act*. Having reviewed the submitted information, Heritage Planning staff have determined that the application has not supplied all required information under subsection (2.2) Therefore, Heritage Planning staff have deemed your application incomplete under s. 42(3) as of [insert date].

The following information is required to be submitted for your application to be considered complete:

- [insert list of items required]

Your application will not be considered by the Heritage Oakville Advisory Committee and Town Council until the required information is provided. Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



Date

Property Owner Name
Property Owner Address

RE: Notice of Receipt
Demolition or Removal of Listed Property
Insert Address

Dear Property Owner

Please be advised that the Town of Oakville has received your application to demolish or remove a building, structure or any of the property's heritage attributes under s.34(1) of the *Ontario Heritage Act*. Having reviewed the submitted information, Heritage Planning staff have determined that the application has not supplied all required information under subsections (2) and (3). Therefore, Heritage Planning staff have deemed your application incomplete under s. 34(4) as of [insert date].

The following information is required to be submitted for your application to be considered complete:

- [insert list of items required]

Your application will not be considered by the Heritage Oakville Advisory Committee and Town Council until the required information is provided. Should you have any questions in this regard, please do not hesitate to contact me at 905-845-6601, ext.____, or email at [heritage planner email]

Sincerely,

Heritage Planner

CC:



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 4, 2022

FROM: Planning Services Department

DATE: March 29, 2022

SUBJECT: **Bronte Cemetery Cultural Heritage Evaluation Report**

LOCATION: 32 West Street

WARD: Ward 1 Page 1

RECOMMENDATION:

1. That the Cultural Heritage Evaluation Report, attached as Appendix A to the report dated March 29, 2022 from Planning Services, be endorsed; and,
2. That Bronte Cemetery be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Bronte Cemetery was designated under the *Ontario Heritage Act* in 1987 by By-law 1987-294.
- Heritage Planning staff have been working on updating By-law 1987-294 including additional research analysis to ensure the property meets the requirements of Ontario Regulation 9/06, which was introduced into legislation many years after Bronte Cemetery was designated as a property of cultural heritage value or interest.
- The new research and analysis for Bronte Cemetery has revealed that the property meets the criteria for a significant cultural heritage landscape.
- Heritage Planning staff recommend that Bronte Cemetery move into Phase Three of the Cultural Heritage Landscape Strategy: Implementation of Protection Measures in order to create a new designation by-law for the property and a conservation plan for the cultural heritage landscape.

BACKGROUND:

The Livable Oakville Plan states that the town will protect and preserve cultural heritage landscapes by utilizing applicable legislation. Cultural heritage landscape provisions are included in the *Ontario Heritage Act*, the *Planning Act* and the *Provincial Policy Statement, 2020*.

In January 2014, the Town of Oakville adopted the Cultural Heritage Landscapes Strategy, which was created based on industry best practices. The purpose of the Strategy was to provide a framework for the identification and protection of cultural heritage landscapes in the Town of Oakville and direction for protecting and managing these resources for the future. Recognizing that any landscape that has been deliberately modified by humans is a cultural landscape, the Strategy expands on that definition, indicating that only those cultural landscapes that have a deep connection with the history of the community and are valued by the community can be identified as 'cultural heritage landscapes'.

In July 2015, Laurie Smith Heritage Consulting (LSHC) was retained to provide consulting services for the Phase One Inventory. LSHC's report, entitled *Cultural Heritage Landscape Strategy Implementation – Phase 1: Summary Report*, identified 63 properties. Eight were identified as high priority properties, sixteen as medium priority properties, twenty-seven as low priority properties and twelve properties for which no further action was recommended. Properties identified as being in the high and medium priority categories were deemed to be vulnerable to change (development pressures, natural forces, and neglect); to have insufficient existing protection; and/or, to have a high level of cultural heritage value or interest. Bronte Cemetery was identified as a medium priority property.

Although Bronte Cemetery is protected pursuant to By-law 1987-294, the standard at the time of its designation was such that only a very brief description of the property's historic and architectural value and interest, and a legal description of the property was required to justify designation. There was no requirement within the OHA to include a statement of cultural heritage value or interest, nor a list of heritage attributes. Consequently, in May 2021, Planning Services staff began a Phase Two assessment of the Bronte Cemetery property, in order to update the 1987 designation by-law, and to determine if the property qualified as a cultural heritage landscape.

TECHNICAL & PUBLIC COMMENTS:*Phase Two: Research and Assessment*

The Cultural Heritage Evaluation Report for Bronte Cemetery has been prepared by Heritage Planning staff.

The property has been considered as a comprehensive layered unit, including all structures and other potential cultural heritage resources on site (including known or potential archaeological resources). Background research included consultation with Town Cemeteries staff and descendants of several of the families described in the report; the Land Registry Office; the Ontario Genealogical Society; Bronte Historical Society; Oakville Historical Society; Library and Archives Canada; and, Oakville Public Library (central branch). It also included the review of primary and secondary records held by these organizations including their archival collections; Town of Oakville files; and, a review of current and historical aerial imagery and mapping.

Site visits were undertaken by Planning Services staff in June and November 2021, in order to document current conditions and features of the property and relevant surrounding properties.

Bronte Cemetery is an Organically Evolved (Relict) cultural heritage landscape that has significant religious and spiritual value to the families of those who rest there, to Bronte, and to Oakville as a whole. The Bronte Cemetery cultural heritage landscape is a vernacular rural cemetery. Although it predates the rural, or garden, cemetery movement by a few decades, the Bronte Cemetery CHL is significant as an early 19th century cemetery that, throughout its evolution, has incorporated elements associated with the movement.

To mitigate overcrowding and health concerns, rural cemeteries were typically located between one to five miles (1.6 to 8 km) outside of city limits. Bronte Cemetery was established just west of the historical limits of Bronte Village. Bronte Cemetery is an inactive cemetery; meaning that burial plots are no longer being sold and only those who can prove they have historic interment rights are being laid to rest in the cemetery. The limitation on new burials, and the cemetery's pattern of widely spaced markers and monuments, gathered in clusters with large expanses of lawn between, is indicative of the fact that the CHL is a place where an evolutionary process has substantially come to an end.

Bronte Cemetery cultural heritage landscape has design and physical value for its collection of early and representative markers and monuments which display a variety of materials and styles typical of 19th, 20th and 21st century monuments, including some that display a high degree of craftsmanship and artistic merit.

The Bronte Cemetery cultural heritage landscape also has design and physical value for its natural heritage features, including a variety of large, mature trees; its open expanses of lawn; and, the steep, treed slope overlooking the north shore of Lake Ontario. Plantings, such as large clusters of ornamental grasses and hostas adorn some headstones.

The Bronte Cemetery cultural heritage landscape has historical and associative value as one of the earliest cemeteries in Trafalgar Township. The first documented burial occurred in 1823, roughly seven years before the land was deeded to the Cemetery Trustees, and eleven years before Bronte Village was established. The CHL is significant as the burial site of many of the village's earliest settler families, including some of the area's earliest Black settlers. Many of these early settlers played significant roles in the development of the community, including the Sovereign family who provided the land upon which the cemetery was established, and who deemed that the cemetery was to be open to people of "all orders, sects, nations and parties". Other significant early settler families who rest in the cemetery include, but are not limited to, the Adams, Belyea, Dorland, Howell, and Triller families.

As a place inextricably linked to the history of the Bronte Village, the Bronte Cemetery cultural heritage landscape defines, maintains, and supports the historic character of the area. It is physically, functionally, and historically linked to its surroundings; and, it is a landmark within the community.

The Bronte Cemetery cultural heritage landscape's combination of natural heritage attributes, and its variety and placement of markers and monuments has evolved into a peaceful, bucolic setting. It is a place where families of the deceased can grieve, remember and reflect, and where the public can enjoy the outdoors amidst art and sculpture, which historically was often an opportunity only available to the wealthy.

IMPLEMENTATION:

The Bronte Cemetery Cultural Heritage Evaluation Report was reviewed and endorsed by the Heritage Oakville Advisory Committee at their meeting on March 22, 2022. If Council proceeds with protection under the *Ontario Heritage Act* for the cultural heritage landscape of Bronte Cemetery, a Cultural Heritage Landscape Conservation Plan would also be required as part of Phase Three of the Cultural Heritage Landscape Strategy Implementation.

CONSIDERATIONS:

(A) PUBLIC

There is no legislated public process for the creation of Cultural Heritage Evaluation Reports; however, Heritage Planning staff have liaised with relevant community stakeholders to receive information from the public in order to ensure complete and thorough research was undertaken.

(B) FINANCIAL

The implementation of Phase Three: Protection Measures for the Bronte Cemetery will proceed when time and resources are allocated. The project is currently not funded.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Planning staff have worked with staff in the Parks and Open Space Department on this report.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- provide outstanding service to our residents and businesses
- enhance our cultural environment
- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The conservation of Bronte Cemetery as a cultural heritage landscape protects a valuable natural space that includes mature trees and vegetation and a habitat for wildlife. The protection of this significant area through the cultural heritage landscape conservation strategy therefore supports the town's climate initiatives.

APPENDICES:

Appendix A – Bronte Cemetery Cultural Heritage Evaluation Report

Prepared by:

Susan Schappert, CAHP, RPP, MCIP
Heritage Planner

Recommended by:

Kirk Biggar, MCIP, RPP
Acting Manager, Policy Planning and Heritage

Submitted by:

Gabe Charles, MCIP, RPP
Director, Planning Services

APPENDIX A

Cultural Heritage Landscape Strategy Implementation – Phase Two: Cultural Heritage Evaluation Report

Bronte Cemetery

32 West Street, Oakville, Ontario



Town of Oakville
Heritage Planning
February 2022

Figure 1 (on front cover): Bronte Cemetery. June 2021

Executive Summary

The purpose of this report is to determine if Bronte Cemetery qualifies as a cultural heritage landscape. Cultural heritage landscapes provide a wider understanding of the context of how built resources, natural heritage and land uses function together as a whole.

Although the Province of Ontario has identified cultural heritage landscapes as a type of cultural heritage resource, there is no province-wide standard methodological approach for their assessment. To fill this gap, Town Planning staff authored the *Cultural Heritage Landscapes Strategy* (the Strategy), which Council adopted in January 2014. The Strategy directs that a potential cultural heritage landscape should be evaluated using Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest under the *Ontario Heritage Act*, (OHA).

In 1987, under the *Ontario Heritage Act*, the Town recognized Bronte Cemetery as a property of historic and architectural value and interest, and pursuant to By-law 1987-294 was protected as a Part IV designated property. However, the 1987 designation by-law does not formally identify the cultural heritage value, interest, nor heritage attributes of the cemetery, and as such requires amendment or replacement. Bronte Cemetery was therefore re-evaluated to determine if it has cultural heritage value per the Town of Oakville's *Cultural Heritage Landscape Strategy*, and to determine if it meets the latest iteration of Ontario Regulation 9/06.

Bronte Cemetery lies on land historically identified as Part of Lot 32, Broken Front Concession, which was subsequently renamed Concession 4 South of Dundas Street (or SDS). Today the property's municipal address is 32 West Street. The cemetery lies on the north shore of Lake Ontario, separated from the lake by the West Promenade Trail. Lakeshore Road West lies northwest of the cemetery, however, for ease of reference in this report it will be referred to as lying north of the cemetery, with the lake to the south. Residential development surrounds the cemetery, which lies cradled in the junction of the two legs of West Street.

Bronte Cemetery is a picturesque example of an early-19th century Ontario non-denominational cemetery, which is the result of "an initial social [and] religious imperative [which] developed its present form by association with and in response to its natural environment."¹ As a relict landscape, the Bronte Cemetery cultural heritage landscape "is one in which an evolutionary process came to an end at sometime in the past, either abruptly or over a period."² Significantly, the CHL's "significant distinguishing features are, however, still visible in material form."³

Further, the subject property meets the Province's definition of a cultural heritage landscape, which is described as "a defined geographical area [which has] been modified by human activity and is identified as having cultural heritage value or interest by a community, including an indigenous community."⁴ The subject property includes "structures, spaces, views, archaeological sites [and] natural elements that are valued together for their interrelationship, meaning and association".⁵

¹ UNESCO World Heritage Centre, *Operational Guidelines for the Implementation of the World Heritage Convention*, (Paris: World Heritage Centre, 2008), 86.

² UNESCO World Heritage Centre, *Operational Guidelines*, 86.

³ Ibid.

⁴ Ministry of Municipal Affairs and Housing, *Provincial Policy Statement, 2020: Under the Planning Act*, (Province of Ontario, 2020), 42.

⁵ Ministry of Municipal Affairs and Housing, *Provincial Policy Statement, 2020*, 42.

Upon completion of the evaluation, and after considering the layered, nested, and overlapping aspects of the property, including the evolution of its land-use history and its current conditions, Bronte Cemetery is considered to meet UNESCO's criteria of an organically evolved (relict) cultural heritage landscape.

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1. Project Overview

1.1 Project Background

The Livable Oakville Plan provides that the town will protect and preserve cultural heritage landscapes by utilizing applicable legislation. Cultural heritage landscape provisions are included in the *Ontario Heritage Act*, the *Planning Act* and the *Provincial Policy Statement, 2020*. While the Livable Oakville Plan does not require a specific strategy for cultural heritage landscapes, other heritage planning studies and policies identified the need to provide a consistent process of identification, evaluation and conservation. Further, during the 2012 *Bronte Village Heritage Resource Review and Strategy* process, the public indicated their support for additional heritage conservation tools. The result is the Town of Oakville's *Cultural Heritage Landscape Strategy*.

In January 2014, the Town of Oakville adopted the *Cultural Heritage Landscapes Strategy*, which was created based on industry best practices. The purpose of the Strategy was to provide a “framework for the identification and protection of cultural heritage landscapes in the Town of Oakville and direction for protecting and managing these resources for the future.”⁶ Recognizing that “any landscape that has been deliberately modified by humans is a cultural landscape” the Strategy expands on that definition, indicating that “only those cultural landscapes that have a deep connection with the history of the community and are valued by the community can be identified as ‘cultural heritage landscapes’.”^{7, 8}

In February 2015, Town Council “requested staff to undertake a review of the town’s major open space areas in order to determine if they should be appropriately designated as a cultural heritage landscape”.⁹ In doing so, it was determined that the implementation of the *Cultural Heritage Landscapes Strategy* be split into three phases, being: Inventory; Research and Assessment; and, Implementation of Protection.

In July 2015, Laurie Smith Heritage Consulting (LSHC) was retained to provide consulting services for the Phase One Inventory. LSHC’s report, entitled *Cultural Heritage Landscape Strategy Implementation – Phase 1: Summary Report*, identified 63 properties. Eight were identified as high priority properties, sixteen as medium priority properties, twenty-seven as low priority properties and twelve properties for which no further action was recommended. Properties identified as being in the high and medium priority categories were deemed to be vulnerable to change (development pressures, natural forces, and neglect); to have insufficient existing protection; and/or, to have a high level of cultural heritage value or interest. Bronte Cemetery was identified as a medium priority property.

In February 2016, Council directed the eight high priority properties proceed to Phase Two: Research and Assessment. The objective of Phase Two is to build on the findings of Phase One and to complete cultural heritage landscape assessments for properties identified in Phase One. In August 2016, Letourneau Heritage Consulting Inc. was retained to undertake this work. The Phase Two assessment of the eight high priority properties was completed in October 2018.

Although Bronte Cemetery is protected pursuant to By-law 1987-294, a Part IV designation by-law, the standard at the time of its designation was such that only a very brief description of the property’s historic

⁶ Planning Services Department, Report, “Cultural Heritage Landscape Strategy,” January 13, 2014, 1-2.

⁷ Ibid, 1.

⁸ Ibid.

⁹ *Town of Oakville - Urban Structure Review - Discussion Paper Draft*, Macaulay Shiomi Howson Ltd., October 2016. Page 42.

and architectural value and interest, and a legal description of the property was required to justify designation. There was no requirement within the OHA to include a statement of cultural heritage value or interest, nor a list of heritage attributes. Consequently, in May 2021, Planning Services staff began a Phase Two assessment of the Bronte Cemetery property, in order to update the 1987 designation by-law, and to determine if the property qualified as a cultural heritage landscape. This report is the result of that assessment.

1.2 Research and Assessment

The property has been approached as a comprehensive layered unit, including all structures and other potential cultural heritage resources on site (including known or potential archaeological resources).

Background research included consultation with, amongst others, Parks & Open Space, Town of Oakville; Land Registry Office; The Ontario Genealogical Society; Bronte Historical Society; Oakville Historical Society; Trafalgar Township Historical Society; and, Oakville Public Library (Central Branch). It also included the review of primary and secondary records held by these organizations including their archival collections; Town of Oakville files; and, a review of current and historical aerial imagery and mapping.

Many individuals generously shared their knowledge of Bronte and their own personal family histories. Thanks goes to Robert Bowen, Dorothy Kew, Linda Moore, Dalyce Newby, Elizabeth Strong, Jane Watt and others who wish to remain anonymous. Your willingness to share freely your recollections with Heritage Planning staff make the report fuller and more authentic.

Site visits were undertaken by Planning Services staff in June and November 2021, in order to document current conditions and features of the property and relevant surrounding properties.

Opportunities for broader community consultation could be investigated, based on section 4.2.4. of the *Cultural Heritage Landscape Strategy*.

2. Cultural Landscapes and the Heritage Planning Framework

2.1 Understanding and Defining Cultural Landscapes

The term “cultural landscape” embodies a wide range of elements, including the material, the social, and the associative. The current understanding of cultural landscapes is that they are multi-layered entities that embody a community’s cultural values. A fulsome assessment of cultural landscapes relies on compliance frameworks entrenched in heritage planning policy, defined evaluation criteria, which considers both the physical and the cultural characteristics of the setting under study, and professional expertise. The result should reflect a holistic assessment of the subject property.

2.2 Heritage Planning Frameworks

2.2.1 Municipal

In its *Cultural Heritage Landscapes Strategy*, the Town of Oakville describes a cultural heritage landscape as an area that displays “the recognizable imprint of human settlement and activities on land over time.”¹⁰ The Strategy goes on to clarify that, “[w]hile any landscape that has been deliberately modified by humans is a cultural landscape, only those cultural landscapes that have a deep connection with the history of the community and are valued by the community can be identified as ‘cultural heritage landscapes’.”¹¹

2.2.2 Provincial

The Provincial planning framework provides for the protection of cultural heritage resources, including cultural heritage landscapes. Under the *Planning Act*, the conservation of cultural heritage is identified as a matter of provincial interest. Part I (2, d) states:

“The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.”

Details about provincial interest as it relates to land use planning and development in the province are outlined further within the Provincial Policy Statement (PPS). The 2020 PPS explicitly states that land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the PPS. The PPS addresses cultural heritage in Sections 1.7.1 e) and 2.6, including the protection of cultural heritage landscapes. And in Section 6.0: Definitions, a cultural heritage landscape is identified as:

“...a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value of interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.”

¹⁰ Planning Services Department, PDF, “Cultural Heritage Landscape Strategy,” 2.

¹¹ Ibid. 5.

2.2.3 National

Parks Canada's, *The Standards and Guidelines for the Conservation of Historic Places in Canada*, or simply the *Standards and Guidelines*, is a Pan-Canadian benchmark document that provides guidance on best practices in the field of heritage conservation. At its April 8, 2013, Planning and Development Council meeting, Town of Oakville Council endorsed the *Standards and Guidelines*, with the stated purpose of assisting "with the planning, stewardship and conservation of all listed and designated heritage resources within the Town of Oakville, in addition to existing heritage policies, plans and policies."¹² The document is intended to be used by Town staff, Heritage Oakville and Council when "reviewing proposals which impact heritage resources, such as heritage permits and development applications." Further, Town staff should consult the *Standards and Guidelines* "when developing new heritage studies, plans and policies."¹³

2.2.4 International

The United Nations Educational, Scientific and Cultural Organization, (UNESCO), describe cultural landscapes as places that "testify to the creative genius, social development and the imaginative and spiritual vitality of humanity. They are part of our collective identity".¹⁴ It identifies three categories of cultural heritage landscapes. They are the:

1. Designed Landscape - the "clearly defined landscape designed and created intentionally by man."
2. Organically Evolved Landscape - that "results from an initial social, economic, administrative, and/or religious imperative and has developed in its present form by association with and in response to its natural environment"; and,
3. Associative Cultural Landscape – which is "justifiable by virtue of the powerful religious, artistic, or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent."

Within the Organically Evolved Landscape category, two sub-categories were identified. They are the:

- *Relict landscape*, "in which an evolutionary process came to an end at some time in the past", and for which "significant distinguishing features, are, however still visible in material form."; and
- *Continuing landscape* which "retains an active social role in contemporary society closely associated with the traditional way of life, and which the evolutionary process is still in progress."

These categories were adopted by Council in January 2014, as part of the Town's *Cultural Heritage Landscapes Strategy*.

¹² Planning Services Department, Report, "*Standards and Guidelines for the Conservation of Historic Places in Canada*," March 13, 2013, 3.

¹³ Planning Services Department, Report, "*Standards and Guidelines for the Conservation of Historic Places in Canada*," April 8, 2013, 3.

¹⁴ UNESCO World Heritage Centre, *Cultural Landscapes*, <https://whc.unesco.org/en/culturallandscape/> - accessed 7 May 2021

3 Subject property

3.1 Property description

Bronte Cemetery is known municipally as 32 West Street. It is an approximately 0.3546 hectare (0.88 acre) parcel of land, and its legal description reads:

PT LT 32, CON 4 TRAFALGAR, SOUTH OF DUNDAS STREET, AS IN TW32476; OAKVILLE/TRAFALGAR



Figure 2: Google aerial – 32 West Street, Town of Oakville, 2021

3.2 Context

The property at 32 West Street is an individually designated property, protected pursuant to designation By-law 1987-294, per Section 29, Part IV of the *Ontario Heritage Act*. The designation by-law is attached as Appendix A.

The property owner is the Corporation of the Town of Oakville.

3.3 Current Conditions

Bronte Cemetery lies on land historically identified as Part of Lot 32, Broken Front Concession, which was subsequently renamed Concession 4 South of Dundas Street (or SDS). Today the property's municipal address is 32 West Street. The cemetery lies on the north shore of Lake Ontario, separated from the lake by the West Promenade Trail. Lakeshore Road West lies northwest of the cemetery, however, for ease of reference in this report it will be referred to as lying north of the cemetery, with the lake to the south. The cemetery lies cradled in the junction of the two legs of West Street, and is surrounded by residential development.

Bronte Cemetery is located on a flat, grassed parcel of land, dotted with a variety of mature trees and a few large shrubs. A tributary of Sheldon Creek, now channelized, cuts through the north corner of the property.¹⁵ Serving as a drainage swale, the channelized ditch is manicured and lined with paving stones. There are no buildings in the cemetery. The only structures on the property are grave markers. Site furnishings include two wooden benches, which are located at the bottom of the east leg of West Street, overlooking the West Street Promenade and Lake Ontario. There are also two signs on the property. One is a Town of Oakville sign, which identifies the cemetery by name, and the other is an interpretive panel, which was a collaborative effort of Oakville Community Foundation and the Town. It outlines a brief history of the cemetery.



Figure 3: Google street view of 32 West Street, Google Maps. May 2021

In 2016/2017, the Town commissioned H.G. Hardwick & Sons Ltd. to undertake marker restoration at all early Town owned cemeteries. Bronte Cemetery was one of the beneficiaries of their work.

3.4 Structures and Landscape Features

As a cultural heritage landscape that developed as the result of “an initial social [and] religious imperative”, Bronte Cemetery was established as a place for people of “all orders, sects, nations and parties” to be laid to rest.¹⁶ It is noteworthy that the cemetery had no affiliation with a specific church or

¹⁵ Bronte Historical Society, *Erosion at Bronte Pioneer Cemetery*, per a transcribed Facebook post by Dave McCleary, 23 January 2019.

¹⁶ Town of Oakville, *Bronte Cemetery*, <https://www.oakville.ca/residents/cemeteries-bronte.html> (accessed 10 November 2021)

religious order. The cemetery is a simple space, set aside to meet the practical needs of early Bronte settlers as a place to bury their deceased. It is noteworthy for its variety of grave markers and monuments, and for its natural heritage features. These include a variety of large, mature trees; large clusters of ornamental grasses and hostas planted next to some headstones; open expanses of lawn; and, the steep, treed slope overlooking the north shore of Lake Ontario.

The cemetery's layout is reflective of the fact that it "developed its present form by association with and in response to its natural environment" with burials stretching from the bank adjacent to the West Street Promenade, overlooking Lake Ontario back toward the West Street road allowance.¹⁷ However, the layout is atypical in that some headstones are grouped together in small, compact rows, while others stand on their own, surrounded by large, open expanses of lawn. This layout seems to suggest that there may be cemetery plots between the existing headstones, which were never claimed; or, they were and over the course of the cemetery's 200-year history all signs of the headstones and monuments have been lost.

4 History of the area

Oakville is rich in the history and modern traditions of many First Nations and the Métis. From the lands of the Anishinabe to the Attawandaron, the Haudenosaunee, and the Métis, the lands surrounding the Great Lakes are steeped in Indigenous history. This includes several centuries of human activity that occurred in the area.¹⁸ "The Mississaugas of the New Credit First Nation is part of the Ojibway (Anishinabe) Nation, one of the largest Aboriginal Nations in North America."¹⁹ "Before contact with Europeans and until the late 1600s," the Mississaugas were located on territory "just to the west of Manitoulin Island and east of Sault Ste. Marie."²⁰ Historians generally agree that it wasn't until the late 17th or early 18th century, after many years of military conflict and "full-scale regional warfare" between the Anishinabe and Iroquois, and after the Iroquois' final removal from the area, that the Mississaugas settled permanently in Southern Ontario, having "negotiated a peace treaty with the Mohawk Nation".^{21, 22} These Mississauga settlers "are the direct ancestors of the present Mississaugas of the New Credit First Nation", now known as the Mississaugas of the Credit First Nation.²³

At the same time, around the early to mid-17th century, and with more Europeans arriving and establishing colonies, Eastern North America's Indigenous peoples found themselves in "increasingly complex political, economic and military alliances with the two main competing European Nations – France and England."²⁴ Throughout the 18th century, the local Mississaugas were involved in the fur trade, and although they continued to follow a seasonal cycle of movement and resource harvesting, they also practiced agriculture of domesticated food crops.^{25, 26, 27}

¹⁷ UNESCO World Heritage Centre, *Operational Guidelines*, 86.

¹⁸ *The Mississaugas of the Credit: Historical Territory, Resource and Land Use - Movement and Settlement into Southern Ontario*, circa 2018 update. Department of Consultation & Accommodation (DOCA), Mississaugas of the New Credit First Nation. Page 6.

¹⁹ Ibid. 4.

²⁰ Ibid. 2.

²¹ Ibid. 6.

²² Ibid. 7.

²³ Ibid.

²⁴ Ibid. 6.

²⁵ Ibid. 10.

²⁶ Ibid. 11.

²⁷ Ibid. 4.

“From the time of the conquest of New France in 1760, the British Crown recognized the inherent rights of First Nations and their ownership of the lands they occupied.”²⁸ Further, the Royal Proclamation of 1763 “prevented anyone, other than the Crown, from purchasing that land.”²⁹ In 1788, by proclamation under the Imperial Act of Parliament, the “first municipal organization of what is now the Province of Ontario, was made by Lord Dorchester.”³⁰ By 1792, the subject property lay within the Home District of Upper Canada.

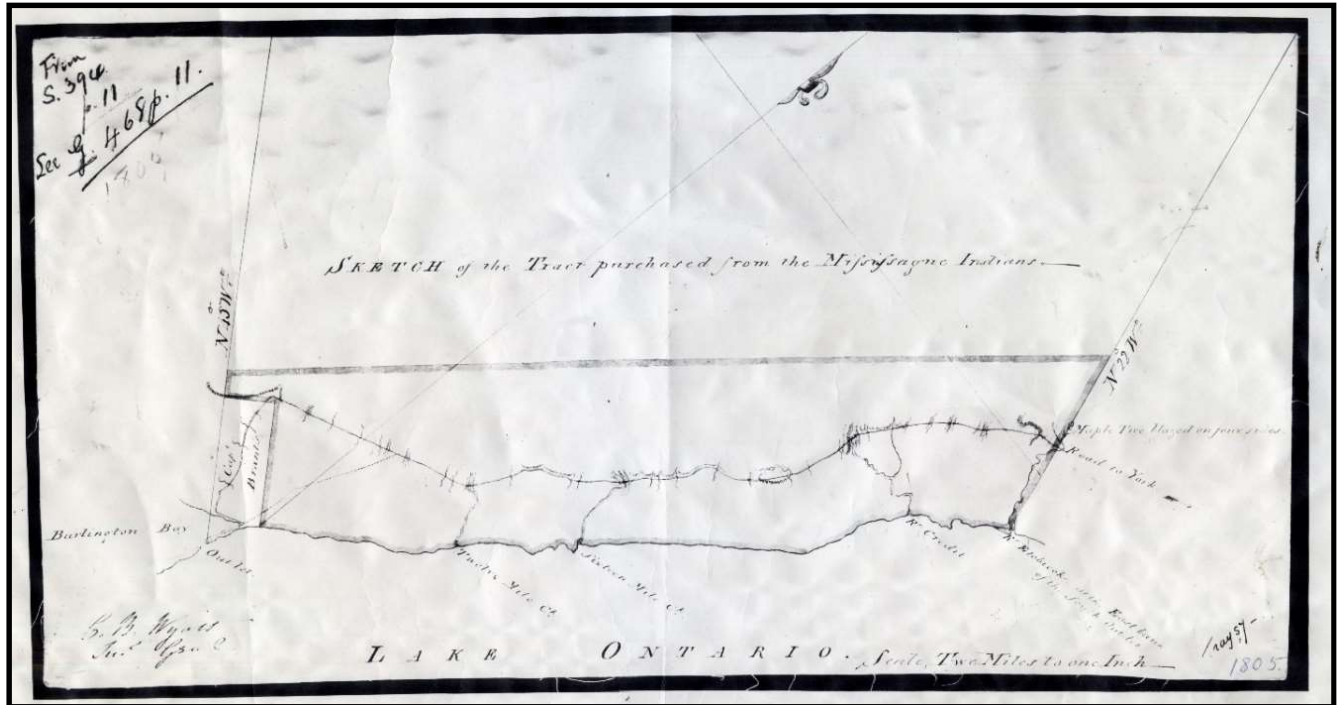


Figure 4: “Sketch of the Tract purchased from the Mississaugue [sic] Indians”, 1805. Oakville Public Library, OPLOIMI0001³¹

On 2 August 1805, the Mississaugas of the Credit and the Crown entered into a provisional agreement, known as *Head of the Lake Treaty (provisional)*. The agreement saw the Mississaugas cede “70 784 acres of land bounded by the Toronto Purchase of 1787 in the east, the Brant Tract in the west, and a northern boundary that ran six miles back from the shoreline of Lake Ontario.”³² In return for the land, the Mississaugas “were to receive £1000 of trade goods and the sole right of fisheries at 12 and 16 Mile Creeks along with the possession of each creek’s flats.”³³ Thirteen months later, on 5 September 1806,

²⁸ *Mississaugas of the Credit First Nation Treaties, 1781-1820 and Rouge Tract Claim, 2015*,

<http://mncfn.ca/about-mncfn/treaty-lands-and-territory/> - accessed 18 September 2018

²⁹ *Ibid.*

³⁰ *The County of Halton, The Historical Atlas of Halton County, Ontario, Illustrated*, Walker & Miles, 1877. Page 54

³¹ Oakville Images, *Sketch of Land Purchase from the Mississauga Indians 1805*,

<https://images.oakville.halinet.on.ca/58491/data?n=1> (accessed 19 January 2022)

³² *Mississaugas of the Credit First Nation, Treaty Lands & Territory: Head of the Lake, Treaty No. 14 (1806)*,

<http://mncfn.ca/head-of-the-lake-purchase-treaty-14/> (accessed 16 January 2019).

³³ *Ibid.*

the *Head of the Lake Treaty* (provisional) was confirmed with the signing of the *Head of the Lake Treaty*, No. 14.³⁴ The subject property lies immediately west of the lands covered by this treaty.

Upon the finalization of the land surrender, Samuel Street Wilmot, a Deputy Provincial Surveyor, conducted a survey of the area in order to facilitate European settlement. Known as the Wilmot Map, Dundas Street was used as the baseline for the survey, having, in 1793, already been surveyed as a military road. Wilmot’s survey divided the area into three townships.

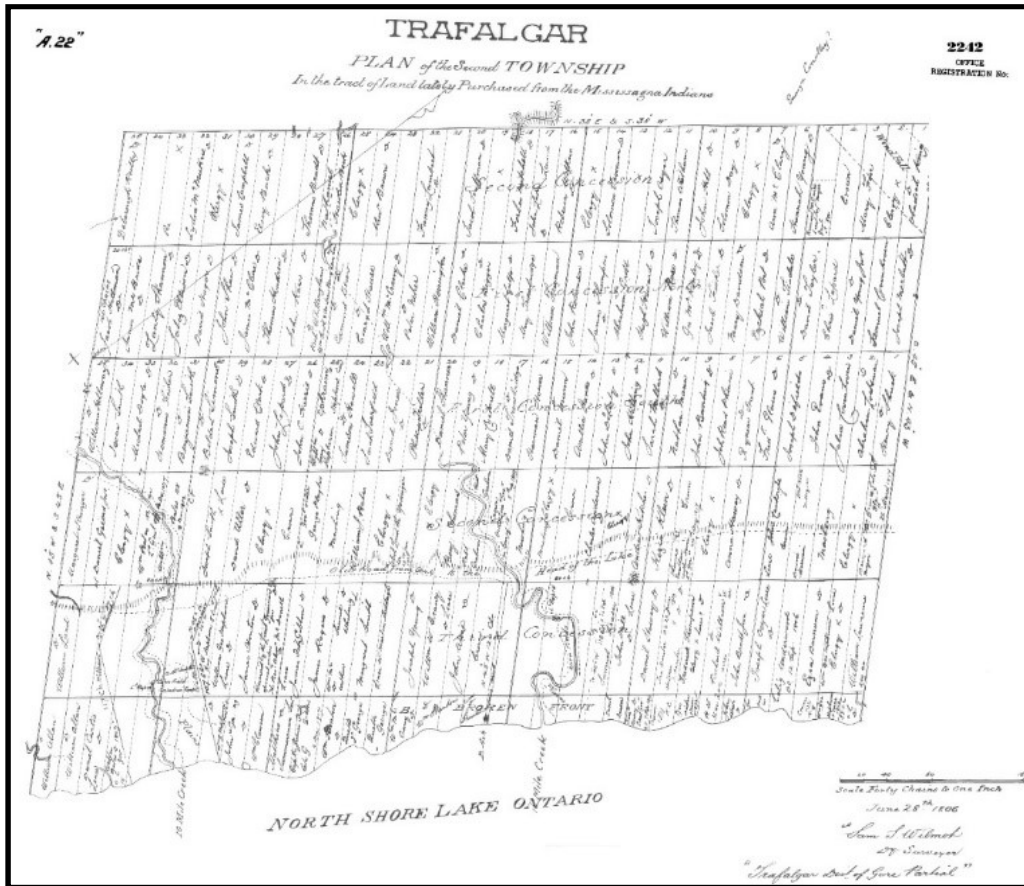


Figure 5: “Trafalgar, Plan of the Second Township, In the Tract of Land lately Purchased from the Mississauga [sic] Indians”, by Samuel L. Wilmot, Surveyor. 28 June 1806

Originally, Township No. 1 on the east “was given the Indian name of Toronto. No. 2 was named Alexander and no. 3, Grant, in honour of the President and Administrator of the Government of Upper Canada, the Honourable Alexander Grant.”³⁵ However, a few weeks later, during “Britain’s greatest naval victory,” Vice-Admiral Horatio Lord Nelson was fatally wounded during the Battle of Trafalgar.³⁶ The victory and Nelson’s ultimate sacrifice overshadowed Lieutenant Governor Grant’s accomplishments, and Grant’s namesake townships were renamed to Trafalgar and Nelson respectively. Settlement quickly followed,

³⁴ Mississaugas of the Credit First Nation, *Treaty Lands and Territory, Municipal Boundaries Related to the Head of the Lake Treaty*, No. 14 (1806), <http://mncfn.ca/> (accessed 16 January 2019).

³⁵ Hazel C. Mathews, *Oakville and the Sixteen: The History of an Ontario Port* (University of Toronto Press Incorporated, 1953), 6.

³⁶ *Horatio Nelson, 1st Viscount Nelson*, Wikipedia. https://en.wikipedia.org/wiki/Horatio_Nelson,_1st_Viscount_Nelson – accessed 22 August 2018.

“effectively surrounding the Mississauga and depleting the forests, fisheries and other resources on which they depended.”³⁷

In 1807, the first settlers arrived in Trafalgar Township.³⁸ By 1820, the Mississaugas ceded all the reserves at the mouths of the Credit, the Sixteen and the Twelve, to the Crown.³⁹ And, although the “village began to take shape in the early 1800s,” it wasn’t until 1834 that the Village of Bronte was laid out on land that had been part of the Mississauga’s Reserve.^{40, 41} In 1853, the County of Halton was formed and consisted of the Townships of Esquesing, Trafalgar, Nelson, and Nassagaweya.⁴² In 1962, Trafalgar Township, including Bronte village, became part of Oakville.⁴³

4.1 Twelve Mile Creek

From its source in Beverly Swamp near Morriston, Ontario, to its mouth on Lake Ontario, Twelve Mile Creek is almost 51 kilometers (31.5 miles) long. The creek is a waterway in the Lake Ontario watershed, which runs through both Hamilton and Halton Regions. Indigenous people knew the creek as Esquisink (last out creek), Eshkwessing or ishkwessin (that which lies at the end).^{44, 45}

By 1760, when French surveyors identified the creek on a map of the north shore of Lake Ontario, they called it “Rivière de Gravois”, or gravelly river.⁴⁶ Historically, to the west of the entrance to the harbour, there were extensive marshes which continued nearly a mile north along the east bank of the Twelve.⁴⁷

At the northwest end of Lake Ontario, large creeks were named to indicate “their distance from the natural opening in the sand strip which divides Lake Ontario from” Hamilton Harbour.⁴⁸ Hence Twelve Mile Creek at Bronte and Sixteen Mile Creek at Oakville. Sometimes, these names were abbreviated to The Twelve and The Sixteen.

³⁷ *Cultural Heritage Evaluation Report: Bronte Harbour and Bluffs*, Letourneau Heritage Consulting Inc., June 2018 (last revised September 2018). Page 51.

³⁸ W. H. Irwin & Co., Compilers and Publishers, Hamilton, Ontario, *County of Halton Gazetteer and Directory For The Years 1881-5*, Toronto: G. C. Patterson & Co., Printers, 1880 via Ancestry.com, Canada, City and Area Directories, 1819-1906

³⁹ Brimacombe, Philip, *The Story of Bronte Harbour: The Early Days*, The Boston Mills Press, 1976

⁴⁰ Oakville Historical Society, *The Oakville Historical Society Newsletter, Bronte: Ever Growing, Ever Changing*, March 2012, 4

⁴¹ Mathews, *Oakville and the Sixteen*, 66

⁴² *The County of Halton*, The Historical Atlas of Halton County, Ontario, Illustrated, Walker & Miles, 1877. Page 54

⁴³ The Village of Bronte: Preserving the Past, *Timeline*, <https://images.oakville.halinet.on.ca/262/exhibit/2> - accessed 8 July 2021.

⁴⁴ Town of Oakville, *Bronte on the Twelve Mile Creek*, <https://www.oakville.ca/culturerec/bronte Harbour-essay1.html> (accessed 13 September 2021)

⁴⁵ Wikipedia, *Bronte Creek*, https://en.wikipedia.org/wiki/Bronte_Creek (accessed 13 September 2021)

⁴⁶ Brimacombe, *The Story of Bronte Harbour: The Early Days*

⁴⁷ Ibid.

⁴⁸ Dorothy Turcotte, *Places and People on Bronte Creek*, (Dorothy Turcotte, 1993), 7.

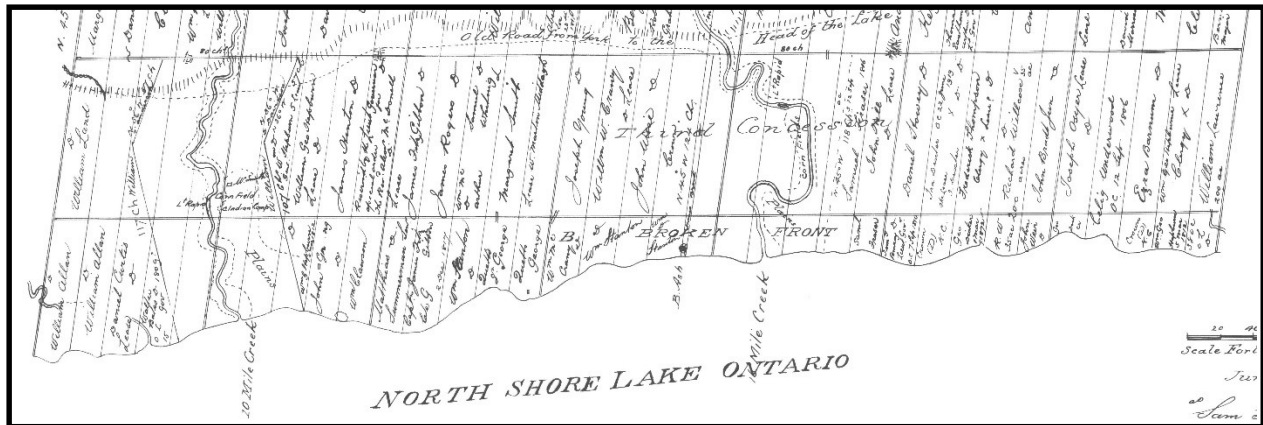


Figure 6: Part of Wilmot's 1806, "Trafalgar, Plan of the Second Township", with Twelve Mile Creek incorrectly labelled 10 Mile Creek.

Problems arose because the same protocol was used to identify creeks along the south shore of Lake Ontario, relative to their distance from the Niagara River. Therefore, for a time, Lake Ontario boasted two Twelve Mile Creeks and two Sixteen Mile Creeks. In the 1930s, the Ontario Geographic Names Board renamed the north shore's Twelve Mile Creek to Bronte Creek, and Sixteen Mile Creek to Oakville Creek.⁴⁹ In 1976, Oakville Creek reverted to Sixteen Mile Creek "because the residents of Oakville cherished their creek's historical significance" and because the "southern Sixteen Mile Creek is not a major stream or of any historical importance, so confusion would not arise from the name duplication there".⁵⁰

Bronte Village lies on either side of the Twelve Mile Creek, later called Bronte Creek, in the area once set aside for the Mississaugas.

Stories about Bronte Creek abound, recalling the time when Indigenous people inhabited the area and the early days of European occupation and activities. From hauntings by a Mississauga Indian Chief and his white horse, to a sacred rock which was the site of "Indian rituals". They also commemorate the "famous cave on the...bank of the Twelve, where it is said William Lyon Mackenzie hid from the government forces during the 1837 Upper Canada Rebellion", and where Indigenous prisoners of war were retained.⁵¹

⁴⁹ Ibid.

⁵⁰ Turcotte, *Places and People on Bronte Creek*, 8

⁵¹ Brimacombe, *The Story of Bronte Harbour: The Early Days*

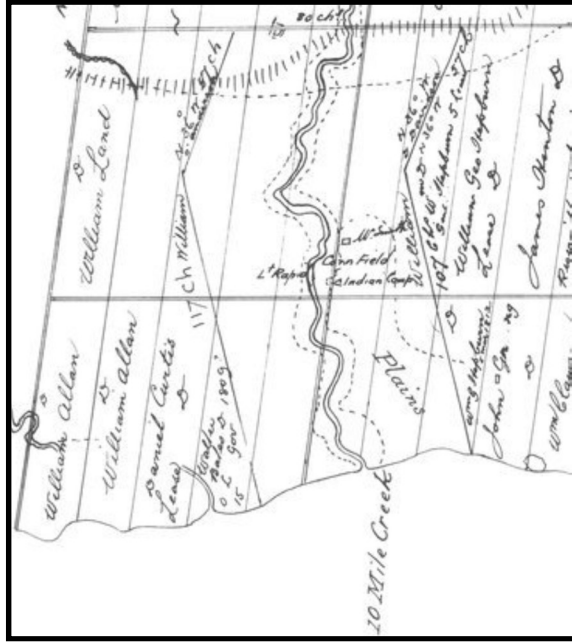


Figure 7: Detail of survey showing the tract of land set aside for the Mississaugas along Twelve Mile Creek, later Bronte Creek. (Wilmot, 1806).

Like other major streams that flow into Lake Ontario, the Bronte Creek watershed offered significant economic potential to early settlers. The land was “generally quite flat and very fertile”, and the surrounding forests yielded “the first exports of the area, lumber and potash”.⁵² Along the length of the creek were many excellent potential mill site locations. The mouth of the creek was determined to be a good site for a port, and it was from here that goods were shipped to ready markets in Toronto, Hamilton and western New York State.⁵³ With all these advantages, the development of Bronte village soon followed.



Figure 8: Postcard showing Twelve Mile Creek and its flats, undated⁵⁴

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Image courtesy of Bronte Historical Society, via Oakville Images

For more than one hundred years, Bronte harbour “played a prominent role among the many ports which once stood at the mouth of nearly every major stream flowing from the north shore of Lake Ontario”. Sleek sailing schooners, “like the “Peerless” and “Flying Cloud” journeyed to distant points with the cargoes of lumber and golden wheat”.⁵⁵ With the decline in the wheat trade, Bronte became the location of “one of Lake Ontario’s largest fishing fleets” and “was a major port in the stonehooking trade of western Lake Ontario, the only such economic activity of its kind on the Great Lakes”.⁵⁶ Before the arrival of the railway, and until the end of the 19th century “steamers like the “Southern Belle” and the “Greyhound” carried passengers and freight to and from Bronte Harbour”.⁵⁷ By the late 1940s, the last commercial mainstay of the harbour, the fishing industry, left Bronte Harbour for points “eastwards down the lake”.⁵⁸

The role that Bronte Creek and Lake Ontario played in the development of Bronte Village cannot be overstated. The lake and creek were the earliest settlers’ highway, grocery store, playground, and sometimes their graveyard. Beginning around the mid-20th century, most people’s connection to the lake and creek was limited to various forms of recreation. Long gone are the days when these bodies of water were the easiest means of transportation, and a major source of food and employment.

4.2 History of Bronte Village

In 1849, Smith’s Canadian Gazetteer described Bronte as a “small Village in the township of Trafalgar, on the Lake Shore Road, seven miles from Wellington Square, situated on the Twelve-mile Creek. It contains about 100 inhabitants, grist and saw mills, one store, two taverns, one waggon maker, one blacksmith, one cabinet maker.”⁵⁹ As with Nelson and Trafalgar Townships, Bronte village was named after Vice-Admiral Horatio Nelson who held the title of 1st Duke of Bronté.⁶⁰ Even many years after Nelson’s victory, local enthusiasm for the “Battle of Trafalgar was still green in the memories of the many settlers who had fought in the Napoleonic Wars”, and the new village was named in Nelson’s honour.⁶¹

Early Bronte settlers included the Sovereign and Belyea families. They, along with other notable families, were “directly involved with the shaping of Bronte as a town”.⁶²

In 1799, the Sovereign and Culver families emigrated from the United States settling first in Norfolk County.⁶³ In April 1812, Philip (1778-1833) and his wife Nancy, nee Culver, (1779-1869), Sovereign “moved with his family to what was then called the “New Purchase” in the Township of Trafalgar”.⁶⁴ Sovereign was a “man of liberal views and great energy of character” who “farmed, ran a grist mill, saw mill, tavern,

⁵⁵ Brimacombe, Philip, *The Story of Bronte Harbour: Summary-A Flashback*, The Boston Mills Press, 1976

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Smith, William Henry, *Smith’s Canadian Gazetteer: Comprising Statistical and General Information Respecting All Parts of the Upper Province, Or Canada West ... With a Map of the Upper Province*, Toronto, Published for the author by H. Rowsell, p. 21,

https://books.google.ca/books?id=GkszAQAAIAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=Bronte&f=false (accessed 16 August 2021)

⁶⁰ Wikipedia, *Dukedom of Bronté*, https://en.wikipedia.org/wiki/Dukedom_of_Bront%C3%A9 (accessed 17 August 2021).

⁶¹ Mathews, 42

⁶² The Village of Bronte: Preserving the Past, *The Sovereign Family & The Sovereign House*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=262&PID=6> (accessed 13 September 2021).

⁶³ Pope, J.H., *Illustrated Historical Atlas of the County of Halton, Ont., 1877*. Page 64

⁶⁴ Ibid.

[and a] distillery”.⁶⁵ On 25 November 1814, he purchased 100 acres of Lot 32, Concession 4 SDS, on the west side of the harbour.⁶⁶ The Sovereign farm extended along the lakefront, west of the reserve lands, on the Old Lake Road (subsequently renamed Ontario Street).⁶⁷

In 1815, Philip Sovereign built Bronté’s first log schoolhouse, which was located on his property.⁶⁸ At the age of 17, his son Charles Sovereign (c.1797-1885), taught there.⁶⁹

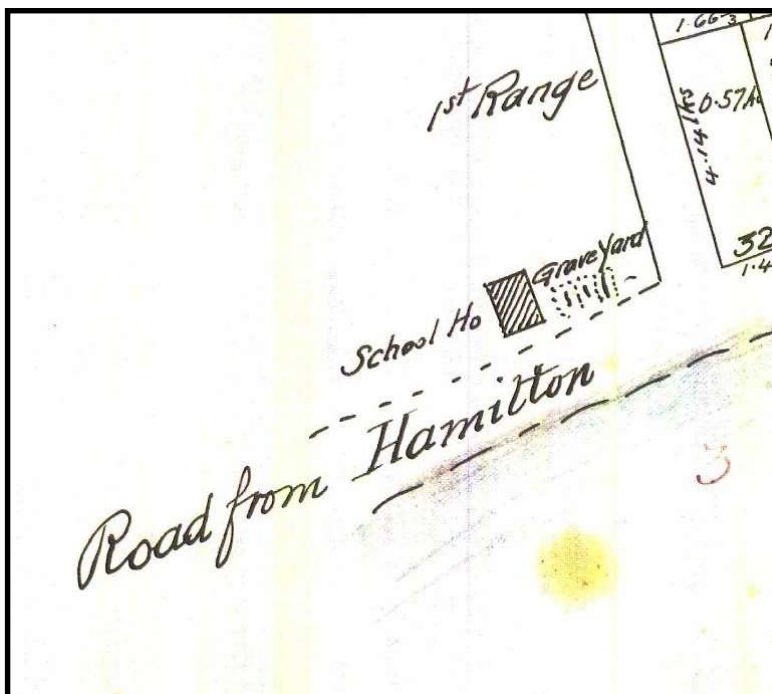


Figure 9: Part of “Plan of Town Plot on 12 Mile Creek 4th Concession Trafalgar, Surveyed by William Hawkins, D.P.S., Bronté, Indian Lands”, showing the location of Philip Sovereign’s school house and Bronté Cemetery. 1834

As well as being the year in which the village was officially founded, 1834 was the year that Bronté’s first sawmill was built.⁷⁰ Four years later Andrew Gage built the village’s first warehouse.⁷¹ Eventually, a “road from Toronto was constructed that closely followed the Lake Ontario shore.”⁷² This early road, called

⁶⁵ Ibid.

⁶⁶ ONLAND, Ontario Land Registry Access. Indenture 804B, being a Bargain and Sale dated 25 November 1814. <https://www.onland.ca/ui/20/books/23279/viewer/555880577?page=181> (accessed 1 September 2021). Historical Books, Halton County, Trafalgar Township, page 181. **Used on an as is basis with the permission of Teranet Inc.**

⁶⁷ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar township Cemeteries*, “Bronté Cemetery, Bronté Village, Trafalgar Township, Halton County, Ontario,” 1999, 1-1.

⁶⁸ The Village of Bronté: Preserving the Past, *Timeline*, <https://images.oakville.halinet.on.ca/262/exhibit/2> (accessed 17 August 2021)

⁶⁹ The Village of Bronté: Preserving the Past, *The Sovereign Family & The Sovereign House*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=262&PID=6> (accessed 13 September 2021).

⁷⁰ The Village of Bronté: Preserving the Past, *Timeline*, <https://vitacollections.ca/multiculturalontario/262/exhibit/2> - accessed 17 August 2021

⁷¹ Ibid.

⁷² Oakville Historical Society, *The Oakville Historical Society Newsletter*, *Bronté: Ever Growing, Ever Changing*, March 2012, p. 4

Ontario Street on William Hawkins' 1834 plan of Bronte, crossed Twelve Mile Creek, until about 1859 when the west leg of the "old road washed away into Lake Ontario" and the road was realigned to part "of the estate of Mahlon Bray in the centre of [T]riller Street, later renamed Lakeshore Road."⁷³

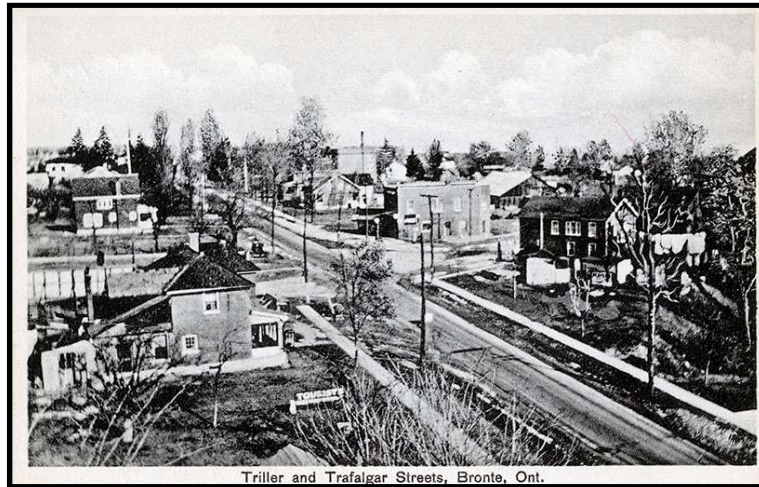


Figure 10: Triller and Trafalgar Streets, later renamed Lakeshore and Bronte Roads respectively, undated

By the 1850s, the village had two operating hotels, the Triller House Hotel and Thompson's Hotel, a blacksmith shop and the basket factory.^{74, 75}



Figure 11: Hand tinted photograph showing a fishing schooner beside fishing sheds, the 3 storey Bronte Steam Mills on the left, and the Triller House Hotel, identifiable by its cupola, on the right. Circa 1910.

⁷³ Trafalgar Township Historical Society, *Selected Information from the Trafalgar Township by-law Books 1856-1858*, By-law 226, 20 June 1859, <http://tths.ca/wp-content/uploads/2019/04/2014-Newsletter-Winter.pdf> (accessed 16 August 2021).

⁷⁴ The Village of Bronte: Preserving the Past, *Timeline*, <https://vitacollections.ca/multiculturalontario/262/exhibit/2> - accessed 17 August 2021

⁷⁵ Wark, Ross. "Bronte: Ever Growing, Ever Changing," *The Oakville Historical Society Newsletter*, Oakville Historical Society, March 2012, p. 4.

Bronte Post Office was built in 1851. Until this time, Bronte residents had to travel to the Trafalgar Post Office, which was located in Alexander Proudfoot's general store, on the south-west corner of Dundas Street and Ninth Line.⁷⁶ It opened sometime around 1822.⁷⁷ Then after 1835, they only had to travel to Oakville to get their mail from the newly opened post office there.^{78, 79} By 1856, the harbour was completed and two years later, "one of the largest grist mills in the province", Bronte Steam Mill, opened.^{80, 81}



Figure 12: West Street, Bronte, looking north, c.1915. Note the headstone on the right side of photo⁸²

Bronte Village was built because of Twelve Mile Creek. Before it was a hub for the commercial fishing industry, the creek was the traditional hunting and fishing grounds of the Mississaugas. With European settlement, lumber became king. Trees were felled and mills were built. With work readily available and infrastructure being built, settlers flocked to the area. When the area's trees were depleted, men took up fishing and farming.

Bronte has a rich and distinct history. In many ways, it is very different from old Oakville. Canadian author, Mazo de la Roche captured the difference in her book, *Possession*, describing Oakville as "sedate, respectable, and very different from the rowdy, good-humoured poverty of Bronte".⁸³ Compared to the

⁷⁶ Mathews, 482

⁷⁷ Ibid.

⁷⁸ The Village of Bronte: Preserving the Past, *Timeline*, <https://vitacollections.ca/multiculturalontario/262/exhibit/2> - accessed 17 August 2021

⁷⁹ Mathews, 128

⁸⁰ The Village of Bronte: Preserving the Past, *Timeline*, <https://vitacollections.ca/multiculturalontario/262/exhibit/2> - accessed 17 August 2021

⁸¹ Wark, Ross. "Bronte: Ever Growing, Ever Changing," *The Oakville Historical Society Newsletter*, Oakville Historical Society, March 2012, p. 4.

⁸² Photo Richard Bell, courtesy Jim Aitken, Town of Oakville

⁸³ Oakville Memories: Old & New: *Bronte Boys (1920s-1950s)*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=117&PID=9999820> (accessed 16 January 2022)

wealth found in neighbouring Oakville, Bronte was a relatively modest working-class community. Many residents were day labourers who learned to wear many hats, doing anything they could to make ends meet. Although some felt shame in their poverty, Bronte developed as a proud, tight-knit, hard working community.

Bill Cudmore recalled the poverty many in Bronte experience during the early 20th century, explaining that residents' dark humour helped them get through the hardship and rugged times. Cudmore recalled that life on the family farm included chores "like cutting asparagus before school and milking the cows after school".⁸⁴ As a teenager, he signed on to Jack Osborne's fishing boat, describing fishing as "a dirty, cold, hard, miserable, mean way to make a living," adding that there was "nothing nice about it".⁸⁵



Figure 13: Bronte Harbour, 1910

"Bronte, as I remember it, was a working class village, where the object of most people was to have a job tomorrow - clean some nets, paint a house, or maybe get a job at the basket factory for a week. It was looked on by Oakville as a low class area," Bill recalled.⁸⁶

Another lifelong Bronte resident, Ken Pollock knows first hand how cruel the lake can be. He remembers his father and uncles, "fishermen and mariners to the bone" would be "up before dawn and out on the lake, winter and summer, just to make ends meet."⁸⁷

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.



Figure 14: Picnicking at Bronte Beach Park, undated

By the mid-20th century, many people remembered Bronte as being a wonderful place in which to live and grow up. A former resident described their experience of the village as a “very small town where everyone knew each other”.⁸⁸ There were farms and open fields, and the beach was nearby without fences between properties, allowing children large areas in which to roam.⁸⁹ People lived in small homes and made do.

One woman, having emigrated from the Netherlands in 1953, recounted that when she became pregnant with her third child she and her husband wondered where to put the new baby’s cot in their rented, two-bedroom cottage. Her husband suggested that the cot “could be hung from the ceiling”.⁹⁰ She still chuckles at the memory.

⁸⁸ Interview, Bronte Historical Society volunteer, 20 October 2021

⁸⁹ Ibid

⁹⁰ Ibid



Figure 15: Bronte's Baseball team included many members whose families had long histories in the community, including the Cudmore, Flummerfel, Joyce, MacDonald, and Pickard families, amongst others. Undated ⁹¹

4.3 History of Bronte Cemetery

Bronte Cemetery lies just west of the historical limits of Bronte Village, on lands covered by the *Head of the Lake Treaty*. The cemetery is believed to be one of the oldest in Trafalgar Township.⁹² The almost 1-acre parcel of land was carved off from the southeast corner of Philip Sovereign's 100-acre property. Deputy Surveyor, William Hawkins' 1834 map shows the cemetery at the intersection of an unnamed road running north/south, now called West Street, and fronting onto the east/west oriented Ontario Street. (See Figure 9).

Originally, Ontario Street crossed Bronte Creek near its mouth and continued west along the shoreline, between the cemetery and the lake. Estimates indicate that 170 feet of cemetery land and road allowance "has gone into the lake since 1830."⁹³ By 1857, shoreline erosion was so extensive that the "western portion of Ontario Street was scarcely passable", and the road had to be re-routed to the northwest of the cemetery.⁹⁴ In 1915, the new Highway 2 was built even farther north.

⁹¹ Image courtesy of Bronte Historical Society, Persons file.

⁹² Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-1

⁹³ Bronte Historical Society, *Bronte Pioneer Cemetery, West Street at the Lake, Oakville (Bronte) Ontario, Officially Established in 1830*, newsletter, 2001.

⁹⁴ Turcotte, *Places and People on Bronte Creek*, 85.

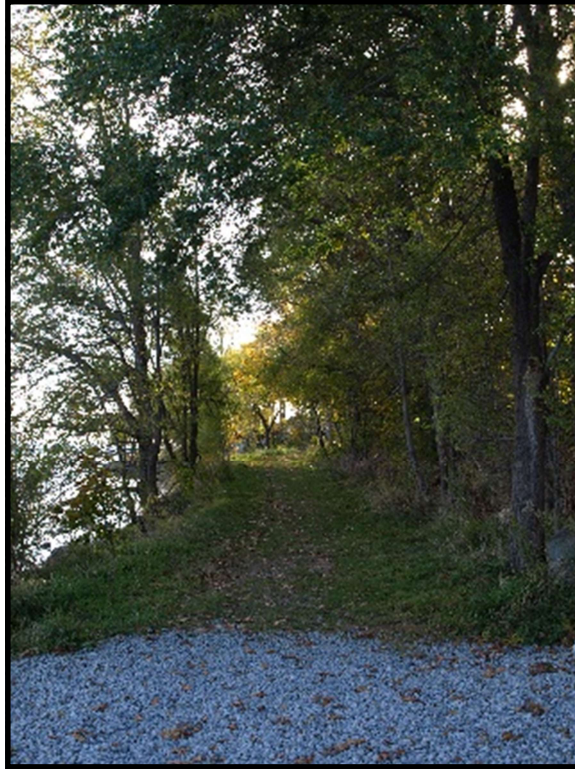


Figure 16: West Street Promenade, looking west. Lake Ontario is on the left and Bronte cemetery is on the right.
November 2021

Records indicate that the cemetery's first burial occurred in 1823, although Sovereign did not officially transfer the land for the burial ground to the cemetery's trustees until 10 May 1830.⁹⁵ On 28 October 1823, four-week-old Hannah S. Haviland died and is recorded as being the first person to be buried in Bronte Cemetery.^{96,97}

⁹⁵ ONLAND, Ontario Land Registry Access. Indenture 852, being a Bargain and Sale dated 10 May 1830. <https://www.onland.ca/ui/20/books/23279/viewer/555880577?page=181> (accessed 1 September 2021).

Historical Books, Halton County, Trafalgar Township, page 181. **Used on an as is basis with the permission of Teranet Inc.**

⁹⁶ Bronte Historical Society, *Bronte Pioneer Cemetery, West Street at the Lake, Oakville (Bronte) Ontario, Officially established in 1830, "Adams Family (Samuel-Sam)"* file, 2001.

⁹⁷ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999)



Figure 17: Headstone of 4-week-old Hannah Haviland, who died on 28 October 1823 and is the cemetery's first recorded burial. November 2021

Bronte Cemetery is significant as the final resting place of many of Bronte's earliest families many of whom played significant roles in the development of the community. These include John Belyea who was buried in April 1825; and Samson "Horatio" Sovereign, who died at two years, nine months old in July 1829.⁹⁸ Samson was the son of Charles and Elizabeth (nee Howell) Sovereign, and the grandson of Philip Sovereign, upon whose land the cemetery was established. Philip Sovereign joined his grandson in the cemetery four years later when he died in July 1833.

Also at rest in the cemetery are some of the area's earliest Black settlers, including a number of Adams and Butler family members.

4.3.1. The Adams and Butler families:

One of the families interred in Bronte Cemetery is that of Samuel Adams (c.1818-1895). Adams was a free Black man who came from Maryland with his family sometime in the early 1850s.^{99, 100}

With the passing of The Fugitive Slave Act of 1850, many free and enslaved persons of colour left the United States in order to avoid the risk of being captured and returned, or pressed into bondage. During

⁹⁸ Bronte Historical Society, *Bronte Pioneer Cemetery, West Street at the Lake, Oakville (Bronte) Ontario, Officially Established in 1830*, newsletter, 2001.

⁹⁹ Canadian Caribbean Association of Halton, *Oakville's Black History: Leaders in the Community*, <https://www.ccah.ca/resources.html> (accessed 13 August 2021).

¹⁰⁰ *The Canadian County Atlas Digital Project, Full record for Addams, Samuel*, <https://digital.library.mcgill.ca/countyatlas/showrecord.php?PersonID=61696> (accessed 16 August 2021).

the 1850s, a free Black man who immigrated to Maryland only had ten days in which to find a job, otherwise he ran the risk of being impressed into slavery.¹⁰¹

The Adams family history does not include information on why Samuel chose to leave Maryland and come to Canada when he did. Family members do not believe that Adams left the States because of The Fugitive Slave Act, as he came from a family of prosperous blacksmiths. Further, Samuel appeared to have been a very successful blacksmith in both Catonsville and Sandy Spring, Maryland.¹⁰²

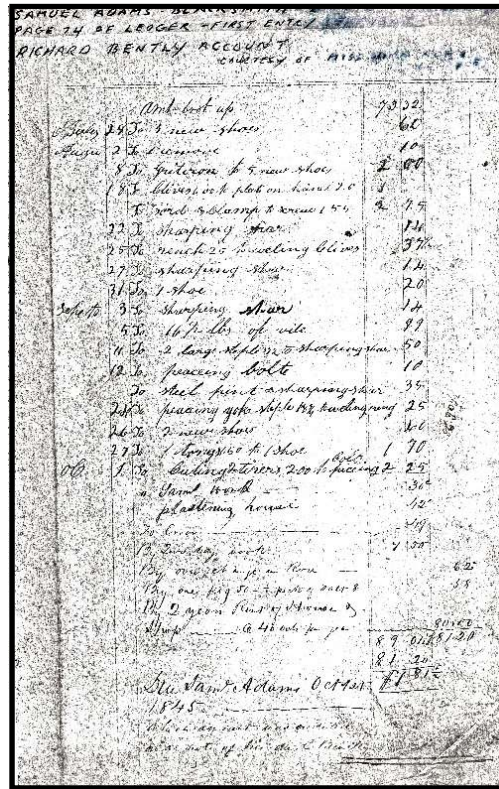


Figure 18: Copy of a page from Samuel Adams' (blacksmith) ledger from 1845 ¹⁰³

Samuel's father, John Adams, owned a blacksmith shop on Frederick Road in Catonsville.¹⁰⁴ After John's death, Samuel and his brothers took over the operation of the business. One of Samuel's brothers, Remus Adams is described as a free Black man, who was "a 19th century African American entrepreneur and philanthropist".¹⁰⁵ Records indicated that Remus learned the trade at his father's blacksmith shop. It is likely that this is where Samuel also learned the trade. After his brothers, including Samuel, moved on, Remus remained behind, and continued to run the shop on Frederick Road.¹⁰⁶

¹⁰¹ Patch, *Banneker Museum Celebrates Adams, Black History Month*, <https://patch.com/maryland/ellcottcity/banneker-museum-celebrates-adams-black-history-month> (accessed 5 January 2022)

¹⁰² Interview with Dalyce Newby, great-great-granddaughter of Samuel Adams. 29 December 2021

¹⁰³ Image courtesy Oakville Historical Society.

¹⁰⁴ Patch, *Banneker Museum Celebrates Adams, Black History Month*, <https://patch.com/maryland/ellcottcity/banneker-museum-celebrates-adams-black-history-month> (accessed 5 January 2022)

¹⁰⁵ *Ibid*

¹⁰⁶ *Ibid*

The 1850 United States Federal Census shows Samuel Adams living in District 1, Baltimore, with his first wife Martha (nee Hill, born c.1821) and their three children, Margaret, Rachel and John, who are 5, 4, and 2 years old, respectively.¹⁰⁷ By 1861, Samuel and Martha are living in Bronte, with seven children, in a 1-½ storey frame house, which according to that year's census record was built in 1854.¹⁰⁸ Samuel and Martha's daughter, Eliza Jane, is recorded as being the last of their children to be born in the US, in 1853.¹⁰⁹ The first of their children born in Upper Canada, as Canada was known at that time, was Martha Josephine Adams, who was known as Josephine. She was born in 1856.¹¹⁰

Adams is said to have brought with him a large amount of gold that he had managed to save.¹¹¹ With these funds he purchased a blacksmith shop on Belyea Street, "just east of Bronte Road, close to the present site of the Church of the Epiphany, just behind the Bronte Village Mall".^{112, 113} His blacksmith work included shoeing horses and outfitting schooners with hardware.¹¹⁴ Adams is also credited with making specialized equipment with which to lift stones from the lake bottom.¹¹⁵ Known as a stonehooking rake, it was a long handled tool with hooks at the end, which was used to pry up slabs of stone from the lakebed. There is some indication, but no definitive proof, that Adams not only made these stonehooking rakes, but that he invented it. The stones removed from the lake were subsequently shipped to many destinations, where they were used in building construction. Samuel Adams prospered and at one time was "the biggest land owner in Bronte."¹¹⁶ Adams was a philanthropist who offered financial help to enslaved people who were escaping from the United States.¹¹⁷

Samuel Adams was married twice. His first wife was the aforementioned Martha Hill. Martha was born c.1821 in Maryland. Martha and Samuel married on 21 November 1843 in Montgomery County, Baltimore, Maryland.¹¹⁸ It is not known when Martha died; however, she appears in the 1861 Census of Canada, alongside Samuel and their children Martha Ann; Rachel; John; Jeremiah; Eliza Jane; Josephine; and, 1-year-old James.¹¹⁹ On 3 September 1863, Samuel remarried, an indication that Martha has died.¹²⁰

¹⁰⁷ National Archives, *1850 United States Federal Census*, [Search Census Records Online and Other Resources | National Archives](#) (accessed 20 January 2022)

¹⁰⁸ Library and Archives Canada, *Census of 1861*, [Search Results: Census of 1861 - Library and Archives Canada \(bac-lac.gc.ca\)](#) (accessed 20 January 2022)

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ Lawrence Hill, Ontario Black History Society, *The Alvin Duncan Interviews, 1991, A Transcription of Seven Hours of Recording with Alvin Duncan in his Home*, page 181.

¹¹² Turcotte, *Places and People on Bronte Creek*, 98.

¹¹³ Bronte Historical Society, "A Look Back" *Sam Adams*, Bronte Historical Society newsletter, Spring 1998.

¹¹⁴ Turcotte, *Places and People on Bronte Creek*, 98.

¹¹⁵ Ibid

¹¹⁶ *Oakville's Black History*, Deborah Hudson, Curator of Collections, Oakville Museum at Erchless Estate, 2000.

¹¹⁷ Lawrence Hill, Ontario Black History Society, *The Alvin Duncan Interviews, 1991*, pages 178-180.

¹¹⁸ Town of Oakville, Oakville Museum, *Samuel Adams and Martha Hill Marriage Record*, photo

¹¹⁹ Library and Archives Canada, *Census of 1861*, [Search Results: Census of 1861 - Library and Archives Canada \(bac-lac.gc.ca\)](#) (accessed 20 January 2022)

¹²⁰ Archives of Ontario; Toronto, Ontario, Canada; *Registrations of Marriages, 1869-1928* via Ancestry.com, Ontario, Canada, Marriages, 1826-1938

Samuel's second wife was Eliza Davis.¹²¹ Records vary widely regarding Eliza's date of birth. They range from 1814 to 1839, however, they all agree that she was born in the United States, likely in Maryland.^{122, 123} Eliza Adams died in Oakville on 5 December 1904.¹²⁴

Jeremiah Bewley Adams (1851-1948), was one Samuel and Martha Adams' sons. Jeremiah was married to Eliza Grace Butler (1857-1948). She was the daughter of Reverend William James Butler (c.1833-1889) and Mary Isabell Moore (1837-1905).¹²⁵



Figure 19: Jeremiah Bewley & Eliza Grace (nee Butler) Adams, undated ¹²⁶

Rev. Butler and Samuel Adams are credited with forming Bronte's British Methodist Episcopal Church which opened in 1875. Its formation led to the 1892 opening of the Turner African Methodist Episcopalian Church. Turner Chapel stands today at 37 Lakeshore Road West, and is currently the location of an antique store.¹²⁷

¹²¹ Archives of Ontario; Toronto, Ontario, Canada; *Registrations of Marriages, 1869-1928* via Ancestry.com, Ontario, Canada, Marriages, 1826-1938

¹²² Archives of Ontario; Toronto, Ontario, Canada; Collection: MS935; Reel: 115, via Ancestry.com, Ontario, Canada, Deaths and Deaths Overseas, 1869-1948

¹²³ Library and Archives Canada, *Census of 1881*, [Search: Census of Canada, 1881 - Library and Archives Canada \(bac-lac.gc.ca\)](https://www.bac-lac.gc.ca/en/Discover/Research/Census-of-Canada-1881) (accessed 21 January 2022)

¹²⁴ Archives of Ontario; Toronto, Ontario, Canada; Collection: MS935; Reel: 115, via Ancestry.com, Ontario, Canada, Deaths and Deaths Overseas, 1869-1948

¹²⁵ Library and Archives Canada, *Census of 1881*, [Search: Census of Canada, 1881 - Library and Archives Canada \(bac-lac.gc.ca\)](https://www.bac-lac.gc.ca/en/Discover/Research/Census-of-Canada-1881) (accessed 21 January 2022)

¹²⁶ Image courtesy of Dalcyce Newby, great granddaughter of Jeremiah & Eliza (nee Butler) Adams

¹²⁷ The Village of Bronte: Preserving the Past, *Samuel Adams*; <https://images.oakville.halinet.on.ca/262/exhibit/5> (accessed 8 December 2021)

Jeremiah and Eliza Adams lived at 104 Burnet Street from 1909, when they purchased the property from Elizabeth A. McGill, until their deaths in 1948.¹²⁸ Jeremiah and Eliza raised five children there.



Figure 20: Adams homestead, undated ¹²⁹

Jeremiah is remembered as a “dedicated member” of, and volunteer at, the Turner African Methodist Episcopal Church.¹³⁰ Employed as a teamster at the Chisholm family mill, he was “well known in the community”, and is said to have attended the inauguration of General Ulysses S. Grant.¹³¹ As well as working at the Chisholm family mill, he also worked for Hazel C. Mathews, nee Chisholm (1897-1978), the great-granddaughter of Oakville’s founder, William Chisholm.¹³² Jeremiah and Eliza’s grandson, Alvin Duncan, recalled how Mrs. Mathews “used to come and sit with my grandfather and talk about the old days and write it all down and [she] put some of the information in” her book, *Oakville and the Sixteen*.¹³³

Mr. Duncan indicated that Jeremiah was a labourer. Most “of the labouring that he did with the Chisholms was [to] cut down” oak trees.¹³⁴ Duncan explained, “there used to be an awful lot of oak trees in Oakville and some of the early Chisholms helped cut down those trees and the wood was used by the British Navy for their boats and one of the ones that helped the Chisholms cut those trees was my grandfather.”¹³⁵

Martha Josephine (nee Adams) Wayner (1885-1961) was the second eldest daughter of Jeremiah and Eliza Adams.¹³⁶ In his interview with Lawrence Hill, Martha’s nephew Alvin Duncan, recalled that Martha

¹²⁸ ATA Architects, *104 Burnet Street, Oakville: Heritage Assessment Report*, May 2016, p. 10

¹²⁹ Image courtesy Dalyce Newby, great granddaughter of Jeremiah & Eliza (nee Butler) Adams

¹³⁰ Town of Oakville, “Honouring Oakville’s Black Community”, *Oakville News*, 27 November 2019, [Honouring Oakville’s black community - Oakville News](#) (accessed 29 July 2021).

¹³¹ Mathews, 248

¹³² Lawrence Hill, Ontario Black History Society, *The Alvin Duncan Interviews, 1991*, pages 91-92

¹³³ Ibid

¹³⁴ Ibid

¹³⁵ Ibid

¹³⁶ Archives of Ontario; Toronto, Ontario, Canada; *Registrations of Births and Stillbirths, 1869-1913*; Series: MS929; Reel: 70; Record Group: RG 80-2 via Ancestry.com, Ontario, Canada Births, 1832-1914

helped raise Cecil Marlatt’s daughters.¹³⁷ Mary (Marlatt) Oliver described Martha as “our beloved cook” who lived with her family “from her childhood days”. Martha “contributed much cheerfully given comfort to us all”, and indicated that Martha’s father Jeremiah and his siblings “were highly respected citizens of Bronte all their lives.”¹³⁸ Martha married Albert Wayner (1895-1968), on 11 June 1927 in Hamilton, Ontario.¹³⁹ Voters’ lists show Martha and Albert living at 104 Burnett Street, in 1957 and 1958.^{140, 141} Both Martha and Albert are interred in Bronte Cemetery.^{142, 143}



Figure 21: Jeremiah and Eliza Adams with four of their daughters. Isabella Duncan, Ella Crowley, Nina Adams & Martha Wayner, after 1927 ¹⁴⁴

Eliza Grace Butler was from another prominent early Black settler family. Her father, Reverend William Butler is credited with touring “throughout Canada on lecture tours with then Prime Minister Sir Wilfred Laurier”, and “meeting Queen Victoria at Buckingham Palace to discuss with her how the African Americans were doing in Canada”.¹⁴⁵ Around 1860, Reverend Butler and Jeremiah’s father, Samuel Adams, began to organize a church in Bronte. By 1875, the British Methodist Episcopal Church was formed. Butler and Adams continued their work with the church, which led to the construction of the

¹³⁷ Lawrence Hill, Ontario Black History Society, *The Alvin Duncan Interviews, 1991, A Transcription of Seven Hours of Recording with Alvin Duncan in his Home*, page 98.

¹³⁸ Frances Robin Ahern, *Oakville: A Small Town (1900-1930)*. 3rd ed., (Oakville Historical Society in association with The Boston Mills Press, 1986), Page 181.

¹³⁹ Archives of Ontario; Toronto, Ontario, Canada; *Registrations of Marriages, 1869-1928*; Reel: 831, via Ancestry.com, Ontario, Canada, Marriages, 1826-1938

¹⁴⁰ Library and Archives Canada; Ottawa, Ontario, Canada; *Voters Lists, Federal Elections, 1935-1980*, via Ancestry.com, Canada, Voters Lists, 1935-1980

¹⁴¹ Ibid

¹⁴² Find A Grave, *Martha Josephine Adams Wayner*, <https://www.findagrave.com/memorial/83485229/martha-josephine-wayner> (accessed 7 January 2022).

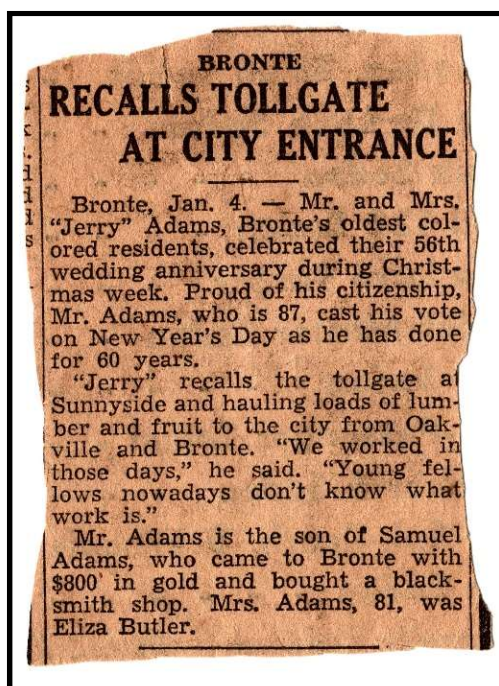
¹⁴³ Find A Grave, *Albert Wayner*, <https://www.findagrave.com/memorial/200964119/albert-wayner> (accessed 7 January 2022).

¹⁴⁴ Image courtesy of Dalcyce Newby, great granddaughter of Jeremiah & Eliza (nee Butler) Adams

¹⁴⁵ Oakville Memories: Old & New – Leaders in the Community, <https://news.ourontario.ca/exhibit.asp?id=117&PID=9999822> (accessed 28 September 2021)

Turner African Methodist Episcopal Church, the cornerstone of which was laid in 1890.¹⁴⁶ The structure survives today at 37 Lakeshore Road West, and currently houses Turner Chapel Antiques.

Jeremiah and Eliza had eight children, three of whom predeceased their parents. They were Mary Olive Adams (1886-1899); Stanley Edgar Adams (1895-1911); and, Gladys Azalia Adams (1897-1898).^{147, 148, 149} In December 1947, Jeremiah and Eliza celebrated their 65th wedding anniversary and passed away two months apart from one another, in February and May 1948 respectively. The Burnet Street property was left to their daughter, Nina Amelia Adams (1901-1983). The house was demolished in 2016.¹⁵⁰



1938 newspaper article about Jeremiah and Eliza Adams' 56th wedding anniversary¹⁵¹

For many free and enslaved African Americans, Oakville Harbour “represented their very first view of “Canada” and their dream of newfound freedom”.¹⁵² Unfortunately, discrimination followed many of these early Black settlers. For although Philip Sovereign had deemed that the land he gave to the burial ground should be used by people of “any nation, creed or sect whomsoever”, in practice the area’s Black residents were buried toward the rear of the cemetery, away from the lake.¹⁵³ As an old man in his 90’s,

¹⁴⁶ Town of Oakville, *Register of Designated Heritage Properties Under Part IV of the Ontario Heritage Act*, Section A, <https://www.oakville.ca/assets/general%20-%20business/1%20-%20Section%20A%20-00721.pdf>, 1 July 2021, p. 18 (accessed 22 December 2021)

¹⁴⁷ Archives of Ontario; Toronto, Ontario, Canada; Collection: MS935; Reel: 115, via Ancestry.com, Ontario, Canada, Deaths and Deaths Overseas, 1869-1948

¹⁴⁸ Ibid

¹⁴⁹ Canada, Find a Grave Index, 1600s-Current, Gladys A. Adams, via Ancestry.com

¹⁵⁰ Town of Oakville, “Honouring Oakville’s Black Community”, Oakville News, 27 November 2019, [Honouring Oakville’s black community - Oakville News](#) (accessed 29 July 2021).

¹⁵¹ Oakville Historical Society, “Bronte: Recalls Tollgate at City Entrance”, 1997.20.1

¹⁵² *Oakville’s Black History*, Deborah Hudson, Curator of Collections, Oakville Museum at Erchless Estate, 2000.

¹⁵³ Jordan, Richard. “Blacksmith of Bronte did thriving business at the turn of the century.” *Toronto Star*, 24 Mar. 1987, p. L13

Jeremiah Adams was known to remark “with a twinkle in his eye”, that “they buried us in the back and now we are at the front” a reference to the erosion suffered by the cemetery.¹⁵⁴

Although official documentation of the location of Samuel Adams’ burial location was not found, the Bronte Historical Society states, in their Spring 2008 newsletter, that he “is buried in Bronte Cemetery, but there is no stone bearing his name.”¹⁵⁵ Samuel’s second wife Eliza (nee Davis), his son Jeremiah, Jeremiah’s wife Eliza (nee Butler) and three of Jeremiah and Eliza’s children, Stanley Edgar (1895-1911), Mary Olive (1886-1899), and Gladys Azalia Adams (1897-1898), all rest in Bronte Cemetery.^{156, 157, 158, 159}



Figure 22: Headstones of Jeremiah Adams, his wife Elizabeth Grace (nee Butler) Adams and three of their children, Stanley, Mary & Gladys Adams. November 2021

4.3.2. The Belyea family

Another early Bronte settler was John Belyea (1776-1825), who came from Philipsburg, Westchester County, New York.^{160, 161} John was the son of a United Empire Loyalist, John Bulyea (1739-1813), and his wife Susannah VanSniffen (or Sniffin) (1745-1843).^{162, 163, 164} John Sr. fought in the King’s American Regiment between 1776 and 1779, and then again with the Loyal American Regiment from 1779-1783.

¹⁵⁴ Jordan, Richard. “Blacksmith of Bronte did thriving business at the turn of the century.” *Toronto Star*, 24 Mar. 1987, p. L13

¹⁵⁵ Bronte Historical Society newsletter, Spring 2008, *The African American Community in Bronte*, p. 3.

¹⁵⁶ Milton Digital, Canadian Champion (Milton, ON), *Oakville*, 15 December 1904, p. 2, <https://news.milton.halinet.on.ca/details.asp?ID=1470233> (accessed 21 January 2022)

¹⁵⁷ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-5.

¹⁵⁸ Find a Grave, *Eliza Grace Butler Adams*, [Eliza Grace Butler Adams \(1854-1948\) - Find A Grave Memorial](#) (accessed 6 October 2021)

¹⁵⁹ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-5.

¹⁶⁰ *Ibid.* 1-1.

¹⁶¹ Oakville Historical Society newsletter, *The Belyea Family of Bronte*, by Julie Thompson, Volume 51, Number 2, June 2017, page 7.

¹⁶² United Empire Loyalists’ Association of Canada, *Information on the Loyalists*, <http://www.uelac.org/Loyalist-Info/detail.php?letter=b&line=232> (accessed 16 September 2021).

¹⁶³ *The New England Historical & Genealogical Register, 1847-2011*, via Ancestry.com

¹⁶⁴ Oakville Historical Society newsletter, *The Belyea Family of Bronte*, by Julie Thompson, Volume 51, Number 2, June 2017, page 7.

After joining the British Army, the Bulyea/Belyea family was forced from their farm when it was confiscated.¹⁶⁵ Having lost everything, John Sr. relocated his family to the St. John River Valley in New Brunswick.¹⁶⁶ He was a boat builder by trade.¹⁶⁷

The younger John Belyea Jr. married Isabella Goodwin in 1799, fought in the War of 1812, and “then moved his family to Bronte”.¹⁶⁸ Like many Bronte families, the Belyeas were commercial fishers.¹⁶⁹ An example of the communication challenges endured by early settlers is a story which tells how John and Isabella entered into an agreement “with the government to feed any Mississauga chief who passed by their farm”.¹⁷⁰ However, in 1829, after the widowed Isabella petitioned for some farmland she believed still belonged to the Mississaugas, she learned that she had been feeding the chiefs for years after the agreement had ended with the signing of Treaty 22 in February 1820.^{171, 172}

Belyea Street in Bronte commemorates the family, where they settled on the east bank of Twelve Mile Creek. Allegedly, some of the apple trees in Bronte are descendants of those brought by the Belyea family when they fled New York State.¹⁷³ Many of the Belyea family were mariners. One of John and Isabella’s sons, Jesse Belyea (c.1802-1892), leased and ran the Frontier House hotel, which was located at 29 Navy Street in Oakville.^{174, 175} In his project diary, Deputy Provincial Surveyor, William Hawkins recorded that “he hired three of the Belyea Brothers” to assist him carry out the 1834 survey of Bronte.¹⁷⁶

¹⁶⁵ Turcotte, *Places and People on Bronte Creek*, 92

¹⁶⁶ Oakville Historical Society newsletter, *Unearthing Oakville's Loyalist Roots*, Fred H. Hayward UE, UELAC, Volume 42, Number 1, March 2008, page 4

¹⁶⁷ Oakville Historical Society newsletter, *The Belyea Family of Bronte*, by Julie Thompson, Volume 51, Number 2, June 2017, page 7

¹⁶⁸ *Ibid*

¹⁶⁹ Brimacombe, Philip, *The Story of Bronte Harbour: The Gloucester of Ontario*, The Boston Mills Press, 1976

¹⁷⁰ Turcotte, *Places and People on Bronte Creek*, 83

¹⁷¹ *Ibid*

¹⁷² Mississaugas of the Credit First Nation, *Treaty Lands & Territory: 12 Mile Creek, 16 Mile Creek and Credit River Reserves – Treaty Nos. 22 and 23 (1820)*, <http://mncfn.ca/treaty2223/> (accessed 1 October 2021)

¹⁷³ Turcotte, *Places and People on Bronte Creek*, 92

¹⁷⁴ *Ibid*

¹⁷⁵ Oakville Historical Society, *The Walker's Guide to Old Oakville: 29 Navy Street, The Frontier House c. 1838*, 1994, 3

¹⁷⁶ Walton Memorial United Church, *Walton Memorial United Church 150 Years, Chapter 1 – The Community of Bronte*, pg. 2



Figure 23: Vernon Leroy Belyea, the great-grandson of John and Isabella (Goodwin) Belyea, top row, far right. Oakville High School class photo. 1922¹⁷⁷

John Belyea died April 14 1825 aged 50 years, and is buried in Bronte Cemetery with his young son Benjamin.¹⁷⁸

4.3.6. Malcolm Wallace Bowen

Malcolm Wallace Bowen was born on 28 November 1920 in Toronto, Ontario to Howard Prime Bowen (1862-1921) and Janet Anne Robson (1878-1921). Malcom's parents died months apart from one another, less than a year after he was born. His mother died in June 1921 and his father in July 1921. Malcolm spent his early life living with relatives, including with his stepbrother and an aunt.¹⁷⁹

In late December 1941, Bowen was awarded a Silver Merit medal for his work as "a physical training instructor at the St. Thomas Technical Flying school" in St. Thomas, Ontario, where he had been teaching for two years.¹⁸⁰ Bowen was awarded the "rarely given silver merit medal [was] presented to personnel who make an outstanding contribution to the school's welfare by personal effort".¹⁸¹ Bowen was the "lightweight boxing champion and physical training instructor at the school for more than two years".¹⁸²

¹⁷⁷ Image courtesy of Oakville Historical Society, *Oakville High School, 1922*, catalogue number 2013.18.1

¹⁷⁸ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-1.

¹⁷⁹ Interview with Robert Bowen, Malcolm Bowen's son, 21 October 2021

¹⁸⁰ "Wins Silver Medal", *Toronto Daily Star*, 20 Dec. 1941, p. 12

¹⁸¹ "Present Flying Officer With Wings at Aylmer: Silver Medal Presented", *The Globe and Mail*, 20 Dec. 1941, p.8

¹⁸² Ibid

In 1942, Bowen married Mary Ann McKay (1923-1992), and joined the RCAF when he was 22 years old, after the birth of their first child. On 23 July 1942, Leading Aircraftman Bowen was one of seven men who were involved in a mid-air collision at RCAF Station Dafoe, the location of the British Commonwealth Air Training Plan's No. 5 Bombing and Gunnery School.¹⁸³ Bowen was one of four airmen who were severely injured when they fell "out of a flaming 'plane as it crashed on the airport at Dafoe".¹⁸⁴ Although he had suffered serious burns, Bowen returned to the plane to help other crewmembers, an act for which he was later awarded a medal for bravery.¹⁸⁵ The collision cost three men their lives.¹⁸⁶



Figure 24: Malcolm W. Bowen, undated¹⁸⁷

Bowen, and Aircraftman Ron Ward, were both severely burned in the accident. They were treated first at the station hospital at Dafoe, where they were taken after the accident "alive, but not much more".¹⁸⁸ Then, after "months in Deer Lodge hospital, Winnipeg, they were brought to [the] Christie Street hospital" in Toronto.¹⁸⁹ From there, Bowen recalled, "We were coming in for a landing", and that he "was only a week away from graduation as a wireless air-gunner".¹⁹⁰ When Bowen was released from the burn unit, he returned home to his family in Bronte.¹⁹¹

In Bronte, Malcolm Bowen worked as a bookkeeper for a local lumberyard, and on the production line for Langmuir Paints. He also trained as a radio technician and fixed radios as a sideline. Malcolm is remembered as being cheerful and was popular in the neighbourhood, where he was known as Mac. Despite his limp, Mac could still swing a bat. He played baseball with his children and took them on trips to Oakville and occasionally to Toronto. In Toronto, they visited relatives and saw Riverdale Zoo. A

¹⁸³ Wikipedia, *RCAF Station Dafoe*, https://en.wikipedia.org/wiki/RCAF_Station_Dafoe (accessed 14 October 2021)

¹⁸⁴ "Injured R.C.A.F. Members Recovering", *The Ottawa Journal*, 25 Aug. 1943, p. 27

¹⁸⁵ Interview with Robert Bowen, Malcolm Bowen's son, 21 October 2021

¹⁸⁶ "Dafoe Crash Kills Saskatchewan Man", *The Leader Post*, 25 Jul. 1942, p. 6

¹⁸⁷ Image courtesy Bowen family

¹⁸⁸ "Trapped in Flaming Plane Pair Make Medical History", *Toronto Daily Star*, 25 Aug. 1943, p. 9

¹⁸⁹ Ibid

¹⁹⁰ Ibid

¹⁹¹ Interview with Robert Bowen, Malcolm Bowen's son, 21 October 2021

highlight for the boys was a visit to Maple Leaf Gardens, where they watched the Detroit Red Wings play the Leafs.¹⁹²

Malcolm, who was the father of five small children at the time of his death, died in Bronte on 14 January 1954, at the age of 33.¹⁹³ Bowen's death was attributed to the injuries he sustained in the airplane crash in 1942.¹⁹⁴ He was interred in Bronte Cemetery, and his is the only military headstone there.

4.3.3. The Dorland family

Almost a third of Bronte Cemetery's headstones "belong to children; others to mariners" including one dedicated to William (c.1860-1886) and Byron Dorland (1862-1886).¹⁹⁵ The Dorland brothers were the sons of Emanuel "Manuel" Dorland (1828-1903) and Eleanor Clemence (b.1839). Manuel Dorland is also commemorated on the obelisk.



Figure 25: Headstone of the Dorland brothers, William and Byron (misspelled Biron). June 2021

William and Byron were fishers who "were lost east of Bronte in the great gale and snowstorm of December 1886. Both left young families".¹⁹⁶ A contemporaneous newspaper account indicated that the brothers "were returning after work with a number of other fishermen in boats and were within 200 yards of the shore, opposite the Smith farm, when a gale of wind or hurricane with a driving snow storm sprung up very suddenly. It lasted only a few minutes, but during that time, they were capsized or thrown out of their boat. The other fishermen did not miss them until the gale blew past, when a hat belonging to one of the missing men was seen floating on the water. They were both young men and married, leaving widows and small families. Their bodies were recovered" four days later.¹⁹⁷

¹⁹² Interview with Robert Bowen, Malcolm Bowen's son, 21 October 2021

¹⁹³ Ibid

¹⁹⁴ "Malcolm Bowen, 34, Service at Oakville", *Toronto Daily Star*, 15 Jan. 1954, p. 17

¹⁹⁵ Town of Oakville, *Bronte Cemetery Information Station*, <https://www.oakville.ca/culturerec/is-brontecemetery.html> (accessed 1 October 2021)

¹⁹⁶ Ibid

¹⁹⁷ Canadian Champion, *Drowned*, 9 December 1886, [Dorland, William & Byron: Halton News \(halinet.on.ca\)](http://www.halinet.on.ca) (accessed 23 June 2021)

The Dorland family were not the only ones whose lives were impacted by the vagaries of the lake. Lifelong Bronte resident, Ken Pollock recalled that, in February 1935, his uncle Byron, Archibald K. "Skin" MacDonald, and another crewmate, Mike Joyce, almost perished on Lake Ontario, when they were lost for three days on the lake.

"I still remember sitting on my mother's lap on the veranda of Glendella," Pollock related, "looking out at the lake and waiting. The fishermen went out on a Friday morning and didn't come home Friday night. People drifted down to the lake wondering where they were. Men on the shore were yelling and they actually heard the guys in the boat talking, but there was heavy ice all along the shore and thick fog. The voices drifted away. They fired shots in the air."¹⁹⁸

Pollock recalled that the next morning an airplane from Toronto joined the search, unsuccessfully. Later an ice-breaker tug came to help, again with no luck.

"On the third day a fish boat from Bronte - Bill Bray's boat - went out because Bray figured they knew the ice and the lake. They found them alright, after a few hours, and towed them in, half froze, and hungry as bears. My uncle said they could have eaten the leather out of their shoes."¹⁹⁹

Archibald "Skin" MacDonald (1908-1971) also rests in Bronte Cemetery.²⁰⁰

4.3.4. The Pickard family:

Headstones are significant as sometimes they can be all that remains to prove that a person once lived, as appears to be the case with young Arthur Pickard (1883-1889).



Figure 26: Marker commemorating Arthur Pickard (1883-1889). June 2021

¹⁹⁸ Oakville Memories: Old & New: *Bronte Boys (1920s-1950s)*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=117&PID=9999820> (accessed 16 January 2022)

¹⁹⁹ Ibid

²⁰⁰ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-9.

In the 19th century, when infant mortality rates were a lot higher than they are today, parents frequently commemorated a deceased child by naming subsequent children after ones who had died. This may have been the case with Arthur, as resting in Bronte Cemetery is another, earlier, Arthur Pickard. Arthur Elijah Pickard (1877-1883) is one of six Pickard family members who rest in Bronte cemetery. Tragically, the latter Arthur also died very young. He drowned in 1889, when he was just 6-years-old.²⁰¹



Figure 27: Arthur Pickard, undated²⁰²

Records indicate that the Pickard family settled very early in Upper Canada.²⁰³ James Pickard, who died circa 1803 in Upper Canada, is believed to have been born in the United States; to have immigrated to Upper Canada in 1783; and, he was a Private with Butler's Rangers.²⁰⁴

James' son, Elijah Pickard (c.1795-1883), was born at "Niagara Twp. Four Creek".²⁰⁵ Four Creek likely refers to Four Mile Creek, which feeds into Lake Ontario at Niagara-on-the-Lake. Elijah's wife was Harriet Van Fleet, who was born around 1813, also in Niagara Township, Upper Canada. Harriet died c.1892 in Bronte.²⁰⁶ Based on birth records for their daughter Evaline, Elijah and Harriet appear to have settled in the Bronte area by the early 1850s, however the first definitive proof that they were here comes from the 1861 Census of Canada.²⁰⁷

²⁰¹ Ibid. 1-5.

²⁰² Image courtesy Bronte Historical Society, from the Margaret Overland file.

²⁰³ "Van Fleet family pedigree chart." Record Group 5, Series C, Private Papers. Van Fleet Collection. Oakville Collection, Access to Oakville History, Oakville Public Library, Oakville, ON.

²⁰⁴ Oakville Public Library, Access to Oakville History, *Pickard's of Butler's Rangers 1783*, Microfilm, Record Group 5, Private Papers. Series C, Van Fleet Collection.

²⁰⁵ "Van Fleet family pedigree chart." Record Group 5, Series C, Private Papers. Van Fleet Collection. Oakville Collection, Access to Oakville History, Oakville Public Library, Oakville, ON.

²⁰⁶ Ibid

²⁰⁷ Library and Archives Canada, *Census of 1861*, [Search Results: Census of 1861 - Library and Archives Canada \(bac-lac.gc.ca\)](https://www.bac-lac.gc.ca) (accessed 20 January 2022)



Figure 28: Headstones of Elijah (1854-1930) and Mary nee Joyce (1857-1946), and their son Arthur Elijah (1877-1883) Pickard. November 2021

Elijah and Harriet’s son William Elijah Pickard (1854-1930), who, like his father, was also known as Elijah, married Charlotte Mary Joyce (1856-1946). Both Elijah and Mary are buried in Bronte Cemetery, along with two of their sons, Arthur Elijah (1877-1883) and John “Jack” Laister Pickard (1882-1907), their daughter Hattie May (1890-1907), and Elijah’s older brother Isaac Pickard (1846-1916). Unfortunately, because of the lack of official records, no relationship between the Pickard family members buried at Bronte Cemetery, and the other, undocumented Arthur Pickard, can be established.



Figure 29: Hattie Pickard, before 1907²⁰⁸

Figure 29 shows Hattie Pickard, who may have been Hattie May Pickard, one of Elijah and Mary (nee Joyce) Pickard’s daughters. Hattie May died on 28 May 1907, at 16 years old.²⁰⁹ Both Hattie May and her elder

²⁰⁸ Image courtesy of Bronte Historical Society, from the Margaret Overland file.

²⁰⁹ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-5.

brother John “Jack” Laister Pickard, who died seven months later on 13 December 1907 from typhoid fever, are buried in Bronte Cemetery.^{210, 211}

4.3.5 The Sovereign family

Philip Sovereign was born on 9 December 1777 in Sussex County, New Jersey.²¹² He was married to Nancy Culver, of New England.²¹³ In 1799, the Sovereign and Culver families emigrated from the United States, settling first in Norfolk County.²¹⁴ In April 1812, Philip and Nancy Sovereign moved their family to Trafalgar Township.²¹⁵ A few months later, with the outbreak of the War of 1812, Philip Sovereign took up arms and left his family behind to serve his country.²¹⁶ Once hostilities ceased, Sovereign returned to Bronte, where, in November 1814, he purchased Lot 32, Concession 4 South of Dundas Street, the property upon which he established his farm and where Bronte Cemetery was later located.²¹⁷



Figure 30: Philip Sovereign's headstone, left forefront. November 2021

²¹⁰ Archives of Ontario; Toronto, Ontario, Canada; Collection: MS935; Reel: 130, via Ancestry.com, Ontario, Canada, Deaths and Deaths Overseas, 1869-1948

²¹¹ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-5.

²¹² Bronte Historical Society, *Sovereign Family* file. Untitled, undated family tree showing Philip Sovereign's parents, spouse Nancy Culver, her parents, and their son Charles' birth, death and some marriage dates.

²¹³ New Jersey, U.S., Marriage Records, 1670-1965, via Ancestry.com

²¹⁴ Pope, J.H., *Illustrated Historical Atlas of the County of Halton, Ont., 1877*. Page 64

²¹⁵ *Ibid*

²¹⁶ *Ibid*

²¹⁷ ONLAND, Ontario Land Registry Access. Indenture 804B, being a Bargain and Sale dated 25 November 1814. <https://www.onland.ca/ui/20/books/23279/viewer/555880577?page=181> (accessed 1 September 2021).

Historical Books, Halton County, Trafalgar Township, page 181. **Used on an as is basis with the permission of Teranet Inc.**

In June 1833, Sovereign granted 100 acres “with the exception of 1 [acre] out of the [easterly] corner” of his property to his son Charles Sovereign.²¹⁸ Philip “worked away at his farm until his death” on 2 July 1833 at the age of 55.²¹⁹

Philip and Nancy’s son Charles was born on 21 December 1798 in Sussex County, New Jersey.²²⁰ A diligent student, he “obtained the best education the country at that time afforded”, eventually going on to teach, and later becoming “superintendent of schools for Trafalgar”.²²¹ After teaching for a number of years, including as a 17-year-old at the log schoolhouse built by his father, Charles returned home and worked with his father on their farm.^{222, 223} In June 1835, Charles married Elizabeth Ann Howell (1805-1864).²²⁴

Elizabeth Howell was descended from two other early Trafalgar Township settler families: the Howells and the Trillers. Trafalgar Township Historical Society records indicated that Sampson Howell, Elizabeth’s father, was from the United States, and that he came to the area in 1806. Howell settled with his wife, Mary Charity Triller (1776-1854), and four children on Lot 24, Concession 1 South of Dundas Street, located west of Sixteen Mile Creek. He was a farmer and a proprietor.²²⁵



Figure 31: Glendella, Ontario Street, Bronte. May 1989

²¹⁸ ONLAND, Ontario Land Registry Access. Indenture 331G, being a Grant dated 17 June 1833. <https://www.onland.ca/ui/20/books/23279/viewer/555880577?page=181> (accessed 20 September 2021). Historical Books, Halton County, Trafalgar Township, page 181. **Used on an as is basis with the permission of Teranet Inc.**

²¹⁹ Pope, J.H., *Illustrated Historical Atlas of the County of Halton, Ont., 1877*. Page 64

²²⁰ Bronte Historical Society, *Sovereign Family* file. Untitled, undated family tree showing Philip Sovereign’s parents, spouse Nancy Culver, her parents, and their son Charles’ birth, death and some marriage dates.

²²¹ Pope, J.H., *Illustrated Historical Atlas of the County of Halton, Ont., 1877*. Page 64.

²²² *The Village of Bronte: Preserving the Past: The Sovereign Family & The Sovereign House*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=262&PID=6> (accessed 13 September 2021).

²²³ Pope, J.H., *Illustrated Historical Atlas of the County of Halton, Ont., 1877*. Page 64.

²²⁴ Ibid

²²⁵ Trafalgar Township Historical Society Digital Collections, *Howell House, Trafalgar Township*, <https://images.ourontario.ca/TrafalgarTownship/2288519/data?n=27> (accessed 4 October 2021)

In 1846, Elizabeth's aunt, Catherine Thompson, nee Triller (1788-1868), purchased "Glendella" from James Belyea a year after he constructed the building. Thompson turned it into a hotel, which her son Edward ran for many years.²²⁶ The Smith-Triller Viaduct, commemorates the Triller family as one of "two pioneer millers on the Sixteen Mile Creek valley".²²⁷ The bridge spans Sixteen Mile Creek at Middle Road.

Charles Sovereign was a prominent member of the Bronte community. He served as a Justice of the Peace, and as the Secretary for the Bronte Harbour Company.²²⁸ After his wife Elizabeth died in 1864, and as his three adult sons had all moved to the United States, there was speculation about what Charles would do with the original homestead. However, he pushed on and in 1870 he bought and moved to a farm that ran from Bronte Creek west to Mississaga Street, and from Rebecca Street south to Lakeshore Road West. Mrs. John Speers, Mary Simmons by birth, who was widowed with four children, kept house for Charles, while her son William Henry Speers tended the farm.^{229, 230} After Charles Sovereign's death, William Speers purchased the Mississaga Street farm from Charles' surviving son, who was living in the States.²³¹



Figure 32: The Sovereign House, courtesy Bronte Historical Society, undated and unattributed

The two-storey brick Sovereign House was constructed c.1825 by Charles Sovereign. The house, which was originally located on Shoreline Drive, was relocated to its current site at 7 West River Street in 1988. Others notable people who lived in the house, in its original location, were Dalt McDonald, one of Bronte's

²²⁶ David Ashe and Joyce Burnell, *Oakville Street Names & Landmarks*, (Burnell-Creighton Publishing, London, ON, 2007), 40.

²²⁷ Town of Oakville, *Cultural Heritage Landscape Strategy Implementation – Phase Two: Cultural Heritage Evaluation Report, Knox Presbyterian Church Sixteen and Cemetery, 1150 Dundas Street West, Oakville, Ontario*, October 2020, 16

²²⁸ The Village of Bronte: Preserving the Past, *The Sovereign Family & The Sovereign House*, <https://images.oakville.halinet.on.ca/exhibit.asp?id=262&PID=6> (accessed 8 July 2021)

²²⁹ Interview with Elizabeth Strong, Historian (retired) Bronte Historical Society, 23 January 2022

²³⁰ Bronte Historical Society, *The Life and Times of Charles Sovereign (1798-1885)*, Bronte Historical Society, Oakville, Ontario

²³¹ Interview with Elizabeth Strong, Historian (retired) Bronte Historical Society, 24 January 2022

most well known shipbuilders who was also involved in many building projects in the Bronte area, and Canadian author Mazo de la Roche.^{232, 233} The house is now home to the Bronte Historical Society.

Charles and Elizabeth had seven sons and one daughter, most of whom predeceased their parents. Philip Sovereign, his son Charles, and Charles' wife Elizabeth, along with at least four of their children, are buried in Bronte Cemetery."²³⁴



Figure 33: Headstones of Philip and Charles Sovereign. June 2021 ²³⁵



Figure 34: Elizabeth Ann (nee Howell) Sovereign's headstone. November 2017 ²³⁶

²³² Town of Oakville, *Heritage Register*, <https://www.oakville.ca/business/heritage-properties.html> (accessed 24 January 2022)

²³³ Town of Oakville, *Inventory Report: 7 West River Street, Sovereign House*, January 2016, 26-4.

²³⁴ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-1.

²³⁵ Philip and Charles Sovereign's headstone photos, June 2021, Planning Services staff.

²³⁶ Elizabeth Ann (nee Howell) Sovereign's headstone photo courtesy of H.G. Hardwick & Son Ltd., Hamilton, Ontario, November 2017.

4.3.6 The Triller family

Several Triller family members rest in Bronte Cemetery. In 1805, Philip Triller (1749-1821) and Mary Catherine Young (1750-1844), or Catharine as she was known, along with their 10 children, left Knowlton Township, Sussex County, New Jersey for Canada. Their first stop was at The Forty in Grimsby, where they stayed for a year, near Green's mill.²³⁷ In 1806, they left Grimsby and settled in Trafalgar Township, where Philip owned 1,000 acres of land between Burlington and Bronte.²³⁸ Philip, along with his sons and his son-in-law, Sampson Howell, "sawed a great quantity of lumber for building purposes and this was floated by raft along the shore of Lake Ontario to the Twelve Mile Creek".²³⁹

In 1834, Triller Street in Bronte was named after Philip Triller (1786-1866), one of Philip and Catherine's sons. It was later renamed Lakeshore Road West. Philip and his sister Catherine Thompson sold and donated land for the establishment of Knox Presbyterian Church Sixteen and Cemetery, located on Dundas Street West.²⁴⁰



Figure 35: Shared headstone of Anne (nee Belyea), Samantha A., and Selena Triller. June 2021

Joseph C. Triller (1798-1874), another of Philip and Catherine's sons, is interred in Bronte Cemetery. In the 1869-1870 County of Halton Gazetteer and Directory, Joseph was listed as a Captain who was living in

²³⁷ Oakville Public Library, Access to Oakville History, *Triller*, Microfilm, Record Group 5, Private Papers. Series C, p. 25

²³⁸ Ibid

²³⁹ Ibid

²⁴⁰ Town of Oakville, *Cultural Heritage Landscape Strategy Implementation – Phase Two: Cultural Heritage Evaluation Report, Knox Presbyterian Church Sixteen and Cemetery, 1150 Dundas Street West, Oakville, Ontario*, October 2020, 16

Bronte Village.²⁴¹ Joseph's first wife was Anne Belyea (1809-1845).²⁴² Both Ann, and their 10-year-old daughter, Samantha A. Triller (1834-1845), rest in Bronte Cemetery. Samantha predeceased her mother by just six months, dying in March 1845.²⁴³ Ann followed in September.²⁴⁴ Also commemorated on their headstone is Selena Triller (1850-1851), Samantha's half-sister and the daughter of Joseph and his second wife, Jane Triller (c.1832-1865).²⁴⁵

Joseph and Ann Triller's son, Joseph Marcus "Mack" Triller (c.1838-1900) was the proprietor of the Bronte House Hotel, which was, according to the 1869-1870 County of Halton Gazetteer and Directory, the only hotel in Bronte Village in 1870.²⁴⁶

²⁴¹ W. H. Irwin & Co., Compilers and Publishers, Hamilton, Ontario, *County of Halton Gazetteer and Directory For The Years 1881-5*, Toronto: G. C. Patterson & Co., Printers, 1880 via Ancestry.com, Canada, City and Area Directories, 1819-1906

²⁴² Oakville Public Library, Access to Oakville History, Microfilm, Record Group 5, Private Papers, Series C.

²⁴³ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-7.

²⁴⁴ Ibid

²⁴⁵ Ibid

²⁴⁶ W. H. Irwin & Co., Compilers and Publishers, Hamilton, Ontario, *County of Halton Gazetteer and Directory For The Years 1881-5*, Toronto: G. C. Patterson & Co., Printers, 1880 via Ancestry.com, Canada, City and Area Directories, 1819-1906

5 Design and features of Bronte Cemetery

5.1 The Rural Cemetery

When Bronte Cemetery was established in the early 1820s, western burial practices had begun to change significantly. Up until the 19th century, burials in Europe were rooted in the traditions of the Roman Empire. Bodies were placed in niches cut out of stone or in catacombs. As populations increased, burial grounds became overcrowded. Cemeteries became too full, and sometimes bodies were buried too close to the surface, causing significant health and safety issues, especially in urban areas. In response, older remains were disinterred and stored elsewhere to allow for more burials, a practice which elicited negative responses. These suboptimal conditions painted cemeteries as dismal, neglected, and gory spaces.²⁴⁷ Religious Dissenters also reacted to the overcrowding situation. As people “whose religious convictions separated them from the established Church”, and not wanting to pay burial fees, nor to be laid to rest in ground consecrated by an Anglican bishop, they acted on the then radical idea of establishing a cemetery “rather than a churchyard”.²⁴⁸ In 19th century England, most of the great English cemeteries were established “outside of the liturgical and economic control of the Church of England”.²⁴⁹

A pioneer cemetery, Bronte Cemetery was a result of a social and religious imperative, with no overt association to any one specific Christian sect. Philip Sovereign deemed that the land he gave was to be used as a cemetery where “all orders, sects, nations and parties” could be laid to rest.²⁵⁰ Bronte cemetery is a utilitarian space, which at best can be said to have evolved as a vernacular version of the Rural, or Garden Cemetery style of cemetery design. Introduced two decades after Bronte Cemetery was founded, the Rural Cemetery ideal strove to beautify burial grounds, creating park-like settings in which the deceased were laid to rest in a dignified manner, amidst rolling grounds, winding pathways, groves of trees, architectural features such as small chapels and groundskeeper’s cottages, and even water features.²⁵¹ The bereaved were to be soothed by an attractive, calming space in which to grieve and commemorate their loved ones. The Rural Cemetery ideal had a significant impact not just on cemeteries in England and throughout Europe, but also on cemeteries throughout the British colonies. Therefore, although Bronte Cemetery lacks the detailed design of a Rural, or Garden Cemetery, it boasts the peaceful, bucolic setting.

5.2 History and design of Bronte Cemetery

Bronte Cemetery is representative of early 19th century cemetery design. Its layout and location on the outskirts of the village is a reflection of its early history as a rural cemetery, in a community of relatively modest means. The layout is simple, and lacks elaborate mausoleums and markers. Because of the cemetery’s small size, there are no internal roads or pathways, nor perimeter fencing, as is often the case with larger graveyards.

Bronte cemetery is notable for its close proximity to Lake Ontario; its predominantly grassed open space punctuated by mature trees and a few large shrubs; and, its variety of markers and monuments. The cemetery’s existing headstones are laid out in neat rows. However, much of the cemetery consists of

²⁴⁷ Jane Irwin, *Old Canadian Cemeteries: Places of Memory* (Richmond Hill, Ontario: Firefly Books Ltd., 2007), 29

²⁴⁸ Ibid

²⁴⁹ Ibid

²⁵⁰ Town of Oakville, *Bronte Cemetery*, <https://www.oakville.ca/residents/cemeteries-bronte.html> (accessed 10 November 2021)

²⁵¹ J.C. Loudon, *On the Layout Out, Planting, and Managing of Cemeteries; and on the Improvement of Churchyards* (London: Longman, Brown, Green, and Longmans, 1843), 11.

large, open expanses of lawn, with some headstones grouped together in small, compact rows, and others standing on their own. This unusual layout may indicate that cemetery plots between the existing headstones were never claimed; or, they were, and over the course of the cemetery's 200-year history all signs of the headstones and monuments have been lost. A tributary of Sheldon Creek, now channelized, cuts through the north corner of the property. The cemetery's vegetation and absence of large buildings provides a visual break in the surrounding residential pattern. Although modest, these elements form a park-like setting, which form an attractive, peaceful space in which to grieve and remember.

5.3 History and design of grave markers and monuments

Bronte Cemetery has cultural heritage value and significance in its design, evolution, and association with locally significant individuals. The cemetery also provides an understanding of the history and evolution of Bronte Village, Trafalgar Township, and modern Oakville. The cemetery's markers and monuments, from the oldest to those from the early days of the 21st century, demonstrate a range of materials, sizes and designs, and together they provide an understanding of how the cemetery has developed and evolved over the past 200 years. The cemetery's markers and monuments are heritage attributes that physically represent this heritage value and significance.

One of the aspects that makes Bronte Cemetery so visually appealing is its variety of grave markers and monuments, which range from standard upright headstones, subtle flat headstones, and more elaborate obelisk headstones. The size, material and design of the grave markers and monuments reflect the era in which they were produced, the personal preferences of the people for whom they were made, and possibly their level of wealth.



Figure 36: Individual and clustered headstones, and mature trees dot Bronte Cemetery's open spaces. November 2021

Bronte Cemetery reflects the evolution of 200 years of existence. Graves have been lost to severe storms, the effects of which are inevitable this close to the lake's edge. Over time headstones have been lost and not replaced, resulting in a landscape of open spaces interspersed with clusters of headstones, some of which form family plots.

Bronte Cemetery is associated with the area's earliest settlers, including the Sovereign and Belyea families. Figures 37, 38 and 39 below show some of the earliest grave markers and monuments in the cemetery, including those of the Sovereign and Belyea families.

Philip Sovereign transferred the land upon which the cemetery was established. Although not the earliest headstone in the cemetery, Philip Sovereign's is one of the cemetery's earlier markers. It commemorates his death on 2 July 1833, just three years after he deeded the land to the cemetery trustees. Like many of the stones in the cemetery, Sovereign's stone was restored in 2017.



Figure 37: Headstone of Philip Sovereign who died in July 1833. June 2021

The Belyea family were involved in Bronte's early commercial fishing industry. John Belyea fought in the War of 1812 and was the great-grandson of Louis Boulier, a Huguenot from Saintonge, France, "who came to North American following the Revocation of the Edict of Nantes in 1685."^{252, 253}

²⁵² Oakville Historical Society newsletter, The Belyea Family of Bronte, by Julie Thompson, Volume 51, Number 2, June 2017, page 7.

²⁵³ United Empire Loyalists, David Hongisto, <http://www.uelac.org/Loyalist-Info/extras/Belyea-John/Belyea-family-history-David-Hongisto.pdf> (accessed 18 November 2021).



Figure 38: Early grave markers include the combined headstone of John Belyea (1776-1825) and his son Benjamin (1825-1835). June 2021

The headstones of Jacob (1754-1837) and Frances Young (1769-1842), are made of limestone. Limestone is a sedimentary rock typically composed of calcium carbonate, and it “forms when shells, sand, and mud are deposited at the bottom of oceans and lakes and over time solidify into rock”.²⁵⁴ Upon closer inspection, limestone usually reveals fossil fragments such as bits of shell. Although convenient as a source material because it is readily available locally, limestone as a material of choice for headstones has faded from popularity because it is porous and lacks durability. This is evident in the loss of detail seen in the Young’s headstones over the course of just four years.

²⁵⁴ U.S. Geological Survey, *How do you recognize limestone and marble?*, <https://pubs.usgs.gov/gip/acidrain/4.html> (accessed 18 November 2021)



Figure 39: The limestone markers of Jacob and Frances Young, after restoration in November 2017, and in November 2021. Note the extensive weathering and loss of detail in just four years.²⁵⁵

Jacob and Frances Young’s final resting places are also notable for their footstones. Like a headstone, a footstone is a small marker used to mark the boundaries of a grave. Placed at the feet of the deceased, the footstone typically only contains the person’s initials, but sometimes it also contains additional personal information. As well as providing information about the deceased, a footstone can prevent accidental excavation and overcrowding of the graveyard. Footstones also help to indicate the extent of

²⁵⁵ H.G. Hardwick & Son Ltd., *Bronte Cemetery Conservation Recording Form, Jacob Young*, November 2017.

the burial plot, so that visitors can avoid inadvertently walking over the grave, something considered disrespectful and bad luck.²⁵⁶



Figure 40: France and Jacob Young's footstones. November 2017 ²⁵⁷

Throughout the 19th century, other than wood, marble was the most commonly used material for grave markers and monuments. It was sometimes sourced locally in Ontario, but much of it came from places like Vermont and even Europe.²⁵⁸ Mary Cramer's headstone is made of marble.



Figure 41: Mary Cramer's marble headstone in November 2017 and November 2021

Marble starts as sedimentary limestone. The natural rock forming process of heating and squeezing cause sedimentary limestone grains to recrystallize and form marble. Typically, marble is light coloured; it is

²⁵⁶ Paul Hawes, *Funeral Companion, Is A Headstone Put At The Head Or Feet? Find Out Why*, <https://funeralcompanion.com/headstones-head-or-feet/> (accessed 25 November 2021)

²⁵⁷ H.G. Hardwick & Son Ltd., *Bronte Cemetery Conservation Recording Form, Frances and Jacob Young*, November 2017.

²⁵⁸ Tamara Anson-Cartwright, ed. *Landscapes of Memories: A Guide for Conserving Historic Cemeteries*, (Toronto: Queen's Printer for Ontario, 2003), 7.

composed of crystals of calcite locked together like pieces of a jigsaw puzzle; and, it may contain coloured streaks that are indicative of the inclusion of non-calcite minerals.²⁵⁹

Like limestone, marble grave markers and monuments also tend to experience considerable decay from acid rain, snow and fog. Sulfuric acid and acid gases in rain often create layers of a dark gypsum crust on headstones that eventually leads to the loss of the surface, including the stone's historic inscriptions.²⁶⁰

This deterioration is visible in Figure 42 below on the headstone shared by Jeremiah and Eliza Adam's children, Stanley, Mary and Gladys.



Figure 42: Stanley, Mary and Gladys Adams Vermont marble headstone immediately after restoration (November 2017) and four years later (November 2021)

On older monuments, many visual patterns and designs were repeated. In *Old Canadian Cemeteries: Places of Memory*, Jane Irwin notes that, "Such conformity confirms the undeniable fact that we are all travelling to the same end and is oddly reassuring."²⁶¹ These symbolic images have both public and private meaning and continue to pass on important messages and life lessons to passers-by today.

An open book found on a headstone can represent many different things including the Bible, faith, knowledge, or the book of life, and a thistle is associated with earthly sorrow as well as with the crown of thorns worn by Christ.²⁶²

²⁵⁹ U.S. Geological Survey, *How do you recognize limestone and marble?*, <https://pubs.usgs.gov/gip/acidrain/4.html> (accessed 18 November 2021)

²⁶⁰ Anson-Cartwright, ed. *Landscapes of Memories*, 8.

²⁶¹ Jane Irwin, *Old Canadian Cemeteries: Places of Memory* (Richmond Hill, Ontario: Firefly Books Ltd., 2007), 223.

²⁶² Douglas Keister, *Stories in Stone: A Field Guide to Cemetery Symbolism and Iconography* (Layton, Utah: Gibbs Smith, Publisher, 2004), p. 55.



Figure 43: Headstones of Rev. Robert Johnson (c.1799-1884) and Sydeny Francis Butler (1858-1880) include open book icons. November 2021

The cross is thought to be humankind’s oldest symbol. Predating Christianity by thousands of years, in its simplest form, the two equal length lines make an X, as in “X” marks the spot. All cultures use the X sign as well as the + plus sign cross, and the circle. The ancient + plus sign cross had many meanings among pagan cultures, but most notably it symbolized the divide between heaven and earth. It is the + plus sign cross that was adopted by Christianity and is now known as the Greek Cross.²⁶³



Figure 44: The Shaw and Bowen headstones include the Greek Cross icon. November and June 2021 respectively.

After the cross, the urn is one of the most commonly used cemetery monuments. The word ‘urn’ derives from the Latin ‘uro’, meaning "burn", and is believed to testify to the death of the body and the dust into which it turns, while the spirit of the departed eternally rests with God.²⁶⁴ An urn and stylized weeping Willow trees adorn the headstone of Richard English Sr. English, who was a native of Cumberland, England, died on 19 October 1867 when he was almost 82 years old.²⁶⁵

²⁶³ Keister, *Stories in Stone*, 172

²⁶⁴ Thought Co., *Photo Gallery of Cemetery Symbols and Icons*, Draped Urns, <https://bit.ly/2yKZ6T3> (accessed 20 February 2020).

²⁶⁵ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-6.



Figure 45: Headstones with weeping willows. Richard English Sr. (1785-1867) and Mary Ann Hager (1810-1850).
November 2021

In the early 1800s, Weeping Willow trees were a popular funerary art symbol. Weeping Willow trees are usually easily identifiable with their broad crowns and drooping branches. As on Richard English Sr.'s headstone, it was not uncommon to see other Greek symbols used alongside of the tree, including items such as an urn, a nymph, or a Grecian pedestal. However, they also can stand alone, as it does on Mary Ann Hager's (1810-1850) headstone. The trees' very name seems to invoke the tears of the loved ones of the deceased. However, a weeping willow tree on a headstone also represents happiness and immortality.²⁶⁶

As the lion is known as the King of the Beasts, Oak trees are known as the King of Trees.²⁶⁷ Oak leaves and acorns are often used on a headstone to represent the mighty oak tree which symbolizes "strength, honor, longevity and steadfastness".²⁶⁸

On the headstone of young Wilbert Wallace are two oak leaves. Wilbert, who died at 2-½ years old in 1874, was the son of Eveline and Warren Wallace. He is one of four of the Wallace's children who are buried at Bronte Cemetery; the youngest being Mary A. who died in February 1864 at just 1 year and 7 months old, and the eldest being Joshua, who died in October 1866 at 17 years old.²⁶⁹

²⁶⁶ Chris Raymond, Funeral Help Centre, *Cemetery Headstone Symbols: Weeping Willow Tree*, 28 April 2021, <https://www.funeralhelpcenter.com/cemetery-headstone-symbols-weeping-willow-tree/> (accessed 25 November 2021).

²⁶⁷ Keister, 62

²⁶⁸ Thought Co., *Photo Gallery of Cemetery Symbols and Icons*, Oak Leaves & Acorns, <https://www.thoughtco.com/photo-gallery-of-cemetery-symbolism-4123061> (accessed 25 November 2021)

²⁶⁹ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-4.

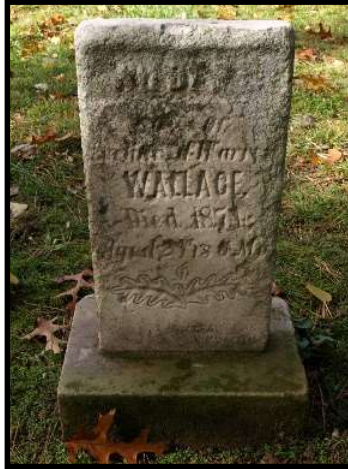


Figure 46: Two oak leaves decorate the headstone of Wilbert Wallace (c.1871-1874). November 2021 ²⁷⁰

During the Victorian period, which in Canada corresponded to Queen Victoria’s reign of 1837-1901, graveyard symbols changed from those warning the living of their mortality and the need to repent (grim skulls and flying hourglasses) to those that represented love and comfort (lambs, laurel wreaths and clasped hands). These new motifs suggested solace after death. Clasped hands specifically symbolised “a farewell to earthly existence, God’s welcome into heaven, friendship, solidarity, unity, partnership and matrimony, particularly if both masculine and feminine sleeves are present” .²⁷¹



Figure 47: James Baker (1849-1877) and Catharine Van Fleet (1782-1867). November 2021

Bronte Cemetery includes a few examples of obelisk markers. Originating in Egypt during the time of the Old Kingdom, which existed between roughly 2650-2134 B.C., obelisks are representative of a ray of sunlight. The sides of Egyptian obelisks were often inscribed, and the pyramidal top was covered in a veneer of gold which reflected sunlight.²⁷²

²⁷⁰ Halton-Peel Branch, The Ontario Genealogical Society, *Trafalgar Township Cemeteries*. (Oakville, Ontario: 1999) 1-4.

²⁷¹ Foster, Gary S., and Lisa New Freeland. “Hand in Hand Til Death Doth Part: A Historical Assessment of the Clasped-Hands Motif in Rural Illinois.” *Journal of the Illinois State Historical Society* (1998-) 100, no. 2 (2007): 128–46. <http://www.jstor.org/stable/40204677> (accessed 15 January 2022).

²⁷² Keister, 16



Figure 48: From left to right, the Dorland and Triller family obelisks, November 2017, and the Sovereign family obelisk. November 2021 ^{273, 274}

As one of the larger and more complex markers in a cemetery, obelisks often mark the graves of the community's wealthier residents.²⁷⁵ Years since their deaths, the Dorland, Triller and Sovereign families' obelisks serve to remind the community of their relative wealth and position in early Bronte society.

The Dorland family obelisk commemorates Manuel (Emanuel) Dorland (1828-1903) and his sons William G. (c.1860-1886) and Biron (Byron) Dorland (c.1862-1886). The Dorland brothers perished together on Lake Ontario in a winter storm in December 1886. The Triller obelisk commemorates Jacob Triller (1792-1858) and his daughters, Amaranda (Mandan) Marlatt (1828-1864) and Malissa (or Melissa) Triller (1836-1836). Jacob Triller was the son of Philip and Catherine (nee Young) Triller. The Sovereign obelisk is dedicated to the memory of Charles Sovereign (1798-1885), his wife Elizabeth Ann (nee Howell) (1805-1864), and four of their children, Triller Howell Sovereign (1838-1860), Mary Green Sovereign (c.1830-c.1860), Charles Richmond Sovereign (1836-1858), and the aforementioned Horatio Sovereign (1826-1829).

Not surprisingly, Bronte Cemetery, as a cemetery for a community that exists because of its location on Twelve Mile Creek and on the north shore of Lake Ontario, includes a number of nautical themed headstone embellishments. Archibald K (Skin) MacDonald (1908-1971), has one such headstone.

²⁷³ H.G. Hardwick & Son Ltd., *Bronte Cemetery Conservation Recording Form, Manuel, William G., and Biron Dorland*, November 2017.

²⁷⁴ H.G. Hardwick & Son Ltd., *Bronte Cemetery Conservation Recording Form, Jacob Triller*, November 2017.

²⁷⁵ Irwin, "Old Canadian Cemeteries," 231.



Figure 49: Archibald Macdonald's headstone is engraved with a ship, and one of multiple buried "McDonald" family plot markers. November 2021

The Vermont marble headstone of Joseph C. Triller and his second wife Jane is decorated with an anchor afloat on a body of water.²⁷⁶



Figure 50: Vermont marble headstone of Joseph C. Triller and his second wife Jane. November 2021

The Vermont Marble Company was the largest manufacturer of marble goods in the United States by the turn of the 20th century. The company's use of mass production and product catalogues allowed it to establish a national distribution network. The Vermont Marble Company became a critical force in the

²⁷⁶ H.G. Hardwick & Son Ltd., *Bronte Cemetery Conservation Recording Form, Joseph C. Triller*, November 2017.

standardization and distribution of headstones across the U.S.²⁷⁷ Bronte Cemetery includes a number of examples of Vermont marble headstones.²⁷⁸

The anchor on Joseph C. Triller’s headstone represents hope. It is a reference to the New Testament’s Epistle to the Hebrews, whose “essential purpose was to exhort Christians to persevere in the face of persecution”.²⁷⁹ One of the three theological Virtues, Hope is almost always depicted with an anchor, “an ancient symbol of hope”.²⁸⁰

By the late 19th century, granite became the more popular type of stone used for monuments and remains the most popular material today because of its solidity and durability.²⁸¹

Roses are the quintessential emblem of earthly love.²⁸² In Victorian era cemeteries, roses often grace the graves of women, and a broken rosebud was often used to decorate the graves of children.²⁸³



Figure 51: Infants, Jacqueline (born and died 1935) and Bonita (1936-1937) Van Fleet, are commemorated in granite embellished with flowers. November 2021

Bas-relief roses embellish Mary Cramer’s monument.

²⁷⁷ *Monumental mass marketing: how the Vermont Marble Company standardized memorials in early 20th century America*, https://repository.upenn.edu/cgi/viewcontent.cgi?article=1709&context=hp_theses (accessed 14 January 2022)

²⁷⁸ H.G. Hardwick & Son Ltd., *Oakville Final Con Records 2017 Bronte 1*, Town of Oakville, Heritage Planning files, November 2017.

²⁷⁹ Keister, 111

²⁸⁰ Keister, 103

²⁸¹ Anson-Cartwright, 9.

²⁸² Stoneletters, “Gravestone Symbols and Carvings - Meaning and Inspiration, Rose,” <https://stoneletters.com/blog/gravestone-symbols> (accessed 27 February 2020).

²⁸³ Keister, 43



Figure 52: Mary, wife of William Cramer, died in 1844 at the age of 46. November 2021.

Bronte Cemetery contains no intact family plots. However, evidence of past family plots remain in the four marble corner markers of an unknown family. The post have holes at the top, where chains or metal rods would have sat, enclosing the plot. Also in the cemetery are multiple small square stone markers that demarcate the McDonald family plot.



Figure 53: One of four marble corner markers, demarcating the limits of an unnamed family plot. A McDonald family plot marker. November 2021

In 1915, Fabian Ware, a Commander of a mobile British Red Cross unit, founded the Graves Registration Commission. He felt that a huge injustice would be done if the final resting places of the war dead were not somehow recorded and commemorated. In May 1917, the Imperial War Graves Commission was established by Royal Charter. The Commission was, and subsequently Veterans Affairs Canada remains, responsible for officially honouring each fallen soldier by name. Regardless of how or where they fell, a soldier is commemorated with either a headstone, or, if the location of their remains is unknown or

inaccessible, with a memorial plaque.²⁸⁴ Sergeant Malcolm Wallace Bowen’s final resting place is marked by a Veteran Affairs Canada headstone.



Figure 54: Headstone of Sergeant Malcolm Wallace Bowen. November 2021

As granite markers and monuments became more popular and as technology improved around the turn of the 20th century, more elaborate designs began to appear on headstones. Moving beyond the basic inscriptions commonly found on 19th century markers and monuments, headstones became more decorative: images were etched, engraved, or added onto the marker including descriptions of the deceased, their homes, their pets or symbols representing their livelihood or hobby. Figure 55 below shows an example of a granite marker with decorative etching.



Figure 55: The Osborne’s late 20th century headstone is decorated with an etched truck arriving at the pearly gates. November 2021

²⁸⁴ Canada.com, “The Great War 1914 – 1918, Grave matters,” [Grave matters | World War I \(archive.org\)](https://www.canada.com/grave-matters/world-war-i/) (accessed 25 January 2022).



Figure 56: The Martin and Patterson family marker is an example of an early 21st century marker added to an earlier headstone. November 2021

Bronte Cemetery plays an important role in the grieving and commemoration process, and its grave markers and monuments are tangible heritage attributes representative of the history of the individuals and of their lives in Bronte village. Rather than a purely individual experience, these memorials serve as long-term public reminders of Bronte’s community and its people, facilitating bereavement and commemoration.

The process of selecting a memorial is significant as it is reflective of the individual’s values, religion, background, and status within the community. As a lasting physical reminder of the life of an individual, memorials provide a tangible connection to a person long after their death. As stated by Jane Irwin in *Old Canadian Cemeteries: Places of Memory*, “memories attach themselves to material things and places.”²⁸⁵ As a place to reflect upon the lives of loved ones, a headstone, and the cemetery as a whole, are personal, public, and permanent heritage attributes which provide a sense of continuity for grieving family and friends.

The cemetery physically embodies the community’s changing values and customs pertaining to death and burial, be they secular or religious. These changes, driven by both technological and cultural developments, articulate the ongoing evolution of the cemetery and community. Bronte Cemetery exemplifies the transformation of the cultural heritage landscape that occurred between the 19th and 21st centuries. The memorials of those who died in the early and mid-19th century are of particular significance because they may be the only record of their existence. Landscape designer John Claudius Loudon compared the cemetery to a history book or biography, “every grave...a page, and every head-stone or tomb a picture or engraving.”²⁸⁶ Through conserving the cemetery and memorials of Bronte Cemetery, the preservation of the personal and communal history, identity, and memories of the community is ensured.

²⁸⁵ Irwin, 271.

²⁸⁶ Loudon, *On the Layout Out, Planting, and Managing of Cemeteries*, 13.

5.4 Natural heritage landscape features of the cemetery

Beyond the grave markers and monuments, Bronte Cemetery has cultural heritage value for its natural heritage features including its close proximity to Lake Ontario, and its predominantly grassed open space punctuated by mature trees and a few large shrubs. The result is an attractive, peaceful park-like setting that provides a quiet setting for visitors.



Figure 57: View to Bronte Harbour from close to the southeast corner of the cemetery. June 2021



Figure 58: Headstones, mature trees and shrubs punctuate the cemetery's open spaces. November 2021

On the cemetery's north most boundary runs a tributary of Sheldon Creek, now channelized, which would originally have been an unconstrained natural stream. The cemetery is dotted with a variety of large trees and a few large shrubs. Between the vegetation, the cemetery is predominantly grassed open space. The most striking natural heritage landscape feature of the property is its proximity to Lake Ontario, which has shaped and defined the cemetery over the course of its existence. The sound of the lake is one of the

first sounds you become aware of, gently and persistently superimposing itself over the quiet of the cemetery.

For many, bereavement involves visiting and maintaining their loved ones' burial site. Placing flowers and small trinkets and adding permanent plantings to the grave is part of the grieving process. Over its history, the cemetery's shrubs and trees have grown into large specimens, which provide shade and visual interest, and combine to create a calm oasis within a suburban setting.

In addition to these natural heritage landscape features, the cemetery contains a variety of site furnishing features including two wooden benches and two signs; one which identifies the cemetery by name, and the second an interpretive panel. The benches are located at the bottom of the east leg of West Street, overlooking the West Street Promenade and Lake Ontario. As well as commemorating Peter Lowe, "Our Dad", and Peter Huyberts, the benches also provide visitors to the cemetery a place to rest, reflect, and take in the beauty of the surroundings.



Figure 59: Hardscaping features are limited in Bronte Cemetery but include memorial benches and interpretive signage. November 2021

The two signs include a smaller one, which identifies the cemetery by name, and a larger interpretive panel, which outlines a brief history of the cemetery, including its origins and information on people interred in the cemetery, including early settlers and sailors lost to the lake.

The cultural heritage landscape's value is embodied in the natural heritage and hardscaping features that combine to create a site of commemoration and reflection. It is a multi-layered site that encompasses both individual and collective cultural experience.



Figure 60: Mature trees and shrubs dot the cemetery property. June 2021

6 Evaluation of Cultural Heritage Value or Interest

Bronte Cemetery has previously been identified as having cultural heritage value and interest. In 1987, it was identified and protected by designation By-law 1987-294, attached as Appendix A.

6.1 Criteria for Determining Cultural Heritage Value or Interest

The *Ontario Heritage Act's, Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*, attached as Appendix B, guided the evaluation of the cultural heritage value of Bronte Cemetery. The *Town's Cultural Heritage Landscape Strategy* guided the evaluation of the subject property as a potential Cultural Heritage Landscape. Evaluation of the subject property considered the components, layout, and evolution of Bronte cemetery.

6.2 Summary of Evaluation Findings

Per UNESCO's (United Nations Educational, Scientific and Cultural Organization) categories of cultural heritage landscapes, which the Town adopted in its 2014 *Cultural Heritage Landscapes Strategy*, Bronte Cemetery falls within the Organically Evolved (Relict) Landscape category. The cultural heritage landscape at Bronte Cemetery is the result of "an initial social [and] religious imperative [which] has developed in its present form by association with and in response to its natural environment."²⁸⁷ The Town, as the cemetery owner and administrator, has deemed Bronte Cemetery to be an "inactive or pioneer cemetery", meaning that burial plots are no longer being sold, however historic interment rights continue to be honoured.²⁸⁸ As such, Bronte Cemetery can be categorized as a relict landscape "in which an evolutionary process came to an end at sometime in the past", but its "distinguishing features are...still visible in material form."²⁸⁹ The property articulates 200 years of the cemetery's evolution, as well as Bronte Village's spiritual and burial needs and practices.

Per the *Provincial Policy Statement, 2020*, Bronte Cemetery qualifies as a significant *cultural heritage landscape*, which is described as "a defined geographical area that [has] been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community."²⁹⁰ Further, Bronte Cemetery includes "spaces, views, archaeological sites [and] natural elements that are valued together for their interrelationship, meaning and association".²⁹¹

6.3 Statement of Cultural Heritage Value and Significance

Description of Property

Bronte Cemetery is an approximately 0.3546 hectare (0.88 acre) cemetery, located on the north shore of Lake Ontario and is bounded by West Street on its west, north and east sides. The property is surrounded by residential development on three sides and Lake Ontario to the south. Historically the property forms part of Lot 32, Concession 4 South of Dundas Street (or SDS), which is also known as Broken Front Concession (or BF). Today it's municipal address is 32 West Street.

Statement of Cultural Heritage Value or Interest

²⁸⁷ UNESCO World Heritage Centre, 86.

²⁸⁸ Interview with Lisa Yourkevich, Cemetery Administrative Clerk, Parks & Open Space, Town of Oakville, 27 October 2021

²⁸⁹ UNESCO World Heritage Centre, 86.

²⁹⁰ Ministry of Municipal Affairs and Housing, 42.

²⁹¹ Ibid.

Bronte Cemetery is an Organically Evolved (Relict) cultural heritage landscape that has significant religious and spiritual value to the families of those who rest there, to Bronte, and to Oakville as a whole. It is significant as a cemetery that was established specifically to provide a resting place for people of all orders, sects, nation and parties. The Bronte Cemetery cultural heritage landscape is a vernacular rural cemetery. Although it predates the rural, or garden, cemetery movement by a few decades, the Bronte Cemetery CHL is significant as an early 19th century cemetery that, throughout its evolution, has incorporated elements associated with the movement. To mitigate overcrowding and health concerns, rural cemeteries were typically located between one to five miles (1.6 to 8 km) outside of city limits. Bronte Cemetery was established just west of the historical limits of Bronte Village. Bronte Cemetery is an inactive cemetery; meaning that burial plots are no longer being sold and only those who can prove they have historic interment rights are being laid to rest in the cemetery. The limitation on new burials, and the cemetery's pattern of widely spaced markers and monuments, gathered in clusters with large expanses of lawn between, is indicative of the fact that the CHL is a place where an evolutionary process has substantially come to an end. As such, Bronte cemetery qualifies as a relict, organically evolved, cultural heritage landscape.

Bronte Cemetery cultural heritage landscape has design and physical value for its collection of early and representative markers and monuments which display a variety of materials and styles typical of 19th, 20th and 21st century monuments, including some that display a high degree of craftsmanship and artistic merit. Predominantly created as a utilitarian space in which to bury the community's dead, the Bronte Cemetery CHL has evolved to include many examples of monument design which is reflective of the changing attitudes towards death that was occurring shortly after the cemetery was established. Images of hope and immortality replaced symbols of puritanical pessimism. Winged cherubs, oak leaves, roses and willow tree emblems replaced death's head, with its stylized skull with wings or crossed bones.

The Bronte Cemetery cultural heritage landscape also has design and physical value for its natural heritage features, including a variety of large, mature trees; its open expanses of lawn; and, the steep, treed slope overlooking the north shore of Lake Ontario. Plantings, such as large clusters of ornamental grasses and hostas adorn some headstones.

As with rural cemeteries, the Bronte Cemetery cultural heritage landscape's combination of natural heritage attributes, and its variety and placement of markers and monuments has evolved into a peaceful, bucolic setting. It is a place where families of the deceased can grieve, remember and reflect, and where the public can enjoy the outdoors amidst art and sculpture, which historically was often an opportunity only available to the wealthy.

The Bronte Cemetery cultural heritage landscape has historical and associative value as one of the earliest cemeteries in Trafalgar Township. The first documented burial occurred in 1823, roughly seven years before the land was deeded to the Cemetery Trustees, and eleven years before Bronte Village was established. The Bronte Cemetery cultural heritage landscape yields, or has the potential to yield, information that contributes to an understanding of the early settlement of the village. The CHL is significant as the burial site of many of the village's earliest settler families, including some of the area's earliest Black settlers. Many of these early settlers played significant roles in the development of the community, including the Sovereign family who provided the land upon which the cemetery was established, and who deemed that the cemetery was to be open to people of "all orders, sects, nations and parties". Other significant early settler families who rest in the cemetery include, but are not limited to, the Adams, Belyea, Dorland, Howell, and Triller families. As a vernacular rural cemetery, the cultural heritage landscape yields, or has the potential to yield, an understanding of the evolution of 200 years of

burial practices. Further, as a cemetery with no affiliation to a specific church or religious order, the cultural heritage landscape yields, or has the potential to yield information about the early Bronte Village community.

As a place inextricably linked to the history of the Bronte Village, the Bronte Cemetery cultural heritage landscape defines, maintains, and supports the historic character of the area. It is physically, functionally, and historically linked to its surroundings; and, it is a landmark within the community. The Bronte Cemetery cultural heritage landscape has significance as a park-like open space that supports the character of the area. The CHL is physically linked to the natural spaces of the adjacent West Street Promenade Trail system and beyond that to Lake Ontario. Functionally, Bronte Cemetery has contextual value as it has retained its original purpose as a burial ground in its original location, uninterrupted for 200 years. Bronte Cemetery is historically linked to Bronte Harbour and to Charles Sovereign's home, the Sovereign House. The Bronte Cemetery cultural heritage landscape is a landmark within the community.

Heritage Attributes

Key heritage attributes which contribute to Bronte Cemetery's overall cultural heritage value and significance as a cultural heritage landscape include its:

- defined geographical area which has been modified by human activity;
- location in Bronte on early settlement grounds; and
- relationship between the property's topography, natural elements, and its variety of markers and monuments.

Key geographic, natural and hardscaping attributes which contribute to Bronte Cemetery's overall cultural heritage value and significance as a cultural heritage landscape include its:

- location adjacent to the West Promenade Trail, overlooking the north shore of Lake Ontario;
- views and vistas within the cemetery, and toward the West Promenade Trail and Lake Ontario;
- placement and variety of mature trees that form a canopy above the headstones, which include mature Red Oak, White Pine, Mulberry, Sugar Maple, Black Locust and Black Cherry; and new plantings of Oak and Tulip trees;
- placement and variety of mature shrubs;
- channelized, tributary of Sheldon Creek, that cuts through the north corner of the property, that is kept manicured and lined with paving stones, and serves as a drainage swale; and,
- park-like setting.

Key built heritage attributes of the markers and monuments, including fragments of markers and monuments, which contribute to the cultural heritage value and significance of the cemetery at Bronte Cemetery include their:

- location and orientation;
- range of size and sophistication, from modest to elaborate;
- variety of styles, materials and symbolism represented;
- shape and form, including decorative elements;
- surviving inscriptions;
- various construction methods and techniques;
- remnant posts of a family plot demarcating an unknown families' family plot; and,
- multiple small square stone markers, demarcating the McDonald family plot.

6.4 Evaluation of Provincial and/or National Historic Significance

A cultural heritage landscape may have values that are significant, to one or multiple communities, at a local, provincial and/or national level. In these instances, it may be necessary to apply a range of interpretive and interdisciplinary tools and approaches to understand a property. Should it be determined that the subject property be evaluated for its Provincial or National significance, a third party will be engaged to undertake this assessment.

7 Conclusion

The creation of the Town of Oakville's *Cultural Heritage Landscape Strategy* came about, in part, as a result of heritage conservation policies outlined in the *Livable Oakville Plan*; the *Planning Act*; the *Provincial Policy Statement*; and, the *Ontario Heritage Act*. The purpose of the *Cultural Heritage Landscape Strategy* is to provide a framework for the identification and protection of the town's cultural heritage landscapes, and to provide direction for protecting and managing these resources for the future. Cultural heritage landscapes provide a wider understanding of the context of how built resources, natural heritage and land uses function together as a whole. This report was undertaken to determine if Bronte Cemetery satisfies the criteria to be identified as a cultural heritage landscape.

The evaluation of the property's potential cultural heritage value and significance was based upon criteria outlined by the United Nations Educational, Scientific and Cultural Organization (UNESCO); Ontario Regulation 9/06 (*Ontario Heritage Act*); Ontario Ministry of Municipal Affairs and Housing's *Provincial Policy Statement, 2020*; and, the aforementioned Town of Oakville *Cultural Heritage Landscape Strategy*. Specifically, the assessment considered the layered, nested, and overlapping aspects of cultural heritage landscapes.

Based on this approach, it has been determined that Bronte Cemetery has cultural heritage value as an Organically Evolved (Relict) cultural heritage landscape.

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9 Appendices

9.1 Appendix A: Designation By-law 1987-294

By-law 1987-294 - A by-law to designate a certain property as a property of historic and architectural value and interest (Bronte Cemetery) as passed by Council on 5 November 1987.

NO 82167


THE CORPORATION OF THE TOWN OF OAKVILLE
BY-LAW 1987-294


A by-law to designate a certain property as a property of historic and architectural value and interest (Bronte Cemetery)

THE COUNCIL ENACTS AS FOLLOWS:

1. The property known as Bronte Cemetery is hereby designated as a property of historic and architectural value and interest pursuant to The Ontario Heritage Act, for the reason set out in Schedule "A" to this by-law.
2. The property designated by this by-law is the property described in Schedule "B" attached to this by-law.

PASSED by the Council this 5th day of November, 1987


MAYOR


CLERK

SCHEDULE "A"
to By-Law 1987-294

REASON FOR DESIGNATION

One of the oldest cemeteries in Trafalgar Township, the burial grounds on West Street date from the 1820s. The site was deeded by Philip Sovereign to Trustees of the cemetery in 1830.

Of Palatine German descent, Philip Sovereign (1778-1833?), arrived in Bronte in 1814 from Sussex County, New York. His son, Charles Sovereign (1798-1885), farmed the lands to the west of the cemetery until his death.

The first burial to take place in this cemetery was that of Hannah S. Haviland, aged 4 weeks, who died on October 28, 1823.

The following early settlers' names appear in Bronte Cemetery:
Adams, Belyea, Butler, Dorland, Lucas, MacDonald, McWane, Osborne, Ribble, Sovereign, Triller, and Williams.

SCHEDULE "B"
to By-Law 1987-294

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying, and being in the Town of Oakville, Regional Municipality of Halton, and being composed of Part of Lot 32, Concession 4, South of Dundas Street, more particularly described as follows:

COMMENCING at the Northeasterly angle of the said lot;

THENCE N 66° W, 396' (6 chains);

THENCE S 38° W, 132' (2 chains);

THENCE S 66° E, 396' (6 chains);

THENCE along the water's edge of Lake Ontario 132' (2 chains) to the point of commencement;

Now containing all that land bounded on the Northeast by the Southwesterly limit of West Street and bounded on the Southwest and the Northwest by the Northeasterly and Southeasterly limits of the Old Lakeshore Road as shown on a plan registered in The Registry Office for Halton as Number 198 and bounded on the Southeast by the high water mark of the Northwesterly shore of Lake Ontario. As in Instrument No. 32476 for Trafalgar registered on the 17th day of May 1955.

9.2 Appendix B: Ontario Regulation 9/06:

Français

Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Consolidation Period: From January 25, 2006 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

Français

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9.3 Appendix C: Definitions of cultural heritage landscapes

The United Nations Educational, Scientific and Cultural Organization (UNESCO) states that:

Cultural landscapes are cultural properties and represent the "combined works of nature and of man".²⁹² They continue, advising that these areas are "illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal."²⁹³

UNESCO's definition of an Organically Evolved Landscape is a landscape that "results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features."²⁹⁴ Further, within the Organically Evolved Landscape category, two sub-categories were identified. They are the:

- Relict (or fossil) landscape, "in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features, are, however still visible in material form."²⁹⁵; and
- Continuing landscape which "retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time."²⁹⁶

The Province of Ontario states that a:

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.²⁹⁷

The Town of Oakville states that:

*A cultural heritage landscape is the recognizable imprint of human settlement and activities on land over time. But while any landscape that has been deliberately modified by humans is a cultural landscape, only those cultural landscapes that have a deep connection with the history of the community and are valued by the community can be identified as 'cultural heritage landscapes'. Cultural heritage landscapes can include any combination of built structures (i.e. houses, barns, shops, bridges), natural heritage (i.e. trees, hedges, lawns), transportation routes (i.e. roads, pathways, trails) and viewscapes or vistas, providing that these features demonstrate the required significance and value.*²⁹⁸

²⁹² UNESCO World Heritage Centre, 85.

²⁹³ Ibid.

²⁹⁴ Ibid, 86.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Ministry of Municipal Affairs and Housing, 42.

²⁹⁸ Planning Services Department, PDF, "Cultural Heritage Landscape Strategy," 5.

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Heritage Oakville Advisory Committee

MINUTES

Date: March 22, 2022

Time: 9:30 am

Location: Virtual Meeting

Members: Drew Bucknall, Chair
Gerarda (Geri) Tino, Vice-Chair (As of 9:33 a.m.)
Councillor Duddeck
Councillor Gittings
Russell Buckland
Kerry Colborne
Robert Ferguson
George Gordon
Susan Hobson
Brenda Sweeney

Regrets: Daniela Hampton-Davies

Staff: Gabe Charles, Director of Planning Services
Kirk Biggar, Acting Manager of Policy Planning and Heritage
Susan Schappert, Heritage Planner
David Addington, Heritage Planner
Jill Marcovecchio, Council and Committee Coordinator (In person)

A virtual meeting of the Heritage Oakville Advisory Committee was held on March 22, 2022, in the Council Chamber of the Oakville Municipal Building, commencing at 9:30 a.m.

These minutes will go forward to the Planning and Development Council meeting of April 4, 2022, for approval. Please view those minutes to note any changes Council may have made.

1. Regrets

As noted above.

2. Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

3. Confirmation of Minutes of Previous Meeting(s)

Moved by George Gordon

That the minutes of the Heritage Oakville Advisory Committee meeting of February 22, 2022, be approved.

CARRIED

4. Discussion Item(s)

4.1 Heritage permit application HP009/22-42.0F - 46 First Street – Construction of a rear addition to the house

Moved by Gerarda (Geri) Tino

1. That Heritage Permit Application HP009/22-42.0F for the construction of a rear addition to the house at 46 First Street, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:
 - a. That final details on the cladding and proposed windows and doors be submitted to Heritage Planning staff for final approval; and,
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

4.2 Heritage permit application HP008/22-42.20T - 415 Trafalgar Road – Demolition of existing house and construction of new house

Moved by Susan Hobson

1. That Heritage Permit Application HP008/22-42.20T for the demolition of the existing house and the construction of a new house at 415

Trafalgar Road, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:

- a. That final details on the cladding, windows, doors and landscape materials be submitted to Heritage Planning staff for final approval; and,
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

4.3 Heritage Permit Application HP005/22-42.20K – 302 King Street – Replacement of garage and alterations to rear elevation

Moved by Councillor Gittings

1. That Heritage Permit Application HP005/22-42.20K for the replacement of the existing attached garage and alterations to the rear elevation at 302 King Street, as attached in Appendix B to the report dated March 15, 2022 from Planning Services, be approved subject to the following:
 - a. That final details on cladding, windows, doors and porch roof be submitted to Heritage Planning staff for final approval;
 - b. That any historical elements to be removed be made available for salvage; and,
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

4.4 Bronte Cemetery – Cultural Heritage Evaluation Report

The committee was pleased with the Draft Cultural Heritage Evaluation Report and acknowledged the research undertaken by staff. The committee recognized the importance of the Bronte Cemetery for the descendants of the families in the cemetery.

Susan Schappert, Heritage Planner, explained that a conservation plan in the future would focus on conservation and restoration efforts to maintain the existing cemetery setting and making some small improvements to the park.

The committee was concerned with the significant degradation of the tombstone markers from 2017 to 2021. The committee was also concerned with ongoing conservation of the monuments in the cemetery.

Susan Schappert advised there is a town monument restoration program, and that Bronte Cemetery is part of that program.

The committee expressed that the Black history of Bronte Cemetery was well-researched.

Susan Schappert thanked the individuals who shared their family histories, as well as assistance from the Bronte Historical Society.

A separate staff report will be forwarded to the April 4, 2022 Planning and Development Council for consideration.

Moved by Robert Ferguson

1. That the Draft Cultural Heritage Evaluation Report, attached as Appendix A to the report dated March 15, 2022 from Planning Services, be endorsed; and,
2. That Bronte Cemetery be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures.

CARRIED

5. Information Item(s)

There were no information items.

6. Date and Time of Next Meeting

Tuesday, April 19, 2022

Oakville Municipal Building

Virtual Meeting - 9:30 a.m.

7. Adjournment

Moved by Robert Ferguson

That this meeting be adjourned.

CARRIED

The meeting adjourned at 10:48 a.m.



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-027

A by-law to designate the cultural heritage landscape
of the Bronte Harbour and Bluffs

WHEREAS pursuant to Section 29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, the council of a municipality is authorized to enact by-laws to designate a real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the council of the Corporation of the Town of Oakville, by resolution passed on February 10, 2020, has caused to be served on the owners of the lands and premises in:

Bronte Harbour and Bluffs
Cultural Heritage Landscape Oakville, ON

and upon the Ontario Heritage Trust, notice of intention to designate the Bronte Harbour and Bluffs Cultural Heritage Landscape as a property of cultural heritage value or interest, and further, has caused the notice of intention to be published in the *Oakville Beaver*, being a newspaper of general circulation in the municipality;

AND WHEREAS notice of objection to the proposed designation was filed on March 20, 2020 by 2390454 Ontario Inc. and referred to the Conservation Review Board (CRB) and assigned the CRB Case Number 2015 ;

AND WHEREAS a resolution has been reached by the Town of Oakville and 2390454 Ontario Inc. and agreed upon through a Minutes of Settlement (MOS) for CRB 2015 to revise the view lines in accordance with Appendix D of the MOS;

AND WHEREAS the property owner withdrew their notice of objection to the proposed designation on January 27, 2022, providing notice to both the Town of Oakville and the Conservation Review Board;

AND WHEREAS pursuant to subsection 29(15) of the *Ontario Heritage Act* R.S.O. 1990, Chapter O.18 upon receipt of the notice of withdrawal, the Conservation Review Board did not hold a hearing and closed its file on February 11, 2022;

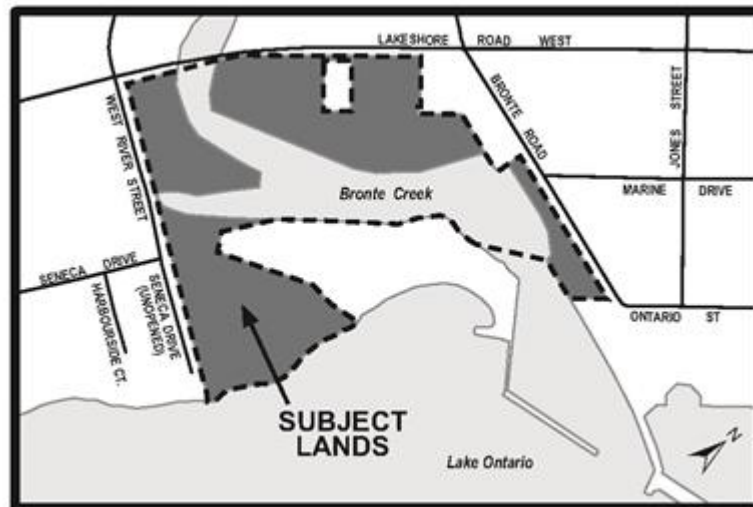
AND WHEREAS pursuant to subsection 29(6) of the *Ontario Heritage Act* R.S.O. 1990, Chapter O.18 the council of the Corporation of the Town of Oakville shall now pass a by-law designating the property and cause a copy of the by-law to be served, registered and published or withdraw the notice of intention to designate;

AND WHEREAS Council wishes to proceed to pass a by-law designating the property for its cultural heritage value or interest;

COUNCIL ENACTS AS FOLLOWS:

1. That the following real property, more particularly described in Schedule “A”, is hereby designated as being of cultural heritage value or interest, for the reasons set out in Schedule B:

Bronte Harbour and Bluffs
Cultural Heritage Landscape
Town of Oakville
The Regional Municipality of Halton



2. That the attached Schedules form part of the by-law.

3. And that the Town Solicitor be authorized to cause a copy of this by-law to be served on the property owner and Ontario Heritage Trust and to be registered against the property described in Schedule "A" at the Land Registry Office with the notice of by-law being published in a newspaper having general circulation in the municipality.

PASSED this 4th day of April, 2022

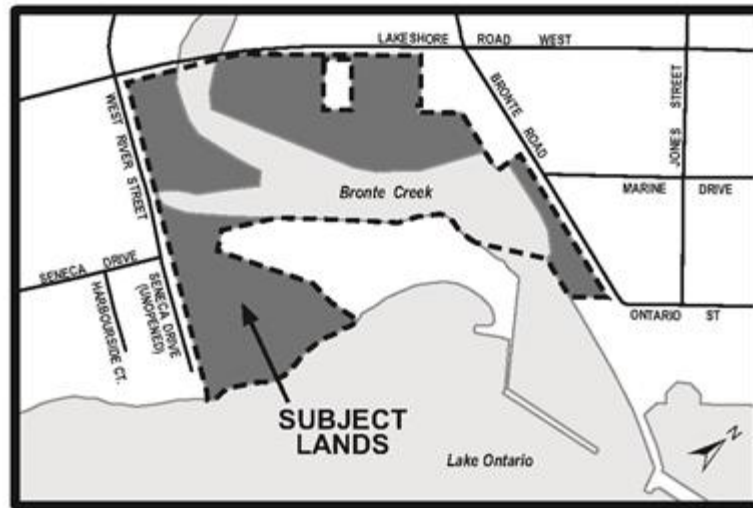
MAYOR

CLERK

SCHEDULE "A" TO
BY-LAW 2022-027

In the Town of Oakville in the Regional Municipality of Halton, property description as follows:

Bronte Harbour and Bluffs
Cultural Heritage Landscape



PCL STREETS-1, SEC M11 ; PT ONTARIO ST, PL M11 , LYING NE OF WEST RIVER ST ; OAKVILLE

PCL 90-1, SEC M11 ; LT 90, PL M11 ; OAKVILLE

PCL 89-1, SEC M11 ; LT 89, PL M11 ; OAKVILLE

PCL 88-1, SEC M11 ; LT 88, PL M11 ; OAKVILLE

PCL 86-1, SEC M11 ; LT 86, PL M11 ; OAKVILLE

PCL 86A-2, SEC M11 ; LT 86A, PL M11 , SAVING, EXCEPTING AND RESERVING UNTO HER MAJESTY THE QUEEN, IN RIGHT OF CANADA, HER HEIRS AND SUCCESSORS, THE FREE USE, PASSAGE AND ENJOYMENT OF, IN, OVER AND ABOVE ALL NAVIGABLE WATERS THAT SHALL OR MAY BE FOUND ON, OR UNDER, OR BE FLOWING THROUGH OR UPON ANY PART OF THE LANDS HEREBY GRANTED OR INTENDED SO TO BE ; OAKVILLE

PCL 85-1, SEC M11 ; LT 85, PL M11 , EXCEPT H2442 ; OAKVILLE

PCL 82-1, SEC M11 ; LT 82, PL M11 ; OAKVILLE

PCL 83-1, SEC M11 ; LT 83, PL M11 ; OAKVILLE

PCL 84-1, SEC M11 ; LT 84, PL M11 ; OAKVILLE

PCL 96-1, SEC M11 ; LT 96, PL M11 ; OAKVILLE

PCL 97-1, SEC M11 ; LT 97, PL M11 ; OAKVILLE

PCL 86-1, SEC M11 ; LT 98, PL M11 , EXCEPT PTS 10, 11 & 21, 20R8276 ;
OAKVILLE

LT 107, PL M11 ; S/T 2444 (SEE 213311 OAKVILLE); TOWN OF OAKVILLE

PCL 108-1, SEC M11 ; LT 108, PL M11 ; OAKVILLE

PCL BRONTE HARBOUR-1, SEC M11 ; "BRONTE HARBOUR", PL M11;
OAKVILLE "AMENDED SEPT 3, 98 J. MENARD"

PCL 131-1, SEC M8 ; LT 131, PL M8 ; OAKVILLE

PCL STREETS-1, SEC M11 ; ROAD, PL M11 , THAT UNNAMED ROAD
BETWEEN LOTS 95 & 96 ; OAKVILLE

PCL STREETS-1, SEC M11 ; PT SENECA DR FORMERLY CHISHOLM ST, PL
M11 , LYING E OF WEST RIVER ST ; OAKVILLE

LTS 92 AND 93 AND LT 91 S&E PTS 18 & 22, 20R8278.; TOWN OF OAKVILLE

SCHEDULE "B" TO
BY-LAW 2022-027

STATEMENT OF SIGNIFICANCE

Description of Property

The Bronte Harbour and Bluffs Cultural Heritage Landscape is an organically evolved harbour landscape that was initially the natural mouth of the Twelve Mile Creek (Bronte Creek) at Lake Ontario. The landscape began its long evolution as a purpose-built harbour in 1856. The cultural heritage landscape is an approximately 21.26 acre (8.6 hectare) area comprising the Inner Harbour, Bronte Bluffs and Berta Point.

Statement of Cultural Heritage Value or Interest:

Design and Physical Value:

The Bronte Harbour and Bluffs Cultural Heritage Landscape has physical/design value as a representative example of an organically evolved harbour landscape dating from the mid-19th century. The current harbour reflects an evolution from continuous improvements and additions over time to the natural landscape of Bronte Creek and Bronte Bluffs to accommodate commercial/industrial uses and recreational activities. Typical of organically evolved harbour landscapes, the Harbour retains features related to its past industries (i.e., Oakville Harbours Building), as well as design features that reflect its recreational use (i.e., treed slope of the Bluffs with trails and recreational boating infrastructure). Bronte Creek was dredged and the channel was widened by removing part of the wetlands. The two-headed creek mouth was changed to a single opening into Lake Ontario. Two piers were added and a lighthouse was built on the east side. The Bronte Harbour Company, established in 1846, completed the harbour in 1856.

A unique stone hooking fleet of ships developed at Bronte Harbour. At its peak in the late 19th century, there were over 40 schooners working the waters in Bronte Harbour. The practice of stone hooking began in the early 19th century and developed into an important industry in Ontario by the mid- to late-19th century. It involved gathering stone slabs from the lake bed using long rakes with hooks. Stone hookers from Bronte Village (as well as Port Credit, Oakville and Frenchman's Bay) supplied stone, sand and gravel for buildings in Ontario before the establishment of inland quarries and sand pits.

Within Bronte Harbour, a grist mill and harbour warehouses were built to support the fleets of grain-laden schooners. As demand for wheat and flour in England and Western New York State increased in the 1850s, the County of Halton became a

major wheat producing area in Ontario. By 1858, there was a decline in shipping. In the latter half of the 19th century, fishing shanties began to appear along the east side of Bronte Creek within the Inner and Outer Bronte Harbour. For many decades to follow, fishing was an important local industry supporting both area fishermen and local ship builders.

The Bronte Harbour and Bluffs Cultural Heritage Landscape contains a rare, remaining example of mid-20th century shipbuilding shed. Bronte Harbour was a shipbuilding centre. Melancthon Simpson was a builder of iron-hulled vessels, which were in high demand during the 1850s. Bronte was the ideal location to centralize ship-building, taking advantage of local tradesmen, the lumber trade, and local sawmills. At least four schooners were built by Melancthon Simpson in the Bronte Harbour area between 1852 and 1854. Around 1945, the Northern Shipbuilding and Repair Company owned by John A. McCleary built the Bronte Marine Building (present-day Oakville Harbours Building). For the first few years of its existence, the building was used to help construct and repair boats that were connected with the war effort, possibly for use by the Coast Guard. Between 1945 and 1954, 29 boats were constructed inside this large, two-storey shed. Most of the crafts were all-welded steel tugboat style vessels that served various purposes from logging to fishing and tanking. This type of building is rare and unique in Oakville and Bronte, as few surviving industrial buildings associated with the historic ship-building industry remain in each area. In 1955, it was purchased by Harry Greb who established the Metro Marine business in the building, which served the recreational boating market.

The use of Bronte Harbour shifted to recreation with the decline of the fishing and shipbuilding industries in the 1950s. In the 1930s, the harbour was dredged, creating a beach along the shore of Lake Ontario (currently Federally-owned land). Bronte Beach Park became a summer recreation destination for its beach, open spaces with shade trees and activities. Following the establishment of the beach, a change on the subject landscape occurred, resulting in the construction of small cottages on Bronte Bluffs and the Berta family property (present day Berta Point). By 1960, boat slips for recreational uses lined the north section of Bronte Harbour.

The Bronte Harbour and Bluffs Cultural Heritage Landscape also contains a representative Georgian style building, the Sovereign House. The Sovereign House was constructed for Charles Sovereign. The rear wing may date to 1834, and the Georgian portion on the building likely dates to 1846. Typical of the Georgian style is its symmetrical three-bay façade with a central entrance flanked by windows as well as the symmetrical two-bay side elevations. The side gable roof has a chimney at both gable ends and the rear elevation features a one-and-a-half storey wing with a gable roof. The interior wood floors and staircase appear to be original.

Historical and Associative Value:

The Bronte Harbour and Bluffs Cultural Heritage Landscape has historical/associative value due to its direct association with the Indigenous land-use of the area. The Bronte Bluffs and Harbour has been identified as an area of importance to the Mississaugas of the Credit First Nation (MCFN). The property was a prime location used for the Mississauga people to harvest food resources . The Mississaugas also located their villages on the flats of the Creek. Further, MNCF representatives stated that “reverence of water as a spiritual being that must be accorded respect and dignity. Water is also vital to the survival of the MCFN and all other forms of life.”

The Bronte Harbour and Bluffs Cultural Heritage Landscape is associated with key figures, companies and organizations related to the development of the harbour and the local history of Bronte Village. In addition to Melancthon Simpson, the Northern Shipbuilding and Repair Company owned by John A. McCleary, and Metro Marine established by Harry Greb, Joyce family members were early owners of properties on the bluffs and contributed to its recreational development. In particular, Thomas “Tom” Joyce, a fisherman, purchased all of the lots between West River Street and the eastern point of the Bluffs by 1893. The Joyce family continued to own the area and develop it as a cottaging destination. Alvin Bumby, a grandson of Thomas Joyce, ran the popular summer holiday destination “Lake Point Camp” from the 1930s through to 1950s. At one point there were 40 tent-sites located on the bluffs and the beach.

The land on the bluffs was purchased by the Town of Oakville in 1976 for use as a park, continuing the area’s recreational use. In 1988, the Town of Oakville moved the historic Sovereign House to the property. The house is historically tied to early pioneer Philip Sovereign who arrived in 1814 from Sussex County, New York. He established a farm on a large property that extended along the lakefront west of the reserve lands and is considered a “founding father of Bronte Village.”. Local boat builder Dalt McDonald (1878-1975) also resided in the house. McDonald was responsible for building local fishing boats around the turn of the century. From 1911-1914 the home became the inspiration and residence of Mazo de la Roche, the internationally renowned author of the Jalna series. The house is now used by the Bronte Historical Society and its garden, maintained by the Bronte Horticultural Society since 1995, are a favourite place for gatherings.

Lemuel “Lem” Dorland is another local figure historically linked to the harbour. He was a stone hooker who owned a steamboat called Chub. He constructed the harbour’s replacement piers in 1890 and owned property within the harbour (present day Berta Point). The Collins’ were another family integral to maintaining the recreational uses of the harbour. They operated the “Riverside Snack Shop” on present-day Berta Point, and prior to 1931 they built an open-air pavilion on land leased from the Federal government. The Collins’ also rented space on their property to tourists with recreational trailers. The current recreational activities are supported by local

organizations including the Bronte Harbour Yacht Club founded in 1960. In addition to formal membership, this club also provides seasonal sailing lessons within Bronte Harbour.

Contextual Value:

The Bronte Harbour and Bluffs Cultural Heritage Landscape is historically and functionally linked to its surroundings. The harbour's situation at the mouth of Bronte Creek (Twelve Mile Creek) where it meets Lake Ontario is functionally linked to its development. In turn, the development of the harbour in 1856 spurred growth within Bronte Village as it was the site of many businesses that contributed to its early economy. The Bronte Harbour and Bluffs is also valued by the community for its ecological functions and habitat it provides for plant life, bird and animals.

The Bronte Harbour and Bluffs Cultural Heritage Landscape continues to be integral to the village of Bronte as a community landmark. Evidence of the Harbour's recognition as a landmark can be seen in the presence of commemorative structures in the Harbour including memorial plaques on benches, trees and gardens and the Harbour's continuous use as a site of festivals and celebrations. In addition, the Oakville Harbours Building is a highly visible landmark within the landscape. Its white shingles make it visually distinct from the surroundings and it is clearly visible from the nearby shorelines and two principal thoroughfares in Bronte Village: Lakeshore Road and Bronte Road.

Description of Heritage Attributes:

Key attributes of the organically evolved cultural heritage landscape include:

- Oakville Harbours Building's contribution to the landscape through its two-storey massing, orientation of the building and its 20' x 24' doors on the north and south gable ends that open to the harbour
- Sovereign House's contribution to the landscape, particularly its situation on the Bronte Bluffs and its associated gardens
- Steep and rocky treed slope of the elevated Bluffs, the low-lying Harbour area, and man-made single channel created from Bronte Creek through to Lake Ontario
- Open spaces and treed canopies at the top of the Bluffs and within Berta Point
- System of foot paths and trails that connect the landscape and provide views to the inner harbour, outer harbour and the lake
- Views to/from heritage attributes including:
 - View 1 – View from the Bluffs at the break in vegetation to the lake and to the lighthouse looking northeast
 - View 2 – View of the Sovereign House from the trails on the Bluffs looking west from the end of Seneca Drive

- View 3 - View of the Sovereign House from Seneca Drive looking east;
- View 4 – View from the Bronte Beach Park side of the channel to the Oakville Harbours Building looking north and to the end of the channel looking southwest.
- View 5 - View from the end of the channel at West River Street to the Oakville Harbours Building
- View 6 – View from Berta Point to the Oakville Harbours Building and channel looking northeast
- View 7 - View of the Bronte Cenotaph and General Chris Vokes Memorial Park looking east
- View 8 – View from the path in front of the Oakville Harbours Building to Bronte Beach Park looking east, to Bronte Bluffs looking southeast and toward the outer harbour looking northeast
- View 9 – View from Bronte Road to the inner harbour and bluffs looking southwest as per the revised View Lines in Appendix D of the Minutes of Settlement For CRB 2015 dated January 19 2022 between the Town of Oakville and 2390454 Ontario Inc. on file with the Town;
- View 10 – View from Bronte Road looking south to the outer harbour as per the revised View Lines in Appendix D of the Minutes of Settlement For CRB 2015 dated January 19,2022 between the Town of Oakville and 2390454 Ontario Inc. on file with the Town;
- View 11 – View from Fisherman’s Wharf to the inner harbour and Oakville Harbours Building looking west
- View 12 – View from Fisherman’s Wharf to the outer harbour and lighthouse looking east

Oakville Harbours Building’s key exterior attributes include its:

- Rectangular plan and one-and-a-half storey addition on the west elevation of the building, excluding altered windows and entrances
- Exterior shingle cladding
- Medium pitched gable roof
- Historic wood sash and fixed pane windows on the west and east elevations
- Original twin-leaf swing door, where each leaf is bi-fold on the north elevation

Oakville Harbours Building’s key interior attributes including its:

- Interior open space from ground to interior of roof, excluding exposed interior framing
- Interior catwalk located at the same height as the second floor to the west addition

Sovereign House's key exterior attributes include its:

- Two-storey construction and rear elevation one-and-a-half storey wing
- Symmetrical three-bay façade with a central entrance flanked by windows as well as the symmetrical two-bay side elevations
- Side gable roof with a chimney at both gable ends

Sovereign House's key interior attributes including its:

- Interior wood floors
- Interior wood staircase

Explanatory Note

Re: Heritage Designation By-law No. 2022-027

By-law No. 2022-027 has the following purpose and effect:

To designate the cultural heritage landscape of the Bronte Harbour and Bluffs as property of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O., 1990, Chapter O.18, Part IV, Section 29.



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-035

A by-law to confirm the proceedings of a meeting of Council.

COUNCIL ENACTS AS FOLLOWS:

1. Subject to Section 3 of this by-law, every decision of Council taken at the meeting at which this by-law is passed and every resolution passed at that meeting shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
2. The execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized.
3. Nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.

PASSED this 4th day of April, 2022.

Rob Burton

Mayor

Kathy Patrick

Acting Town Clerk