

REPORT

Planning and Development Council

Meeting Date: October 4, 2021

FROM: Planning Services Department

DATE: September 21, 2021

SUBJECT: Notice of Intention to Demolish – 164 Douglas Avenue

LOCATION: 164 Douglas Avenue

WARD: Ward 3

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RECOMMENDATION:

1. That the property at 164 Douglas Avenue be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,
2. That, prior to demolition, the property owner allow for the salvage of historic materials from the house.

KEY FACTS:

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

- The subject property is on the Oakville Register of Properties of Cultural Heritage Value or Interest as a listed property.
- A notice of intention to demolish has been received with a supporting Heritage Impact Assessment document.
- It is recommended that the property at 164 Douglas Avenue *not* be designated under the *Ontario Heritage Act* and that the property be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.
- The subject notice must be dealt with by Council by October 29, 2021.

BACKGROUND:

The subject property is located on the west side of Douglas Avenue, south of Sumner Avenue and north of Randall Street. A location map for the property is attached as Appendix A. The agent for the property has submitted a Heritage Impact Assessment report, which is attached as Appendix B.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (the 'Heritage Register') as a non-designated property in 2009 based on its potential cultural heritage value or interest for its c.1920s Four Square style house with Arts & Crafts influences.

The property owner and agent have submitted a notice of intention to demolish in order to remove the subject property from the Heritage Register. The application was completed on August 31, 2021. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on October 29, 2021.

COMMENT/OPTIONS:

When a notice of intention to demolish is submitted for a listed property, Heritage Planning staff complete and/or review research to determine the design/physical, historical/associative, and contextual merits of the property. Through this process, the property is evaluated to determine if it is worthy of designation under the *Ontario Heritage Act*. If the property meets criteria outlined in Ontario Regulation 9/06 and is considered to merit designation, a recommendation can be made to Heritage Oakville and to Council that a notice of intention to designate be issued for the property. If Council supports a recommendation to designate, Council must move that a notice of intention to designate be issued within 60 days of the notice of intention to demolish being submitted to the town.

If the staff investigation of the property does not provide sufficient evidence that the property merits designation, a recommendation can be made to remove the property from the Oakville Register of Properties of Cultural Heritage Value or Interest. If Council supports the staff recommendation and does not issue a notice of intention to designate the property within the 60 days, the property is removed from the Oakville Register of Properties of Cultural Heritage Value or Interest and the owner may then proceed with applying for demolition.

Research and Review

The property owner submitted a Heritage Impact Assessment report, authored by Archaeological Research Associates Ltd. (ARA) that includes historical research of the property and an evaluation of the property's heritage value based on Ontario Regulation 9/06.

Based on staff's review of the submitted Heritage Impact Assessment and its evaluation of the property through the application of Ontario Regulation 9/06, the property is not considered to have sufficient heritage value to merit designation under s.29, Part IV of the *Ontario Heritage Act*.

Ontario Regulation 9/06 Evaluation:

The assessment of the building's design or physical value concludes that the c.1920's brick and frame dwelling retains limited heritage value. The dwelling retains some features of the Edwardian Four Square style including the hip roof, dormers, ground storey brick construction and large sash window openings with plain lintels but it is not a rare, unique, early or representative example of the style. Furthermore, the dwelling does not display a high degree of craftsmanship or artistic merit, or a high degree of technical or scientific achievement. It is also noted that the dwelling has been substantially modified with the addition of the two storey front projection that encloses the front porch and the two storey garage and living area addition.

In terms of historical or associative value, the property is associated with Ella Boone who owned the property from 1916 to 1944. No information on Boone was found to indicate that she was a significant figure in the community. The property does not appear to have any potential to yield information that contributes to the understanding of the community. Finally, the property does not demonstrate nor does it reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to this community.

Contextually, the property was not found to be important in defining, maintaining or supporting the character of the area. The house does not have features that make it stand out within the community and is therefore not considered to be a landmark.

Review of Applicable Planning Policies*Provincial Policy*

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage resources through its legislation and policies, including the *Ontario Heritage Act* (2021), *Planning Act* (1990, as amended) *Provincial Policy Statement* (2020), the *Growth Plan for the Greater Golden Horseshoe* (2019).

Section 2.6 of the *Provincial Policy Statement (PPS) 2020* relating to Cultural Heritage and Archaeology states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The *PPS (2020)* defines "significant", in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or

interest are established by the Province under the authority of the Ontario Heritage Act.

Further, the *PPS (2020)* and *Growth Plan (2019)* both define "conserved" as:

the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained...

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the *PPS (2020)* is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage.

The *PPS (2020)* and *Growth Plan (2019)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

The evaluation of the dwelling at 164 Douglas Avenue has not demonstrated that the property has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection through the *PPS (2020)*, *Growth Plan (2019)* and *Ontario Heritage Act*.

Town Policy – Livable Oakville Plan

Section 5 of the Livable Oakville Plan states, "Conservation of cultural heritage resources forms an integral part of the town's planning and decision making. Oakville's cultural heritage resources shall be conserved so that they may be experienced and appreciated by existing and future generations, and enhance the Town's sense of history, sense of community, identity, sustainability, economic health and quality of life." Further, Section 5.3.1 of the Livable Oakville Plan states, "The Town shall encourage the conservation of cultural heritage resources identified on the register and their integration into new development proposals through the approval process and other appropriate mechanisms." The Livable Oakville Plan is clear that cultural heritage resources should not only be conserved, but also incorporated into new developments. Commemoration is not considered 'conservation'.

As the property at 164 Douglas Avenue has not been identified as having significant cultural heritage value or interest through the application of provincial policies such as Ontario Regulation 9/06, it is not required to be conserved through the cultural heritage policies of the Livable Oakville Plan.

CONCLUSION:

Based on staff's review of the Heritage Impact Assessment for the property, the property at 164 Douglas Avenue is not considered to have significant cultural heritage value and therefore does not merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Staff recommend that the owner allow for the salvaging of architectural elements of the building. It has become a standard practice to include salvaging as a condition as it allows for the retention and re-use of these features and keeps these items from going to the landfill.

A separate staff report on this matter was presented to the Heritage Oakville Advisory Committee on September 21, 2021. The Committee supported staff's recommendation to remove the property from the Oakville Heritage Register.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goals 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 approval of the subject notice of intent to demolish application does not impact the town's climate initiatives.

APPENDICES:

Appendix A – Location Map

Appendix B – Heritage Impact Assessment

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Recommended by:

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