

REPORT

Planning and Development Council

Meeting Date: October 4, 2021

FROM: Planning Services Department

DATE: September 21, 2021

SUBJECT: **Notice of Intention to Demolish – 4022 Fourth Line**

LOCATION: 4022 Fourth Line

WARD: Ward 7

Page 1

RECOMMENDATION:

1. That the property at 4022 Fourth Line be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest;
2. That staff be authorized to negotiate and finalize the terms of a heritage easement agreement with the property owner to ensure the history of the area is commemorated within any future development of this site to the satisfaction of the Director of Planning Services and Town Solicitor or designates; and,
3. That the Town Solicitor be authorized to discharge the heritage easement agreement from title, at the expense of the owner, once the requirements in the agreement have been satisfied to the satisfaction of the Manager of Policy Planning and Heritage.

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 for the dwelling on the property due to its poor condition along with a property inspection report.
- It is recommended that the property at 4022 Fourth Line *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.

- While the current owner has not indicated any immediate plans to redevelop the property, it is recommended that the area's history is commemorated on site as part of any future redevelopment of the site.
- The subject notice must be dealt with by Council by October 14, 2021.

BACKGROUND:

The subject property is located on the west side of Fourth Line, north of Burnhamthorpe Road West, south of Highway 407. A location map for the property is attached as Appendix A. 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. The property was added based on its potential cultural heritage value or interest for its historic farmstead, including the residence and the former timber barn, historically associated with the agricultural development of Trafalgar Township. The property currently consists of a one-and-a-half storey residence, a non-historic wood shed structure and an untended, former agricultural field.

In August 2020, the property owner submitted a notice of intent to demolish the timber barn on the property due its hazardous condition. Planning and Development Council permitted the demolition of the barn and also removed the property from further implementation of the Cultural Heritage Landscape Strategy on October 5, 2020 upon recommendation of Heritage Planning staff.

The property remained listed on the Heritage Register as a non-designated property for the potential cultural heritage value of the remaining vernacular farmhouse on the property.

A heritage research report was completed in September 2020 (the 'heritage report') to evaluate the property's potential heritage value and to inform the application to demolish the barn. This heritage report is attached as Appendix B. The report also included a preliminary evaluation of the potential heritage value of the residence, however, a full assessment of the residence remained outstanding as access had not been granted at the time. Subsequent to the demolition of the barn in 2020, two Heritage Planning staff members were granted access to the residence on August 5, 2021 to supplement the historical research detailed in the heritage report and to further assess the heritage value and physical condition of the residence. Photo documentation from the site visit is included in Appendix C.

The property owner has submitted a notice of intention to demolish in order to remove the subject property from the Heritage Register. A property inspection report regarding the existing condition of the residence from July 14, 2021 was included in the application, attached as Appendix D. The application was deemed complete on

August 16, 2021. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on October 14, 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 architectural, historical, 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 Heritage Register. 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 Heritage Register and the owner may then proceed with applying for demolition.

Research and Review

Heritage Planning staff have reviewed the land registry information, historical research and heritage assessment from the heritage report completed in 2020 to evaluate the heritage value of the residence as the conditions of the subject property have not changed since the report was written. Additionally, staff also completed a site visit to examine the exterior and interior of the property.

Based on staff's review, the property does retain general cultural heritage value primarily in its history as a farming property and contextual link to the former hamlet of Glenorchy which was a small community composed of several farmsteads, a schoolhouse and mill that developed in the mid to late 19th century in the area of Fourth Line and Sixteen Mile Creek. However, the cultural heritage value demonstrated in the remaining residence is not considered to be sufficient to merit designation under s.29, Part IV of the *Ontario Heritage Act*. More details of the evaluation based on Ontario Regulation 9/06 are provided below.

Ontario Regulation 9/06 Evaluation:

The heritage report's assessment of the residence's physical or design value notes that the one-and-a-half storey residence may have some cultural heritage value as a representative or early example of a vernacular farmhouse, estimated to have been

constructed between 1864 and 1877. However, the report notes that since access was not granted to the immediate vicinity or interior of the residence at the time, a more fulsome review of the property's physical and design attributes would be necessitated to fully determine the extent of its physical or design value.

Heritage Planning staff's site visit on August 5, 2021 confirmed that the residence is an L-shaped frame structure clad with wood clapboard siding and with lath and plaster interior walls. The interior also featured some historic features, all of which display limited craftsmanship, including wood trim door surrounds, unadorned cove ceiling mouldings in one of the lower storey rooms and wood flooring and baseboards in the front hall. See Appendix C for more details. Consistent with the description in the heritage report, historic materials appear to have been removed, including a front porch, entry door and the majority of the historic sash windows.

In terms of its physical or design value, while the residence does have some heritage value as an early example of a 19th century vernacular farmhouse, its significance as a representative example of a vernacular farmhouse built in a similar period is rather limited. The residence does not clearly portray a particular architectural style or serve as a representative example of a farmhouse design common to Oakville given its relative absence of distinguishable architectural features and exterior modifications. Furthermore, the residence is not a unique or rare example of vernacular architecture nor does it display a high degree of craftsmanship, artistic merit, or a high degree of technical or scientific achievement.

In terms of historic or associative value, there are no known historically significant owners or residents of the subject property beyond middle class individuals and families. The property does exhibit general cultural heritage value in its association with the theme of 19th century agricultural development in Glenorchy and Trafalgar Township, and as one of Glenorchy's former farmsteads, yields some general information that contributes to an understanding of the development of the former hamlet.

Contextually, the property has cultural heritage value in its historical link to the history of the Glenorchy area, however, the residence does not define, maintain or support the character of the area. Furthermore, the residence does not display any features that would make it a landmark in the community.

Existing Condition of the Residence:

According to the property inspection report submitted with the application, the residence is in an advanced state of deterioration to an extent that it presents a safety hazard and should be demolished before the house falls down. Notably, the report outlines that the structure is compromised with rotting main wood joists, poorly supported beams and a crumbling foundation that together threaten the

stability of the residence. Extensive water intrusion resulting from a leaking roof, deteriorated windows and wall siding has led to extensive mold issues and evidence of animal infestation throughout the house. The use of asbestos in the basement was confirmed and the possibility that asbestos and lead paint may be present in the living space is noted. The report notes that each building element that was examined is considered to be defective.

From Heritage Planning staff's visual assessment of the property, the residence appears to be in a very poor state of repair consistent with the evaluation in the property inspection report.

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 property at 4022 Fourth Line 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 the *Ontario Heritage Act*.

Town Policy – North Oakville East Secondary Plan

Section 7.4.14 of the North Oakville East Secondary Plan provides direction for the protection of cultural heritage resources in the North Oakville East Secondary Plan area in which the subject property is situated.

Section 7.4.14.3(a) provides that “in evaluating development applications, the Town shall encourage the use or adaptive reuse of cultural heritage resources, or key components of such resources, whenever possible as part of the new development in situ, or on an alternate site; or, where resources which are not designated, and are not to be conserved, request the documentation of such resources in a cultural heritage report with a detailed property history, architectural description and photographic recording.”

Section 7.4.14.3(b) also notes that “the Town may also take additional steps to recognize the heritage of North Oakville East including: i) the use of interpretative plaques and displays; ii) integration of cultural heritage landscape features into public parkland or other public facilities where feasible and appropriate; iii) commemorating historic persons, families and events in the naming of public buildings, streets, parks and other public places; and, iv) provision of incentives to encourage the retention of cultural heritage resources such as the establishment of an area of publicly owned land for their relocation.”

As the property at 4022 Fourth Line is in a deteriorated and potentially hazardous condition it is not considered to be suitable for adaptive reuse or salvage of materials for integration within a new development. Documentation of the farmhouse and commemoration of the property’s associative and contextual heritage value is appropriate to recognize the property’s historic contribution the area.

CONCLUSION:

Based on staff's research and investigation of the property, the residence at 4022 Fourth Line is not considered to retain a significant level of cultural heritage value that merits the property's designation under section 29, Part IV of the *Ontario Heritage Act*. Furthermore, given the advanced state of deterioration of the residence together with its limited cultural heritage value, its conservation or adaptive reuse as part of any future development is not a viable option.

Due to the lack of historic materials on the interior and exterior of the residence and in consideration of its deteriorated state, staff are not recommending the salvage of any material from the residence.

However, the property does have historic and contextual associations with the development and history of the former hamlet of Glenorchy that are worthy of commemoration on the property within a new development. Potential options for commemorative work may include commemorative plaques, panels and/or landscaping features that relate to the rural and agricultural history of the area. In order to ensure that commemoration occurs, staff recommend that the Town of Oakville enter into a heritage easement agreement with the property owner. The heritage easement agreement would be lifted following the completion of the commemorative works.

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 Research Report
Appendix C – Photo Documentation
Appendix D – Property Inspection Report

Prepared by:
David Addington, RPP
Heritage Planner

Recommended by:
Diane Childs, MCIP, RPP
Manager, Policy Planning

Submitted by:
Gabe Charles, MCIP, RPP
Director, Planning Services