



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: December 7, 2021

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**FROM:** Planning Services Department

**DATE:** November 23, 2021

**SUBJECT:** Notice of Intention to Designate – 4243 Sixth Line (Glenclare Farm)

**LOCATION:** 4243 Sixth Line

**WARD:** Ward 7

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#### RECOMMENDATION:

1. That a notice of intention to designate be issued under Section 29, Part IV of the *Ontario Heritage Act* for the 1898 Glenclare Farmhouse at 4243 Sixth Line, as identified as Part 4 on the draft Reference Plan attached as Appendix C to this report;
2. That the property at 4243 Sixth Line be removed from any further implementation of the Cultural Heritage Landscape Strategy;
3. That the removal of the remaining agricultural outbuildings on the property, including the damaged foundation walls and silos of the former barn, the concrete block milk house and the contemporary cold storage and store building, be permitted in accordance with Section 27(9) of the *Ontario Heritage Act*;
4. That the property owner enter into a heritage easement agreement with the Town, prior to the removal of the ruins of the former timber frame bank barn, in order to ensure the history of the site is commemorated using salvaged materials within any future development of this site;
5. That the heritage easement agreement be executed in accordance with Executions By-law 2013-057 and be registered on title to the property at 4243 Sixth Line; and,
6. That the Town Solicitor be authorized to discharge the heritage easement agreement from title to the lands on which it is registered, at the expense of

the owner, once the requirements in the heritage easement 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 at 4243 Sixth Line is currently listed on the Oakville Heritage Register as a non-designated property.
- In 2017, Council recognized the subject property as a significant cultural heritage landscape and directed staff to proceed to Phase Three to implement protection measures of the cultural heritage landscape.
- After a 2020 fire and an unapproved deposit of fill, a Heritage Impact Assessment determined that the property no longer warrants designation as a cultural heritage landscape but that the property does warrant designation for the 1898 farmhouse.
- It is therefore recommended that the property be removed from further implementation of the Cultural Heritage Landscape Strategy and that a Notice of Intention to Designate the farmhouse be issued for the portion of the property outlined in Part 4 in the attached draft Reference Plan.
- The owner has submitted a Notice of Intention to Demolish for the remaining farm outbuildings that have been evaluated as not retaining heritage value and staff recommend that these structures be removed from the property.
- It is therefore recommended that the property owner enter into a heritage easement agreement with the town to ensure that the history of the site is commemorated and that historic materials are salvaged for reuse in any future development on the property.

**BACKGROUND:**

The subject property at 4243 Sixth Line is located on the east side of Sixth Line, north of Burnhamthorpe Road and 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 Victorian style brick farmhouse, barn and outbuilding.

In 2015, the Town of Oakville undertook an inventory of potential cultural heritage landscapes (CHL) as part of Phase One of the Cultural Heritage Landscapes Strategy. Through this inventory, the subject property was identified as a high

priority to proceed to Phase Two of the CHL Strategy which consisted of the full research and assessment of the property's cultural heritage value.

In Phase Two, a Cultural Heritage Evaluation Report was completed for the subject property in 2017 (the '2017 assessment report') by Letourneau Heritage Consulting. The evaluation in this report determined that the subject property met the criteria for determining cultural heritage value set out in Ontario Regulation 9/06 as the property was considered a representative example of an evolved agricultural landscape. Heritage attributes identified as forming the property's heritage value as a CHL included the 1898 farmhouse, a grouping of agricultural buildings including a large 19<sup>th</sup> timber bank barn and timber driveshed and the rolling agricultural fields surrounding the property. On May 15, 2017, Town Council recognized the property as a significant CHL and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy to implement measures to protect the heritage value of the property.

Subsequently, various changes have occurred to the property which have impacted the features identified as contributing towards its heritage value as a cultural heritage landscape. A fire in July 2020 burned the large timber bank barn and the wood driveshed. While sections of the stone, brick and concrete ground floor wall and foundation of the bank barn remain, it has been extensively damaged and the entirety of the barn's expansive timber superstructure and the wood driveshed were destroyed. Prior to the fire, fill had been deposited without approval in the open area of the property surrounding the agricultural outbuildings, over pathways connecting these buildings and along an access road to a communications tower on the southeast area of the property.

The property is currently vacant and has been secured by the owner, Bell Mobility, including the 1898 farmhouse which was not affected by the fire. The other remaining structures on the property include a mid 19<sup>th</sup> concrete block milk house building, a contemporary aluminum clad cold storage and store building, two concrete silos that were connected to the former bank barn and a communications tower adjacent to the east property line on the south half of the property. Heritage Planning staff conducted site visits on three occasions subsequent to the fire to review the site conditions along with a representative of the property owner.

The owner retained the heritage consultants at Stantec to conduct a Heritage Impact Assessment (HIA) concerning a potential relocation of the communications tower prior to the 2020 fire. Subsequent to the changes to the landscape from the fire and addition of fill, Heritage Planning staff and the owner requested that the heritage consultants at Stantec prepare the HIA to review the existing conditions of the property and to re-evaluate the property's heritage value as a CHL given the changes that have occurred on the property since the 2017 assessment report

evaluation was completed in Phase Two of the CHL Strategy. The HIA by Stantec, dated October 21, 2021, is attached as Appendix B.

Based on Heritage Planning staff's review of the evaluation in the HIA, it is recommended that the property be removed from further Phase Three implementation of the CHL Strategy. However, it is recommended that the property be designated under Part IV of the *Ontario Heritage Act* as an individually designated property, for the 1898 Queen Anne Revival style farmhouse which is considered to be of significant cultural heritage value. The Draft Notice of Intention to Designate provides more details on the intent of the designation and is attached as Appendix D.

The property owner has also submitted a Notice of Intention to Demolish in order to permit the removal of the foundation wall of the former timber bank barn, the milk house and the aluminium clad cold storage and store building. The application was deemed complete on October 28, 2021. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on December 28, 2021.

**COMMENT/OPTIONS:**

Research and Review:

The Stantec HIA assesses the current condition of the characteristics that were identified in the 2017 assessment report as contributing to the heritage value of the CHL since the 2020 fire and the addition of fill occurred on the property. The HIA also provides a re-evaluation of the CHL's heritage value according to the criteria in Ontario Regulation 9/06 to determine if the property remains a significant CHL.

Key characteristics of the property that were identified as contributing to the property's heritage value as a significant CHL from the 2017 assessment report included "the property as a coherent whole which is still legible as an agricultural landscape with its prominently located 1898 farmhouse and frame tail, complex of agricultural structures amid the flat, open yard surrounded by rolling agricultural fields and gravel laneway connecting these features; as well the positioning and interrelationships of these elements organized into two distinct areas."

In its review of the existing conditions of the property, the HIA concludes that the integrity of the above noted landscape features are considered to be poor. The loss of the large timber bank barn and the driveshed has reduced the legibility of the property as an agricultural landscape given that the barn and driveshed were the defining historical agricultural structures on the property. The condition of the contextual relationship that existed between the flat, open area containing the farmhouse and group of agricultural outbuildings with the surrounding agricultural

fields has also been diminished from the addition of a substantial amount of fill to the site and from the removal of fields from agricultural production. Furthermore, the property's historic agricultural link to its surroundings has weakened with the area's shift from a rural to suburban character resulting from the cumulative impact from the residential redevelopment of adjacent lands previously used for agriculture and the construction of Highway 407 immediately north of the property.

Based on staff's review of the HIA and from visiting the property, the changes that have impacted upon the property since 2017 have resulted in the property no longer exhibiting heritage value as a significant CHL, therefore it does not merit designation as a CHL. However, the 1898 Queen Anne Revival farmhouse on the property is considered to have sufficient heritage value to merit designation under s.29, Part IV of the *Ontario Heritage Act*.

The property is considered to have design and physical value for its 1898 house, a representative late 19<sup>th</sup> century farmhouse designed in the Queen Anne Revival style. The property also has cultural heritage value for its historical associations with the Biggar family, an early Trafalgar Township settler family in whose ownership the property lasted from 1854 to 1985 and for whom the house was built. More details of the evaluation based on Ontario Regulation 9/06 are included in the Draft Notice of Intention to Designate, attached as Appendix D.

#### Notice of Intention to Demolish:

Given that the property is currently listed on the Heritage Register as a non-designated property, the property owner has submitted a Notice of Intention to Demolish for the remaining agricultural outbuildings on the property which include the damaged foundation walls and silos of the former bank barn, the concrete block milk house and the contemporary aluminum-clad cold storage and store building.

When a Notice of Intention to Demolish is submitted for a listed property, Heritage Planning staff review the physical, historical, and contextual merits of the property and its structures to determine if the property 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 to protect the property's identified heritage features. Alternatively, Council can permit the removal of structures on the property if the staff investigation of the property fails to provide sufficient evidence that they have sufficient heritage value.

In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request to demolish the remaining farm outbuildings. For the subject application, the 60 day notice period expires on December 28, 2021.

As per the Ontario Regulation 9/06 evaluation of the property summarized above and contained in the HIA, the remaining farm outbuildings are not considered to retain sufficient heritage value to merit designation under Part IV of the *Ontario Heritage Act* and Heritage staff recommend that the application for their removal be permitted.

Review of Applicable Planning Policies:

*Provincial Policy*

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

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 2019 *Growth Plan, as amended*, 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)* definition of a cultural heritage landscape is the following:

*“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 involve features such as buildings, structures,*

*spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”*

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 4243 Sixth Line has demonstrated that the property has sufficient cultural heritage value for its 1898 Queen Anne Revival farmhouse which is considered a significant cultural heritage resource that warrants protection through the *PPS (2020)*, *Growth Plan (2019)* and the *Ontario Heritage Act*. However, the CHL has been determined to no longer be intact and does not meet the Ontario Regulation 9/06 criteria. As a result, the CHL would not be considered significant according to the Provincial Policy Statement (2020) and does not require conservation.

#### Conclusion:

As a result of the loss of cultural heritage value as a CHL, staff recommend that the property be removed from further implementation of the CHL Strategy. Staff also recommend that the property be designated under Part IV of the *Ontario Heritage Act* for the 1898 Queen Anne Revival farmhouse on the portion of land outlined in Part 4 of the attached draft Reference Plan. Further, staff recommends that the application to remove the remaining farm outbuildings, which are not considered to be of significant heritage value, be approved subject to materials being made available for salvage.

The salvage of stone and brick from the former bank barn's foundation walls for a potential commemorative reuse in any future development on-site is considered appropriate to mitigate the loss of the barn and to prevent these materials from going to landfill. Potential commemorative options in which these materials may be used include landscaping features, an entry gateway into the property and/or incorporation as part of interpretive panels or plaque. 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 November 16, 2021. The Committee supported all of the recommendations of this report.

**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

Appendix C – Draft Reference Plan

Appendix D – Draft Notice of Intention to Designate

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