



OAKVILLE

## REPORT

### Council

**Meeting Date: November 7, 2022**

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**FROM:** Planning Services Department

**DATE:** October 25, 2022

**SUBJECT:** Notice of Intention to Demolish – 1044 Argyle Drive

**LOCATION:** 1044 Argyle Drive

**WARD:** Ward 3

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#### **RECOMMENDATION:**

1. That the property at 1044 Argyle Drive 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 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 1044 Argyle Drive *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 Heritage Oakville Advisory Committee has reviewed this application and supports the staff recommendations in this report.
- The subject notice must be dealt with by Council by November 27, 2022.

#### **BACKGROUND:**

The subject property is located on the south side of Argyle Drive on the shore of Lake Ontario in southeast Oakville. A location map for the property is attached as Appendix A. The owner of the property has submitted a Heritage Impact

Assessment completed by Megan Hobson, Built Heritage Consultant, 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.1958 Mid-Century Modern style house designed by Grant Whatmough.

The owner has submitted a notice of intention to demolish in order to remove the subject property from the Heritage Register. The application was completed on September 28, 2022. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60-day notice period expires on November 27, 2022.

#### **COMMENT/OPTIONS:**

##### Process

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 owner submitted a Heritage Impact Assessment report that provides a history of the property and an evaluation of the property's heritage value based on Ontario Regulation 9/06. The heritage consultant concludes in the HIA that the property does not meet the criteria outlined in Regulation 9/06 and does not recommend that the property be designated. Instead, the HIA recommends that interior elements such as the wood ceiling beams be salvaged prior to demolition.

The HIA's assessment of the building's design or physical value concludes that while the house is an early example of a Modern residential design in Oakville, its value has been diminished due to exterior alterations that have removed and altered original features that make it a representative example of this style and era of architecture. The building is not considered to have a high degree of craftsmanship and does not demonstrate a high degree of technical or scientific achievement.

In terms of historical or associative value, the property is associated with James C. Floyd, recognized for his contribution to the Aerospace industry. The HIA concludes that the association with Floyd is very limited since he only lived in the residence for two years. The heritage consultant notes that the property is also associated with architect Grant Whatmough, but argues that while Whatmough was an architect of local significance, he is not considered to have made a significant contribution to the community of Oakville.

Contextually, the property was found to have limited value for its physical links to the natural topography and lakefront location of the site. However, these connections are related to the building itself and do not have significant associations for the larger community. The HIA concludes that the property is not important in defining, maintaining or supporting the character of the area, nor is it a landmark.

More details and background information on how the heritage consultant came to these conclusions are available in the Heritage Impact Assessment, attached as Appendix B.

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

### 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 1044 Argyle Drive 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 1044 Argyle Drive 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 1044 Argyle Drive 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 report regarding this matter was presented to the Heritage Oakville Advisory Committee at its meeting on October 18, 2022. The Committee supported the staff recommendations in 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 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 salvage of materials from the house at 1044 Argyle Drive contributes to the town's initiatives to reduce carbon footprints.

**APPENDICES:**

Appendix A – Location Map

Appendix B – Heritage Impact Assessment

Prepared by:

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