



OAKVILLE

REPORT

Special Planning and Development Council Meeting

Meeting Date: February 7, 2023

FROM: Planning Services Department

DATE: February 1, 2023

SUBJECT: 2023-02-07 - Notice of Intention to Demolish - 2165 Dundas Street West

LOCATION: 2165 Dundas Street West

WARD: Ward 7

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RECOMMENDATION:

1. That the owner of 2165 Dundas Street West enter into a Heritage Easement Agreement(s) with the town to salvage and store materials from the Smith Carrique barn to be used in new commemorative features within the site, in conformity with this report and with the Agreement to be in form and content satisfactory to the Town Solicitor and the Director of Planning Services or their designate;
2. That the Commemoration Plan, as described in Section 7 of the Heritage Impact Assessment, will form the general basis for the future commemoration to be determined in its final form through upcoming planning applications; and
3. That the Heritage Easement Agreement(s) be executed prior to the issuance of a building permit for demolition of 2165 Dundas Street West or from its removal from the Oakville Register of Properties of Cultural Heritage Value or Interest.

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 to dismantle the barn and salvage materials from the structure.

- Staff is recommending that the owner enter into a Heritage Easement Agreement to salvage remnants of the barn to be used in commemorative features on the site.

BACKGROUND:

The property is located on the north side of Dundas Street West and west of Hospital Gate. The Smith-Carrigue Barn was historically part of a farmstead on an irregular parcel of land. The barn is set back from Dundas Street West and surrounded by open fields to the west and north, and residential subdivision on the south side of Dundas Street West. A storm water management pond is located to the east, followed by the new Oakville Hospital. The barn is surrounded by naturalized fields, which was once an active farm with orchards.

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 historic farmstead, including the outbuildings historically associated with the agricultural development of Trafalgar Township.

In 2016, Council endorsed the recommendations of the Phase One inventory of the Cultural Heritage Landscapes Strategy. This inventory included the subject property at 2165 Dundas Street West, identified in the 'low priority' category. The CHL Inventory report is attached as Appendix A.

The Inventory report stated:

With the isolation of the barn and shed and no connection to a farmstead, there is little here to conserve - it is unlikely that this property will satisfy the criteria for designation under Part IV OHA. The rural character of the area may be better addressed through zoning or other planning measures.

A 'low' priority level is recommended for the following reasons:

- *Not a strong candidate under OHA; and*
- *Cultural heritage resources have been lost and remaining buildings no longer have contextual significance.*

The owner has submitted a notice of intention to demolish in order to dismantle the structure and salvage remnants that could be reused in a commemorative element within the future development and to remove the subject property from the Heritage Register. This submission was completed on December 20, 2022. In accordance with the Ontario Heritage Act, Council has 60 days to consider the request. The 60-day notice period expires on February 18, 2023.

PLANNING POLICY & ANALYSIS:Process

When a notice of intention to demolish is submitted for a listed property, staff completes and/or reviews research to determine the design/physical, historical/associative and contextual merits of the property in accordance with Ontario Regulation 9/06. 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 the Heritage Oakville Advisory Committee 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

The owner has submitted a Heritage Impact Assessment (HIA), also known as a Cultural Heritage Evaluation Report, by Archaeological Research Associates, that provides a history of the property and an evaluation of the property's cultural 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 Ontario Regulation 9/06 and does not recommend that the property be designated. The value of the property has been lost with the loss of integrity of the former historic farmstead and little remains on the property today.

Instead, the HIA recommends that barn boards and heavy wood timbers, if in sufficiently stable condition, be salvaged prior to demolition. These elements would then be reused in a commemorative element, which would educate the public on the history of the area.

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

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 barn at 2165 Dundas Street West 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 2165 Dundas Street West 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. However, the property owner has committed to the commemoration of the interesting general historic associations of the property, as detailed in the Commemoration Plan in section 7 of the HIA.

Town Policy – North Oakville West Secondary Plan (NOWSP)

Although Council has adopted OPA 38 to bring the NOWSP into the Livable Oakville Plan, it has not yet been approved by the Region of Halton.

Section 8.4.14.1 of the NOWSP states, “*The Ontario Heritage Act permits the Town to prohibit the demolition or removal of property designated under the Act or to attach terms and conditions to the approval of demolition, subject to an appeal to the Ontario Municipal Board. Absent a heritage easement agreement, the designation of a property provides the maximum degree of protection to the cultural heritage resource.*”

Further, Section 8.4.14.3 regarding the integration of heritage resources states, “*In evaluating development applications, the Town shall:*

- i) 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,*
- ii) 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.*

b) The Town may also take additional steps to recognize the heritage of North Oakville West, 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.*

The proposal to permit demolition while securing future commemoration of historic associations is in line with the policies of the NOWSP.

Conclusion

Based on staff's review of the HIA, the property at 2165 Dundas Street West does not merit designation under section 29, Part IV of the *Ontario Heritage Act*.

However, the property does have general historic associations with early settlers of Trafalgar Township that the community would benefit from learning about. Staff recommends that the property owner and town enter into a Heritage Easement Agreement to require the owner to dismantle, salvage and store salvageable materials to be used in a future commemorative element to be constructed within the site or nearby, as described in the Commemoration Plan in the HIA. The Commemoration Plan allows the history of a property proposed for removal to be expressed and communicated to the public. The retention of components of a building for reuse prior to its demolition, or selective removal of identified architectural or landscape elements preserves portions or features of buildings and structures that possess interesting historic associations and can divert them from becoming landfill material.

The Heritage Oakville Advisory Committee reviewed this report at their meeting on January 31, 2023 and endorsed the staff recommendation.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal Department will continue to be engaged as required.

(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 and conservation of materials from the property's barn contributes to the town's initiatives to reduce carbon footprints.

APPENDICES:

Appendix A – CHL Inventory Report by Laurie Smith Heritage Consulting

Appendix B – Heritage Impact Assessment/Cultural Heritage Evaluation Report by Archaeological Research Associates

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