

REPORT

Planning and Development Council

Meeting Date: June 12, 2023

FROM: Planning Services Department

DATE: May 30, 2023

SUBJECT: Notice of intention to demolish – 2108 Lakeshore Road East

LOCATION: 2108 Lakeshore Road East

WARD: Ward 3

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RECOMMENDATION:

1. That the property at 2108 Lakeshore Road East be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,
2. That, prior to demolition, the property owner allows 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 Structural Assessment document.
- It is recommended that the property at 2108 Lakeshore Road East *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.
- Council must make a decision on the subject notice by June 30, 2023.

BACKGROUND:

The subject property is located on the south side of Lakeshore Road East between Maple Grove Drive and Arbour Drive in southeast Oakville. A Location Map for the property is attached as Appendix A. The property contains two structures, both of which have been vacant for at least 15 years.

The owner of the property has submitted a Structural Assessment report by MTE Consultants Inc. which includes additional observations and information by Van Groll Consulting Engineers. The owner is proposing to demolish the two structures based on the significant structural issues outlined in this report. This document 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 remnant of a former lakefront estate.

The owner has submitted a notice of intention to demolish to be able to obtain building permits to demolish the two vacant structures, which have been regularly vandalized and are unsafe. There is ongoing concern of the potential risks associated with the two collapsing structures.

The application was completed on May 2, 2023. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60-day notice period expires on June 30, 2023.

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.

Structural Assessment

The owner submitted a Structural Assessment report that provides an overview of the property and the two vacant buildings, as well as an assessment of their

structural integrity. The engineering consultants recommend in the Structural Assessment that the buildings be demolished because they have reached the end of their service life and are unsafe and hazardous to occupy.

As noted in Appendix A, “Building 1” is a 1 ½ storey frame house built on a raised foundation made of concrete, rubble and brick. Attached to this structure is a one-storey garage. The garage and the ground floor framing of the home are collapsing and the upper portion of the house has significant damage to the roof walls. Water infiltration has led to wood beams that are cracked, rotten and in some cases collapsed.

“Building 2” is a 1 ½ storey frame house that has already begun collapsing. The west wall of the building is significantly bowed and the roof has completely collapsed and is overgrown.

Staff has completed a site visit to the property to confirm the visual findings of the Structural Assessment report and its appendices. Since the photos of the buildings were taken in August 2022, further collapse and deterioration has occurred.

Heritage Assessment

In 2015, the property was included in the town’s Cultural Heritage Landscape (CHL) Strategy and a cursory assessment was completed by the heritage consultants. The CHL inventory sheet, which is included in Appendix B, notes that the property was vacant and inaccessible. It further notes that the property is a former lakefront estate and contains two remnant houses likely built between 1910 and 1940. The estate house, gardens and plantings were removed prior to this investigation.

When prioritizing the property as part of the CHL Strategy, the heritage consultants recommended that no further action be taken. Staff did not recommend moving forward with designation of the property.

When assessing the cultural heritage value of the property as part of the subject notice of intention to demolish application, staff uses Ontario Regulation 9/06 to determine if the property is worthy of protection through designation.

This case is unique in that the buildings and the property do have some historical and associative value as a remnant of a former lakefront estate. However, much of the original estate is gone and these two remaining structures have either collapsed or are in the process of collapsing. While some materials could be salvaged through careful dismantling, it is staff’s opinion that the structures themselves are no longer intact enough to meet the design/physical, historical/associative and contextual criteria of Ontario Regulation 9/06.

Based on staff's review of the submitted Structural Assessment and an 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).

The *PPS* (2020) and *Growth Plan* (2019) function together with the *Ontario Heritage Act* (OHA) by the shared principle that cultural heritage resources shall be conserved. The OHA 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 buildings at 2108 Lakeshore Road East has not demonstrated that the property has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection under the OHA.

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 2108 Lakeshore Road East 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 property, including the Structural Assessment document, the property 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 recommends that the owner allow for the salvaging of architectural elements of the buildings, such as wood beams and lakestone. It is a standard practice to include salvaging as a condition as it allows for the retention and re-use of these materials and keeps these items from going to the landfill.

A separate report regarding this matter was presented to the Heritage Oakville Advisory Committee on May 30, 2023. The Committee supported the staff recommendation 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 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 salvage of materials from the house at 2108 Lakeshore Road East contributes to the town's initiatives to reduce carbon footprints.

APPENDICES:

Appendix A – Location Map

Appendix B – Structural Assessment

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