

**Carolyn Van Sligtenhorst**

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**From:** Catherine Meagher <[REDACTED]>  
**Sent:** Monday, September 11, 2023 3:06 PM  
**To:** Town Clerks  
**Cc:** Tom; Carolyn Van Sligtenhorst  
**Subject:** Objection - Notice of Intention to Designate 356 Watson Ave

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Hello

I am writing to file my objection to the designation of my home in accordance with Section 29 of the Ontario Heritage Act. Please advise whether this email constitutes sufficient notice of objection or whether you require a written letter? If the latter, please let me know where I can drop it off in person this week and if there is any particular form of letter required.

Thank you

Catherine Meagher  
356 Watson Ave  
Oakville, ON  
L6J 3V6

October 13, 2023

**VIA EMAIL**

Carolyn Van Sligtenhorst  
Supervisor - Heritage Conservation  
Planning Services  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Subject: Notice of Intention to Designate  
356 Watson Avenue, Oakville, Ontario**

Enclosed please find an appeal of Oakville Town Council's resolution to pass a Notice of Intention to Designate 356 Watson Ave, Oakville, Ontario as a property of cultural heritage value and interest.

Sincerely,

Catherine Meagher

On August 14, 2023, Oakville Town Council (“Council”) resolved to pass a Notice of Intention to Designate the following property under Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the “Act”), as a property of cultural heritage value and interest:

Turner House  
356 Watson Ave  
LOT 192 and PT LOT 191, PLAN 113; TOWN OF OAKVILLE (the “Property”)

The current owner of the Property (“Owner”) objects to this designation and appeals Council’s decision based on the grounds below.

Grounds for Appeal:

- 1) Council did not duly consider the arguments advanced by the Owner at both the Heritage Oakville Advisory Committee (“Heritage Committee”) meeting on July 25, 2023 and the Planning and Development Council (“Planning Council”) meeting on August 14, 2023 that the Property does not fulfill the criteria outlined in the Act’s *Ontario Regulation 9/06: Criteria for Determining Cultural Value or Interest* (the “Regulation”).
- 2) The proposed designation of the Property violates principles of procedural fairness and does not strike the appropriate balance between the preservation of cultural heritage and individual property rights.

Ground 1: Council did not duly consider arguments against designation

The Owner objected to the proposed designation of the Property at the meeting of the Heritage Committee on July 23, 2023 and the Planning Council on August 14, 2023. At both meetings, several arguments were raised that the Cultural Heritage Evaluation Report prepared by Town of Oakville Heritage Planning (the “Report”) does not provide sufficient evidence that the Property meets the required criterion set out in the Regulation.

Neither the Heritage Committee nor the Planning Council addressed the Owner’s arguments and the Report’s noted deficiencies were not corrected, elaborated on or amended in a revised Report. The Owner reasserts the argument that the criterion set out in the Regulation are unfulfilled in this instance and requests that the resolution to pass a Notice of Intention to Designate the Property be withdrawn.

For ease of reference, the Owner is pleased to provide herein a written summary of the arguments advanced with the Heritage Committee and Planning Council.

## Owner Arguments

The Report states that the Property meets four of the criteria for heritage designation set out in the Regulation. At the Heritage Committee, the Owner argued that with each of the criteria outlined in the Report, there are deficiencies, a lack of precision and inadequate evidence provided. These concerns are explored below.

### *Criteria 1*

1. The property has design value or physical value because it:
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction;

The Report lacks precision as to whether the Property is an “early” or “representative” example of a Craftsman style home as per section 29.1 (i) of the Act above. At page 4, the home is described as “an early 1900s house”. At page 5, it is called “a representative example”. At page 23, the summary once again uses the word “early”. Clear use of terminology is required to understand the basis for designation under this particular section.

If designation is proposed because the Property is an “early” example of the Craftsman style, there is little evidence presented to support this claim. Page 4 of the Report provides a short, high-level overview of the Craftsman style without providing any specifics about the movement’s timeline within Canada, Ontario or Oakville. Absent further research and information, it remains unclear how a home built circa 1915 is an “early” example of a movement that began in the 1890s and had tapered off by the 1920s.

If designation is proposed because the Property is a “representative” example of the Craftsman style, then the Property is not a suitable or convincing representative example given the many changes and alterations to the Property that are noted in the Report and summarized below:

Page #	Elevation	Non-Heritage Component
5	East/Front	Front second story balcony with railings
5	East/Front	French doors accessing balcony
6	West/Rear	Extension over back porch
6	West/Rear	Back porch wooden pillars
7	East/Front	New Windows and Front Door
8	West/Rear	Updated brickwork
9	West/Rear	Eight-pane awning windows on extension
9	West/Rear	Rear first floor entrance French doors and multipaned sidelights
10	South	Addition from an unknown time

10	West/Rear	Door – Rear dormer
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There is a surfeit of non-heritage elements laid out in the Report and for those heritage elements listed, there is little or no supporting evidence. For example, much emphasis is placed on the front wooden porch and columns, but there are no early photographs, architectural drawings or other documents to evidence their historic origins. Moreover, when the Owner met with Heritage Planning staff, staff speculated that the current porch may not be historic, as the original porch likely had an angled stoop. Given, the significant non-heritage elements, and without any evidence confirming what are thought to be historic elements, the Property is not a convincing “representative” of the Craftsman style.

### *Criteria 2*

2. The property has historical or associative value because it:
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to the community

There are two components of section 29.2 (i) of the Act that must be fulfilled. **First**, the property must have a direct association with one of seven enumerated items and, **second**, that item must be significant to the community. In this case, the Property is said to be associated with “*the character of the early 20<sup>th</sup> century Brantwood subdivision.*” At no point does the Report explain which of the listed items in section 29 (2)(i) is fulfilled by the development of the Brantwood subdivision. A local subdivision is not an event, belief, person, activity, organization or institution. None of the seven terms listed in the legislation are used or elucidated in the Report.

If one were to allow that Brantwood’s development loosely constituted a “theme”, there is no explanation per the second component of the section as to how such theme is “significant to the community”. The history of the land upon which the Property now sits is provided and the development of the Brantwood subdivision on that land is outlined briefly at page 19. Even on a strained analysis assuming Brantwood is a “theme”, the Report fails to offer an explanation as to how the Brantwood subdivision was or remains significant to the Town of Oakville.

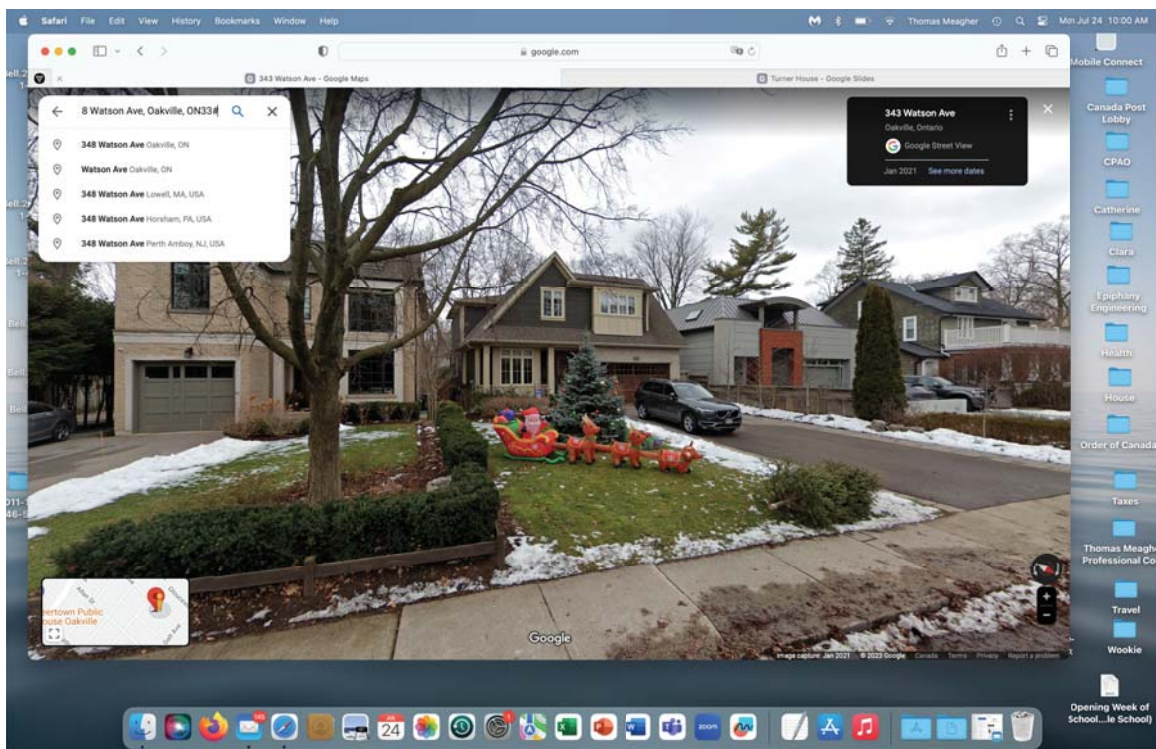
### *Criteria 3 and 4*

3. The property has contextual value because it:
  - (i) is important in defining, maintaining or supporting the character of an area;
  - (ii) is physically, functionally, visually or historically linked to its surroundings;

The Report states that the Property fulfills the criteria above as it is important “*in supporting and maintaining the historic residential character of Brantwood*” and it

*“contributes to the understanding of the local community, specifically Brantwood”*. Brantwood’s historic character has been so significantly eroded, however, that there is little that the preservation of the Property can do to support or maintain the complexion of a neighbourhood that has fundamentally changed, especially in the last 10 years.

Walking Brantwood’s streets today, an observer would witness the near constant development of new, modern homes. Lots containing older historic homes have been subdivided to allow for in-fill properties and older homes are routinely demolished in favour of new builds. While there remain some older homes, the overall character of the residential area is not historic. The photo below provides a snapshot of the streetscape immediately surrounding the Property and highlights the modern, non-historic reality of Brantwood today.



If the overwhelming character of Brantwood is modern, then the designation of the Property cannot “support” or “maintain” a historic residential character as per this criterion above.

## Ground 2: Procedural Fairness

The intention to designate the Property violates principles of procedural fairness and does not strike the appropriate balance between the preservation of cultural heritage and individual property rights for the reasons set out below.

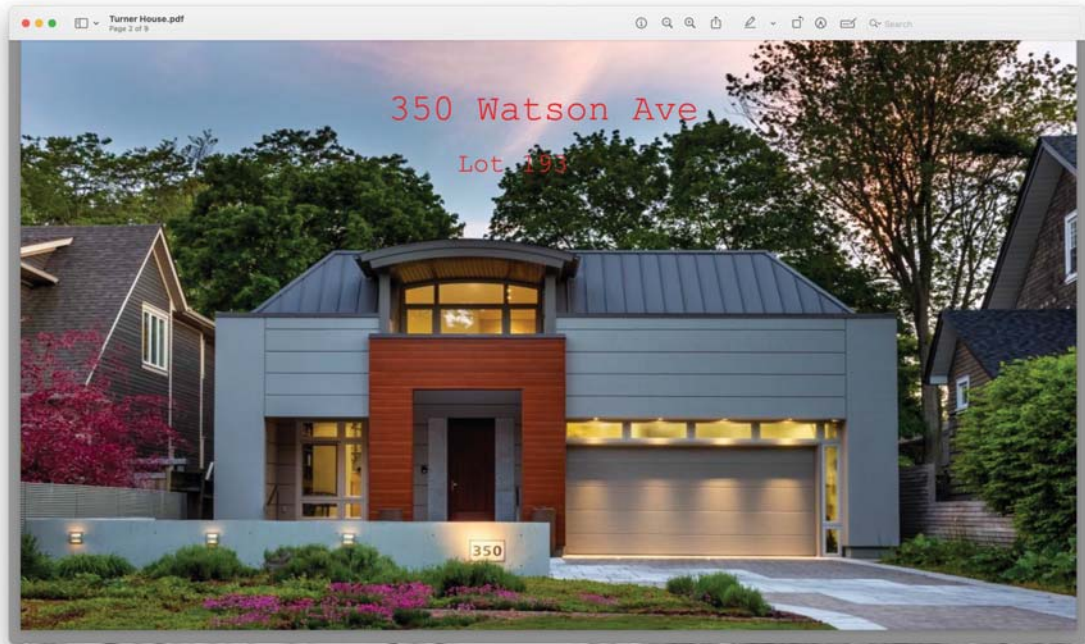
### **Legitimate Expectations of Owner**

The Owner has lived at the Property for 10 years. In that time, there has never been any communication from the Town of Oakville indicating that the Property might be a candidate for heritage designation. The impetus and urgency to now designate appears to be attributable to the passage of Bill 23, the *More Homes Built Faster Act*, rather than the studied exploration of those properties in Oakville that most support and preserve heritage. Ten years residency at the Property without ever receiving any notification or communication from the Town regarding the Property's potential heritage value has created a legitimate expectation on the part of the Owner that the Property would remain listed on the Town of Oakville's heritage register, but that it would not be designated under the Act.

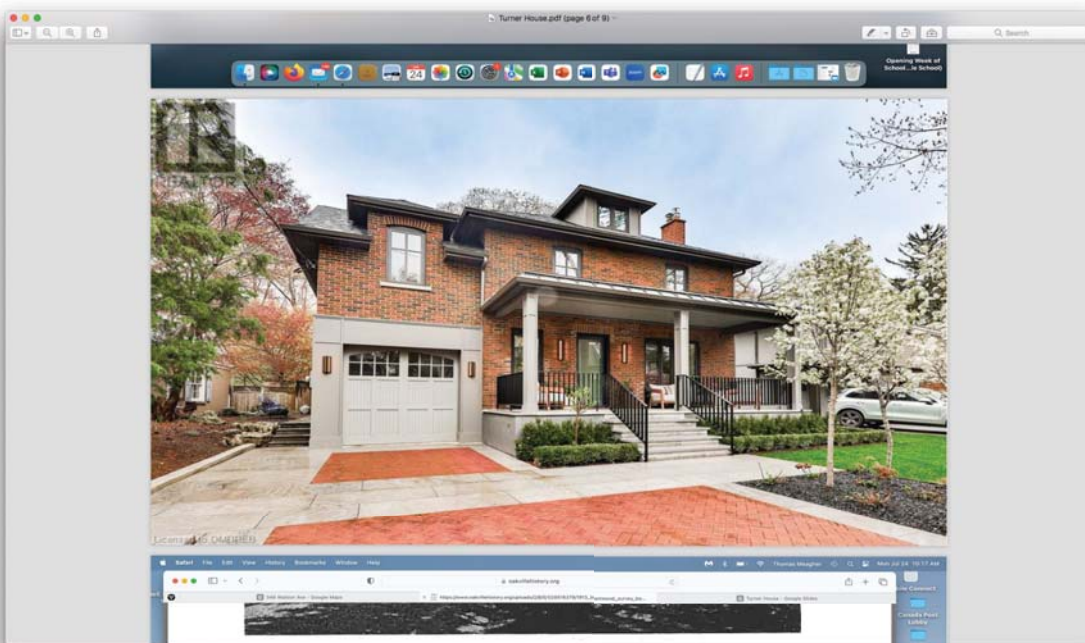
### **Lack of Equal Treatment among Brantwood Residents**

If Council had wanted to preserve Brantwood's once historic character, then it should have acted at least 10 or more years ago to designate and preserve enough individual houses under Part IV of the Act, so that the historic quality of the neighbourhood had endured. If that had occurred, then individual designations in 2023 under Part IV of the Act might be appropriate and support a retained historic character. As this did not occur, growth, densification and modernization have taken place in Brantwood. In the immediate vicinity of the Property, the Town permitted neighbouring homes of the same vintage to be demolished or so substantially renovated as to erode the historic quality of the home. For example, the Arts and Crafts structure on Lot 191, directly to the south of the Property and once owned by the Turners, was demolished approximately 12 years ago and the modern structure pictured below was permitted.





Significant remodeling of other surrounding listed properties has also taken place. For instance, in recent years, 348 Watson Ave (pictured below), also a listed property, underwent a substantial structural renovation, which completely modernized the house, eliminating many of the original features such as the original fenestrations, the wooden porch, the cedar shingles on the dormer, and the white windows, which were replaced by a more modern black option.





Similar development and renovation has occurred frequently throughout Brantwood's borders and combine to create the modern neighbourhood, which exists today. To deny opportunities to those remaining owners with older properties in Brantwood seems unduly punitive when designation can no longer accomplish the stated legislative aim.

Heritage preservation should benefit the community at large while not being unduly burdensome on individual property owners. Given the modernization that has occurred in Brantwood, the designation of the Property does not strike the appropriate balance in that there is little overall gain for the community. Unlike in the downtown core of Oakville, where there is a cohesive heritage district that contributes to an understanding of the local community in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, there is little to be learned from the Property given the current context in which it is situated. The Property is aesthetically pleasing, but its preservation does not benefit the community in a manner commensurate to the burden on the Owner.

### Conclusion

The Owner does not seek a dispute with the Town of Oakville and has been grateful for the opportunity to engage in this process and to make a case before the Heritage Committee and the Planning Council. The Owner appreciates the open dialogue with the Town's Heritage Planning staff and the information they have provided. The Owner does not oppose a heritage designation where an appropriate, well-evidenced case has been made that meets all legislative requirements. In the case of the Property, however, the Owner is not convinced that sufficient evidence has been presented to demonstrate that the criterion in the Regulation have been met. The Owner's concerns were not addressed either by the Heritage Committee or the Planning Council. Absent a considered and thorough response to the arguments raised, the Owner will strongly consider the next level of appeal.

Thank you for your consideration of this appeal.