

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

October 12, 2023

#### VIA EMAIL

Town Clerk 1225 Trafalgar Rd Oakville, ON L6H 0H3

Dear Ms. Tytaneck:

Re: Notice of Objection to Decision of Town Council of its Intention to Designate pursuant to Section 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, as amended, in respect of the premises known municipally as 3444 Trafalgar Road, Oakville and legally described as Pt Lt 13, Con 1 Trafalgar, North of Dundas Street Pt 1, 20R20807; Town of Oakville Your File No.

We are solicitors for DGB Trafalgar Limited, the owner of the property known municipally as 3444 Trafalgar Road (the "**Subject Property**").

In a decision dated September 11, 2023, Oakville Town Council resolved to pass a Notice of Intention to Designate the building on the Subject Property known as the Bentley Family Farmhouse (the "**Farmhouse**") as a property of cultural heritage value and interest under s.29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O. 18, as amended (the "**Decision**").

This letter will serve as our client's Notice of Objection of the above-referenced Decision pursuant to s.29(5) of the *Ontario Heritage Act*.

Our client is of the opinion that the Council erred in its decision in respect of the intent to designate the Farmhouse. The property does not possess the requisite qualities under s.29 of the *Act* to justify its protection as a property of cultural heritage value and interest. Our client's heritage architect, Vincent J. Santamaura, Architect Inc., attended before the Town of Oakville's Heritage Committee and made submissions in this regard. Mr. Santamaura also prepared a letter report which peer reviewed the Town of Oakville's Heritage Impact Assessment that was prepared by its staff. In particular, Mr. Santamaura noted in said letter that the building only meets one of the nine criteria required under the *Act* and its Regulations. To meet the required standard, a minimum of two (2) of the nine criteria must be met.

We attended Planning and Development Council's meeting of September 11, 2023, the meeting at which the Decision was made, to point out to Council that the Minutes of the Heritage Committee that were before it made no reference at all to Mr. Santamaura's submissions to the Committee, and that Mr. Santamaura's letter report was not part of the information





package/staff report that was before them for consideration that evening. Despite the lack of this relevant information, Council nevertheless went forward with its Decision. Council simply did not have all of the facts that were before Heritage Committee when it made its Decision.

Mr. Santamaura also carried out a second review of the building, including a review of the interior structural assembly, noting in particular that the rear section, which had been described in the Town's Heritage Impact Assessment as possibly being built prior to the front section, as having been constructed later than the front of the Farmhouse. This was based on the materials used for the construction of this section of the home. In spite of the fact that this assertion was unconfirmed, the report used this information, along with other statements referred to in the letters prepared by Mr. Santamaura, to determine that the Farmhouse met the criteria for designation.

We trust the foregoing is clear and we hope to receive the decision of Council shortly. If you have any questions or require further information or clarification, please do not hesitate to contact the undersigned.

Yours very truly,

Russell D. Cheeseman

P.D. Cleesemany

RDC/saf

Cc: S. Fleming

D. Faye

A. Cairns



via email: acairns@melroseinvestments.com

August 21st, 2023

**DGB Trafalgar Limited,** 

Att'n: Mr. Adam Cairns 145 Reynolds Street, Suite 400 Oakville, ON L6M 0A7

Re: 3444 Trafalgar Road, Oakville, Ontario – Heritage Impact Assessment: Peer Review of Notice of Intention to Designate

Dear Sir

The above property fronting the east side of Trafalgar Road south of Burnhamthorpe Road East, Oakville is listed on Town of Oakville's *Register of Properties of Cultural Heritage Value or Interest - (Not Designated)*.

In its report titled "Notice of Intention to Designate - Multiple Properties," dated July 11<sup>th</sup>, 2023 (as amended August 15<sup>th</sup>, 2023), the Town of Oakville recommended the issuance of a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the property at 3444 Trafalgar Road. The report was to be considered at the Heritage Oakville Advisory Committee's (LACAC) hearing on July 25<sup>th</sup>, 2023. This specific item was requested to be deferred until the August 29<sup>th</sup>, 2023 meeting so DGB Trafalgar Limited could review the report and respond.

DGB Trafalgar Limited has requested a Peer Review of the Designation report prepared by Town of Oakville staff to ascertain if the research is sound and whether the property meets the required criteria (minimum 2 of 9) for Designation under the *Ontario Heritage Act*. The property owner has retained Vincent J. Santamaura, OAA, MRAIC, CAHP, CaGBC, Architect, of Vincent J. Santamaura, Architect Inc. to review the Report on the Intention to Designate

Using the *Ontario Heritage Act* and its Regulations, general industry accepted methods, Terms of Reference from the Town of Oakville Heritage Services, and additional historical research, as required, a review of the report was undertaken to ascertain that the research is rigorous and the property meets the required criteria for designation. This letter summarizes the findings to the client.

Vinent J. Santamaura, Architect Inc. (VJSAI) has undertaken the following steps listed below to prepare the Heritage Impact Assessment letter:

- .1 Review the Report: "Notice of Intention to Designate Multiple properties," dated July 11<sup>th</sup>, 2023, as amended August 15<sup>th</sup>, 2023;
- .2 Review the existing Provincial, Regional, Municipal policies and legislation as it pertains to the Heritage;
- .3 Visit the property and photo document the existing property and the streetscape character;
- .4 Perform additional historical research to confirm the report's content, as required;
- .5 Assess the property and report to determine if, in the opinion of VJSAI, the criteria for Designation have been met;
- .6 Prepare a Summary letter of findings with an opinion on whether the property meets the criteria for Designation under the *Ontario Heritage Act*.

Following its review of the Report on the Intention to Designate, additional research was undertaken which included:

- A review of the Canada Census from 1840 to 1921,
- A survey of local historical documents in the collection of the Oakville Public Library,
   Ontario Archives, Archival clippings of local newspapers and the Oakville Historical Society,
- A site visit with photo documentation on August 3<sup>rd</sup>, 2023.

VJSAI makes the following observations:

#### Design or Physical value

- The building is not an exemplary example of the Architectural Gothic Farmhouse style, as it is missing some significant elements such as a porch, and enhanced decoration;
- The construction technique, though uncommon, is typical for areas close to rivers where flat shale rock stones are available. The Meadowvale Village Heritage District along the Credit River has a few examples of homes built in this manner. The challenge is that viewing the construction technique does not promote good construction practice as the structure needs protection from the elements.
- Given the appearance of diamond mesh attached to the exterior wall under the stucco finish, the current application of the stucco finish is not original and of mid 20<sup>th</sup> century application.

#### Historical or Associative Value

While the report has done a thorough research into the lives of the property owners, the majority of their contributions to the community with respect to the property, itself, do not meet the level of satisfying the criteria and are tenuous at best:

- Colonel Adamson did not live on the property as it was just part of the vast land holdings given to him for his service in the wars in which he participated. He lived elsewhere at Thorne Lodge;
- The Kenney family also lived elsewhere;
- This property is not the most appropriate location to commemorate the above persons and families;
- While the Bentley family lived and farmed a long time on the property, and were solid, hardworking citizens of the community, they did not rise to leadership or prominent roles within the community, the province or the country.

#### Contextual Value

The property has lost most of its heritage contextual value:

- The building sits in solitary fashion in large open fields, as an outlier to the community;
- Any farm buildings which would create a localized context have long since been removed;
- Any on-site landscape treatment (examples treed windbreaks or orchards) has been removed;
- The building lacks any visual presence in its presentation to the street either by outstanding architectural design elements or any features which would attract the eye to it or by its proximity to the street.

#### Preservation challenges:

Given the construction technique, the possibility of re-locating the structure will prove incredibly challenging as the wall assembly has many joints and will not be stable during any move. This presents an above normal challenge to its preservation and above average cost. As the building does not possess sufficient heritage value to warrant preservation, this consideration is moot.

#### Assessment:

To meet the standard for Designation under the *Ontario Heritage Act* and its Regulations, a minimum 2 of 9 criteria must be met.

The Intention to Designate Report concludes the property meets 5 of the 9 criteria under the Ontario Heritage Act's, *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*, as listed in the chart in Section 4.0, page 28 of the report.

Our assessment concludes as follows (note: the criteria numbering follows the current version of O/Reg 9/06):

O Reg. 9/06 Criteria	Evaluation	Criteria met
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.	Its construction method is not common. (The building is a simple example but not exemplary of the style. It is missing essential elements of the style including a porch and enhanced decoration.)	Y
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	The property does not display a high degree of craftsmanship or Artistic merit.	N
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.	The property does not demonstrate a high degree of technical or Scientific achievement.	N
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.	The property does not possess direct associations that are significant to the community. Any associations are tangential.	N

5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	The property has lost any potential to yield information of its earlier residents.	N
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	None found.	N
7. The property has contextual value because it is important in defining, maintaining or supporting the characte of an area.	The property has lost substantial immediate character.	N
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.	The property has lost substantial connections to its surroundings.	N
9. The property has contextual value because it is a landmark.	The property does not contain any features which would identify it as a	N

#### Conclusions:

Following its review and assessment of the property with the available information, it is the opinion of Vincent J. Santamaura, Architect Inc. that the property does not meet the required number of criteria to meet the standard for Designation under Section 29, Part IV of the *Ontario Heritage Act*.

landmark.

As such, having conducted this assessment, the property should be removed from the Town of Oakville's Register of Properties of Cultural Heritage Value or Interest.

Notwithstanding the conclusions of the assessment, there are possibilities for commemoration of the Heritage of the property through street, park and institution naming and landscape elements such as entry features and memorial walling.

We offer this opinion for your consideration. Kindly do not hesitate to contact the undersigned with any questions or comments you may have.

Yours truly

**VINCENT J. SANTAMAURA, ARCHITECT INC.** 



Vincent J. Santamaura, B. Arch, OAA, MRAIC, CAHP, CaBGC President, Principal Architect















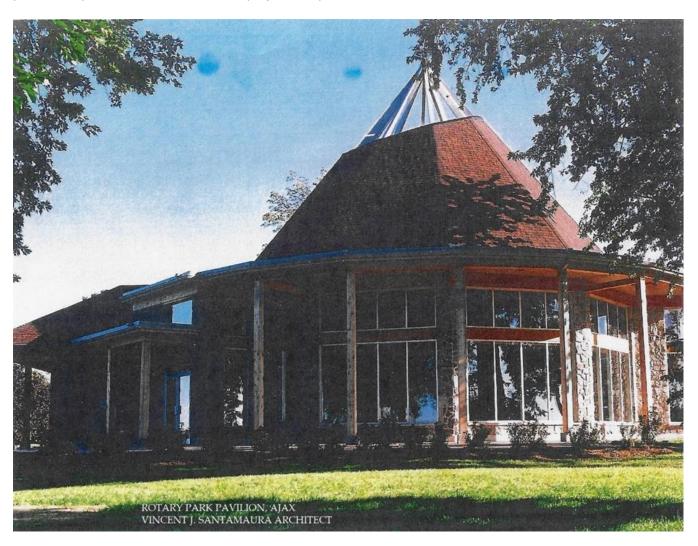


#### **CORPORATE OVERVIEW:**

Vincent J. Santamaura, Architect Inc. (VJSAI) is an Architectural firm that offers a full range of Architectural services in the fields of Residential (Low-Rise, Mid-Rise and High-Rise), Commercial, Institutional and Industrial buildings. Bringing together the creative energies and industry sophistication of Architect Vincent Santamaura, the firm offers over 35 years of industry activity and experience.

Lead by Vincent Santamaura, the collaborative team of Architects and Technologists strive to create new and exciting buildings. Linked single town homes and stacked townhouse condominium units are recent examples of innovative building forms that have been built. The Firm's emphasis on high quality service results in many repeat projects within the client base, and has allowed for the building of many long-term relationships.

More recently, VJSAI has been applying its many years of experience towards Community Design and Infill site plans. Becoming involved in the initial stages of a project's design, VJSAI can facilitate building configurations that reflect the Building Owner's explicit programming needs. This ensures efficient site plan development, and provides superior value to the client at project completion.





#### **PROFESSIONAL SERVICES:**

#### Architectural:

Building Design for Low-Rise, Mid-Rise and High-Rise Residential, Commercial, Industrial, and Institutional Buildings.

New Construction, Additions and Renovations.

Sustainable Design (Energy Star & LEED)

Heritage Design (Re-Use Feasibility Studies, Conservation Plans, Preservation Plans)

**Working Drawings & Specifications** 

**Site Grading Plans** 

Artwork Review and Co-ordination

Ontario Building Code Analysis

#### Master Planning:

Site Plan Development & Community Design
Feasibility Studies
Draft Zoning By-law Review
Heritage Impact Assessments
Creation & Administration of Architectural Control Guidelines

#### Project Management & Administration:

Administration & Co-ordination of Project Consultants
Field Review
Field Review for Schedule G Certifications & Issuance of Occupancy
Contract Administration
Change Orders & Certifications
Certificates of Payment

#### Municipal Approvals:

Building Permits & Applications
Site Plan Control Applications
Urban Design Briefs
Architectural Control Guidelines
Committee of Adjustment Applications
Zoning Amendment Applications
Professional Testimony (Ontario Land Tribunal)
Representation at Community Meetings
Representation at Council Meetings



#### **SELECTED CLIENT LIST:**

Villa Campo D'Amour Non-Profit Inc.

The Corporation of the Town of Ajax

The Corporation of the Town of Uxbridge

The Corporation of the Town of Whitchurch-

Stouffville

The City of Barrie

The Town of Innisfil

The Town of Milton

The City of Oshawa

The Town of Whitby

DG Group

**Castleridge Developments** 

Durham Children's Aid Society

Ford Motor Company Canada/Brandon Ford

**Greenpark Homes** 

**Huntingwood Developments** 

Lindvest (formerly H & R Developments)

Manulife Insurance Company

Marydel Homes / Vitmont Holdings

Oshagu Investments Ltd

Qunto Recycling Inc.

Rogers Inc.

Rosehaven Homes

Sakmet Developments

Shoppers Drug Mart Inc.

Sonterlan Group

State Park Homes

**Sterling Homes** 

Toronto Sun Publishing Corp.

Treasure Hill Homes

**Tribute Communities** 

Trinison Management Corp. (a Division of M.A.M.

Group)

**Woodland Homes** 

Wycliffe Group Limited

**ZZEN Development Group** 

Mr. & Mrs. Sam Geraci

Mr. & Mrs. Terry Joyce

Mrs. Jane Richardson

Mr. Roger Woodward



#### **SELECTED PROFESSIONAL RESUME**

Vincent J. Santamaura, B. Arch, OAA, MRAIC, CAHP (Building Specialist)

#### Overview:

Vincent has contributed close to 40 years of Architectural experience to the Construction Industry as Vincent J. Santamaura, Architect Inc. and as a founding partner of SRN Architects Inc. A creative designer, familiar with a variety of Building systems, and the Building and Approvals process, he applies his knowledge to solving the building needs of his clients.

Trained and registered as an Architect, Vincent graduated from the University of Toronto in 1983. He has been active in the Greater Toronto Area – from downtown infill housing to new communities to historic renovations, adaptive re-use to high-rise. Vincent has worked for award winning architectural firms and runs his own practice. He has worked for a large land developer/home builder as Staff Architect and Community Planner where he was responsible for designing new communities, lotting modules and commercial and residential unit forms. Fully versed in the grand picture, Vincent applies his knowledge and experience back into the urban and architectural design fields.

Familiar with a variety of building systems, Vincent is comfortable designing in steel frame, cast-in place concrete or wood or light gauge steel framing. His design solutions balance urban concerns, client needs, and budget demands. Sustainability has always been an interest of Vincent's since his university days having been involved in passive energy design since the first oil crisis, and this has led to an interest in building envelope systems and an exploration of the new energy efficient building techniques. Fundamentally, though, it is the satisfaction of the client's needs that drives the building design solution and the delivery of it on time and on budget.

Vincent derives a large amount of his design inspiration from our Ontario Heritage. He is a member of the Canadian Association of Heritage Professionals as a Building Specialist. He's been the Chair of the Uxbridge LACAC and has been active in the preservation efforts of the Foster Memorial and the Lucy Maud Montgomery House, both in Leaskdale. He has also sat on the Heritage Whitby LACAC. He designed the York/Durham Heritage Railway/Go Train Station in Stouffville, renovations to the Goodwood Town Hall (1875) and the Uxbridge Music Hall (1901). With these works, Vincent has developed strong interpersonal skills interacting with various communities, committees and municipal governments. This sensitivity to the existing built (and social) environment ensures that any design intervention will respect its neighbours.

Keenly aware of the complex issues and interests in building communities, Vincent uses his design skills, his consensus building skills and his experience to arrive at a balanced solution to any design challenge.

#### **EDUCATION:**

2001 to present - OAA Professional Development Continuing Education Course Certificates

1986 to 1989 - AutoCAD Certificate courses, Ontario CADD/CAM Centre, Cambridge, Ontario

1985 - Construction Specifications Course, CSC, Toronto
 1983 - Bachelor of Architecture, University of Toronto



#### **PROFESSIONAL MEMBERSHIPS:**

2012 to 2017 - Member, Alberta Association of Architects

2010 to present - Member, Canadian Association of Heritage Professionals - Building Specialist

2006 to present - Member, Canada Green Building Council

1983 to present - Member, Royal Architectural Institute of Canada

1981 to present - Member, Ontario Association of Architects, Registered 1988

#### **COMMUNITY MEMBERSHIPS:**

2023 to present- Member, Heritage Whitby/LACAC, Town of Whitby

2015 to 2018 - involved in Local Architectural Conservation Advisory Committee to the Town of Whitby

2009 to 2012

1993 to 1996 - Member/Chairman, Heritage Uxbridge/LACAC, Town of Uxbridge

- involved in Local Architectural Conservation Advisory Committee to the Town of Uxbridge

1993 to 2002 - Member, Friends of the Foster Memorial, Town of Uxbridge

- involved in the fund raising, preservation and designation efforts for the Foster Memorial in

the Town of Uxbridge

1994 to 2002 - Member, York/Durham Heritage Railway Association, Stouffville

- involved the running of the heritage railway between Stouffville and Uxbridge

1995 to 1998 - Member, Celebration of the Arts Committee, Town of Uxbridge

- involved in organizing the annual Cultural Celebration in the Town of Uxbridge

1991 to 2001 - Member/Chair, Committee of Adjustment, City of York/Toronto York

- presided over 2,000 minor variance and land severance applications

#### **PROFFESIONAL EXPERIENCE:**

Vincent J. Santamaura, Principal Architect for a full-service Architectural firm serving Institutional,

Architect residential, commercial and industrial clients with added expertise in heritage

2020 – to present and sustainable design.

1993 - 2007

SRN Architects Inc. Founding Partner and Principal Architect for SRN Architects Inc. serving the

2007 – 2020 development industry in the residential, industrial, commercial and institutional sectors.

LAW Development Staff Architect and Planner for a Development/Home Building company building

Group communities in Markham, East Gwillimbury and Collingwood.

Gabor + Popper Associate Architect for a practice serving residential clients.
Architects Inc.

1984 – 1993

1997 - 1999



#### PROFESSIONAL ACTIVITIES AND SELECTED PROJECTS - HERITAGE:

#### **Expert Witness:**

Expert Witness – Architecture/Site Planning/Urban Design: Ontario Municipal Board - Recognized as an Expert in Architecture, Site Planning and Urban Design by the Ontario Municipal Board for Testimony during Heathwood Homes Appeal of the City of Toronto By-Law no. 2017-62.

**Expert Witness -** Heritage Matters: Ontario Municipal Board -

Recognized as an **Expert** in Heritage Matters by the Ontario Municipal Board for Testimony during Dunbar Homes Appeal of the City of Mississauga Refusal to Enact By-Law no. 0225-2007

**Expert Witness -** Heritage Matters: Ontario Municipal Board

Recognized as an **Expert** in Heritage Matters by the Ontario Municipal Board for Testimony during Testimony for Vitmont Holding Inc Appeal of the Town of Aurora Non-Decision on Site Plan for 15160 Yonge Street & No. 5 Tyler Street, Aurora

**Expert Witness -** Heritage Matters: Ontario Municipal Board -

Recognized as an **Expert** in Heritage Matters by the Ontario Municipal Board for Testimony during Ballantry Homes Appeal of the Town of Markham By-Law no. 2006-78

Expert Witness – Architecture/Site Planning/ Urban Design: Ontario Municipal Board-Recognized as Expert in Architecture/Site Planning/ Urban Design in the Toronto Home Builders Association's Appeal of the City of North York By-Laws nos. 89111, 89112, 89113, known as the "Monster Home By-Law".

#### **Heritage Impact Assessments/Reports:**



Heritage Impact Assessment/Preservation Plan - 68 Daisy Street, City of Toronto (Etobicoke):
Heritage Architect who analyzed and authored a Heritage Impact Assessment and prepared a Preservation Plan for the Vincent Massey Public School on the impact of a new cluster of

townhouses proposed around it in the City of

Toronto.



Cultural Heritage Impact Review Assessment/ Preservation Plan - 8161 & 8177 Kipling Avenue, (The Thomas Wright House and the McGillivray-Shore House) City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Assessment/ Conservation Plan for the re-location and renovation of two Designated Homes and the impact of a proposed stacked townhouse project in the Woodbridge Heritage Conservation District, in the City of Vaughan.

2017 Vaughan Urban Design Award winner.





Cultural Heritage Impact Review
Assessment/Preservation Plan –
The Thomas Watson House
8934 Huntington Road, City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Statement and Preservation plan for the renovation of a formerly Designated Home as part of the proposed Arlington Estate Banquet Hall re-development project in the City of Vaughan.

#### Heritage Impact Assessment - 10056 & 10068 Keele Street

(Le Sedici Vilette) City of Vaughan:

Architect/Heritage Architect who analyzed and authored a Cultural Heritage Impact Assessment for and designed a proposed townhouse project in the Woodbridge Heritage Conservation District, in the City of Vaughan.

Heritage Impact Assessment/Preservation Plan Stiver Tenant House (Designated) -9721 Kennedy Road, City of Markham

Heritage Architect who analyzed and authored a Cultural Heritage Impact Assessment/Preservation Plan for the preservation, re-location, renovation, and addition of a Designated Stiver Tenant Home project in the Town of Markham. (on-going)

## Heritage Impact Assessment - 6 Mann Street, Clarington (Bowmanville):

Architect/Heritage Architect who analyzed and authored a Heritage Impact Assessment for the impact of an infill project of three single detached homes in the Town of Clarington (Bowmanville)

Heritage Impact Assessment - 4583, 4589 & 4601 Mississauga Road, City of Mississauga:

Heritage Architect who analyzed and authored a Heritage Impact Assessment for the impact of a new cluster of homes on the Credit River Cultural Landscape (Heritage Registered Inventory) and the Mississauga Road Scenic Route (Heritage Register Inventory) in the City of Mississauga.

#### **Restoration:**



#### The Music Hall (1901), Uxbridge:

Architect/Heritage Architect for the renovation of the cultural centre of the thriving artistic life of Uxbridge since 1901. The facilities of the Historically Designated Music Hall were updated, and the stage was restored.

#### Adaptive Re-Use:



#### 11 Woodlawn Avenue, Toronto:

Project Architect for a conversion of a church building into condominium suites. The existing 4,000 sf building shell had another 8,000 sf of building area inserted into its envelope to create six luxury 2-storey units.



#### **Mixed Use Projects:**



# Old Brooklin-The Mews, Whitby (Brooklin): Architect/Heritage Architect for the infill and extension of downtown Brooklin's Heritage District's main street with a mixed-use project using traditional living above retail programming and local heritage architectural styles.

#### Institutional:



# Go Transit Stouffville and York Durham Heritage Railway Terminus, Stouffville:

Architect for the Heritage inspired Go Transit Station Stouffville which also acts as a terminus station for the York Durham Heritage Railway line between Stouffville and Uxbridge.

#### Commercial:



#### 10 Richmond Street, Maple:

Architect/Heritage Architect for a commercial infill building in Downtown Maple's Heritage District, approved by the City of Vaughan Heritage Committee, the Maple Streetscape Committee and City of Vaughan Council.

#### **Architectural Control Guidelines:**

#### **Spring Creek, Waterdown:**

Control Architect who created Architectural Control Guidelines which selected all components for the accurate re-creation of Georgian, Edwardian, Queen Anne, Arts & Crafts and Canadiana styles in this heritage inspired residential community.

#### Kleinburg Estates, Vaughan (Kleinburg):

Control Architect who created Architectural Control Guidelines which selected all components for the accurate re-creation of Georgian, Queen Anne, Second Empire and Victorian styles in this residential community in the Heritage Conservation District of Kleinburg, Vaughan.