

REPORT

Planning and Development Council

Meeting Date: March 4, 2024

FROM: Planning Services Department

DATE: February 27, 2024

SUBJECT: Notice of Intention to Demolish – 530 Carson Lane

LOCATION: 530 Carson Lane

WARD: Ward 3

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RECOMMENDATION:

1. That the property at 530 Carson Lane be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and,
2. That, prior to demolition, the property owners 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 Cultural Heritage Evaluation Report.
- It is recommended that the property at 530 Carson Lane *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 March 22, 2024.

BACKGROUND:

The subject property is located on the south side of Carson Lane between Howard Avenue and Chartwell Road. The property contains a historic detached house. A location map is attached as Appendix A. Details on the property are included in the Cultural Heritage Evaluation Report, attached as Appendix B.

The Cultural Heritage Evaluation Report was completed by SMDA Design Inc. and submitted by the owners along with a notice of intention to demolish for the property.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest as a non-designated property in 2009 based on its potential cultural heritage value or interest as the Cyrus W. Anderson House, a circa 1900 cottage-style house.

The submission was deemed complete on January 22, 2024. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60-day notice period expires on March 22, 2024. The Heritage Oakville Advisory Committee considered this submission at the meeting on February 27, 2024 and supported the staff recommendation.

COMMENT/OPTIONS:

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. 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 (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 permit.

Cultural Heritage Evaluation Report

The owners have submitted a Cultural Heritage Evaluation Report that provides an overview of the property and the house and an assessment of its cultural heritage value. The report concludes that the property does not meet two or more of the criteria outlined in Ontario Regulation 9/06, as required by the *Ontario Heritage Act*.

In terms of design/physical value, the report notes that the building does retain a portion of the original cottage, but that the house has been heavily altered and is no longer a representative example of this style. It further concludes that the house does not display a high degree of craftsmanship or artistic merit and does not demonstrate a high degree of technical or scientific achievement.

In terms of historical/associative value, the report indicates that the property is associated with Cyrus Anderson, a prominent local banker, but that this was likely a rental property that he never occupied, diminishing the associative value. However, the first known owner who occupied the cottage was George C. Atkins, who purchased the property in 1945. Atkins was the publisher of the Oakville Record-Star, the local weekly newspaper. He also served as a trustee of the Oakville School Board for 18 years and then was appointed administrator of the high school board of trustees. Differing from the CHER conclusion, staff is of the opinion that the association with George C. Atkins meets the criteria for having historical 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 report goes on to note that there is no evidence that the property has potential to yield significant information about a community or culture, and it is not known to be associated with a significant architect, artist, builder, designer or theorist.

In terms of contextual value, the report concludes that the property is generally linked to the Orchard Beach, or Orchard Park, development, although the connection is looser because the house pre-dates the development by around ten years. The report also concludes that the property is not important in defining, maintaining or supporting the character of the area, which has seen significant change over the past three decades and is not considered to be a landmark.

Generally, staff concur with the findings of the Cultural Heritage Evaluation Report, apart from staff's opinion regarding the associative value with George C. Atkins. Based on staff's review of the report and an assessment of the property, the property only meets one criteria of Ontario Regulation 9/06 and is therefore 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 house at 530 Carson Lane 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 530 Carson Lane 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 Cultural Heritage Evaluation Report, the property only meets one criteria of Ontario Regulation 9/06 and does not have significant cultural heritage value. Therefore, the property 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 building. 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.

CONSIDERATIONS:

(A) PUBLIC

There are no public implications to consider.

(B) FINANCIAL

There are no financial implications to consider.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

There is no direct impact on other departments and users.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priority of Accountable Government.

(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 recommendation to salvage materials from the house helps to contribute to the town's initiatives to reduce carbon footprints.

APPENDICES:

Appendix A – Location Map

Appendix B – Cultural Heritage Evaluation Report

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