

## REPORT

### Planning and Development Council

Meeting Date: November 25, 2024

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**FROM:** Planning and Development Department

**DATE:** November 12, 2024

**SUBJECT:** **Consideration of Objection to Notice of Intention to Designate – Georgia Cottage at 19 Head Street – By-law 2024-182 – November 25, 2024**

**LOCATION:** 19 Head Street

**WARD:** Ward 2

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#### RECOMMENDATION:

1. That the Notice of Intention to Designate Georgia Cottage at 19 Head Street under Section 29, Part IV of the *Ontario Heritage Act* not be withdrawn despite the notice of objection received from the property owner; and,
2. That By-law 2024-182 to designate Georgia Cottage at 19 Head Street as a property of cultural heritage value or interest, attached as Appendix “C”, be passed.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- Town Council resolved to issue a Notice of Intention to Designate for Georgia Cottage at 19 Head Street under Part IV of the *Ontario Heritage Act* at the September 24, 2024 Planning and Development Council meeting.
- A notice of objection to the designation was received by the Town, two days past the required timeframe as set out in the *Ontario Heritage Act*.
- Despite the late receipt, staff carefully reviewed the notice of objection provided and remains of the opinion that the property meets the criteria for determining cultural heritage value or interest and continues to merit heritage designation.
- It is recommended that Town Council not withdraw its Notice of Intention to Designate and pass the attached by-law to designate the property under Section 29, Part IV of the *Ontario Heritage Act*.

**BACKGROUND:**

Town Council approved a staff recommendation to issue a Notice of Intention to Designate Georgia Cottage at 19 Head Street at the September 24, 2024 Planning and Development Council meeting (Item 4.7). This staff recommendation was previously recommended to be approved on April 23, 2024 by the Heritage Oakville Advisory Committee (Item 4.1).

A notice of objection outlining the reasons for objection to the proposed designation was served on the town by the owner on October 30, 2024. The objection was received two days after the October 28, 2024 deadline to object to the Notice of Intention to Designate, which is 30 days after the date of publication of the notice as required by the *Ontario Heritage Act*. Despite the late submission of the objection, staff carefully considered the objection which is attached as Appendix “A” to this report.

The subject property at 19 Head Street contains a circa 1855 one-and-a-half storey frame house known as Georgia Cottage. As the basis for the original recommendation to issue the Notice of Intention to Designate, staff completed a Cultural Heritage Evaluation Report (CHER) for the subject property, which is attached as Appendix “B” to this report. Staff has reviewed the CHER again in light of the objection and remains convinced that the property meets the criteria for determining cultural heritage value or interest prescribed in Ontario Regulation 9/06, and therefore continues to warrant designation under Section 29, Part IV of the *Ontario Heritage Act*.

The property’s cultural heritage value and reasons for designation remain as described in the Statement of Cultural Heritage Value or Interest (SCHVI) included in both the CHER and the issued Notice of Intention to Designate.

**OPTIONS:**

According to Section 29 of the *Ontario Heritage Act*, the options for Town Council to consider in response to the notice of objection are to either: withdraw the Notice of Intention to Designate to end the designation process; or not withdraw the Notice of Intention to Designate and pass the designation by-law to continue the designation process.

Should Town Council elect to withdraw the Notice of Intention to Designate, it would be withdrawn by serving a notice of withdrawal on the property owner and the Ontario Heritage Trust, and also by publishing the notice of withdrawal in the town’s online News and Notices. In accordance with the *Ontario Heritage Act*, the property could not be listed or designated for another five years after this withdrawal.

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Should Town Council decide to not withdraw the Notice of Intention to Designate, a designation by-law may be passed by Council to designate the property. Any person who objects to the by-law would then have the right to appeal to the Ontario Land Tribunal within thirty days of publication of the notice of the by-law.

The time period for Council to make a decision on a notice of objection is within 90 days after the end of the 30-day objection period to the Notice of Intention to Designate. In this case, Town Council has until January 26, 2025 to make a decision on this notice of objection and also to pass a designation by-law, if it chooses to proceed with designation.

**COMMENTS:**

The reasons for objection listed in the notice of objection provided by the owner are italicized below, with a staff response below each.

- 1) *The owners have no intention of making changes to the exterior.*

While staff commends the owners for maintaining the exterior of their heritage home, without designation there are no measures by which the town can protect the heritage attributes of the house during future renovations by the existing owners if they change their minds, or by future owners.

- 2) *The owners do not believe the house warrants designation just because it is old, and because it is not a school, store, library, post office or grand home.*

Heritage Planning staff evaluated the property in accordance with Ontario Regulation 9/06. The property was found to have, and continues to have, cultural heritage value as an early representative example of a vernacular Oakville house with Georgian and Neoclassical architectural influences. The property also has heritage value for its historical associations with the Thomas family, early and prominent settlers in the area who owned the house for over a century, as well as with George Atkins, recognized nationally for his work in the field of agriculture and the radio and television broadcasting industry. Finally, the property has contextual value as it is important in defining, supporting and maintaining the character of its historic working-class neighbourhood west of the Sixteen Mile Creek.

While the town has recognized many public buildings and grand homes through designation, it is also important to protect the historic vernacular homes that contribute to Oakville's unique character and significant cultural heritage. This is supported by Ontario Regulation 9/06 which allows for the designation of a broad range of cultural heritage resources that are important to a community for a variety of different reasons.

**CONCLUSION:**

Staff has re-examined the reasons for designation outlined in the SCHVI in light of the specific reasons for objection provided in the notice of objection and remain of the opinion that, despite these reasons for objection, the subject property meets three of the criteria prescribed in Ontario Regulation 9/06. In order to meet the requirements of Ontario Regulation 9/06, a property must meet at least two criteria. Therefore, the subject property continues to merit designation under section 29, Part IV of the *Ontario Heritage Act*.

Should Town Council decide not to withdraw its Notice of Intention to Designate Georgia Cottage at 19 Head Street, staff recommends that the designation by-law, By-law 2024-182 attached as Appendix “C” to this report, be passed. According to section 29(11) of the *Ontario Heritage Act*, any person who objects to the by-law may appeal to the Ontario Land Tribunal within thirty days of publication of the notice of the by-law.

**CONSIDERATIONS:**

**(A) PUBLIC**

If the designation by-law is passed, then a notice of the by-law will be issued for the property in accordance with section 29, Part IV of the *Ontario Heritage Act*.

**(B) FINANCIAL**

There are no financial considerations in this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The Legal department will be consulted on the designation as necessary.

**(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses Council’s strategic priorities: Community Belonging, Environmental Sustainability and 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 retention and conservation of this historic building through heritage designation contributes to the town’s initiatives to reduce carbon footprints.

**APPENDICES:**

- Appendix A – Notice of Objection
- Appendix B – Cultural Heritage Evaluation Report
- Appendix C – Designation By-law 2024-182

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