

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 20, 2017

FROM: Planning Services Department

DATE: February 28, 2017

SUBJECT: Notice of Intention to Demolish - 3371 Trafalgar Road

LOCATION: 3371 Trafalgar Road

WARD: 6

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RECOMMENDATION:

1. That a heritage easement agreement for the property at 3371 Trafalgar Road for the purpose of commemoration of the historic associations of the property be endorsed; and
 - a. That the Town Solicitor be authorized to discharge the heritage easement agreement from title, at the expense of the owner, once the requirements in the agreement have been satisfied to the satisfaction of the Director of Planning Services or designate;
 - b. That the heritage easement agreement be executed in accordance with By-law 2013-057; and
2. That, following the registration of the heritage easement agreement, the property at 3371 Trafalgar Road be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.

KEY FACTS:

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

- The subject property is on the Oakville Heritage Register as a listed property.
- The subject property has historic associations with Oakville's early settlers that should be recognized and commemorated, although the residence itself is not suitable for retention.
- It is recommended that a heritage easement agreement should be entered into to ensure the commemoration of the history of the property.
- Following the entering into of the recommended heritage easement agreement, it is recommended that the property *not* be designated under the *Ontario Heritage Act* and that the property be removed from the Oakville Heritage Register.
- The subject notice must be dealt with by Council by March 24, 2017.

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BACKGROUND:

The subject property is located on the east side of Trafalgar Road between Dundas Street East and Burnhamthorpe Road East. A location map for the property is attached as Appendix A.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (Not Designated) in 2009 when 354 properties were added to the Heritage Register. The property was added as it showed potential cultural heritage value for its historic farmstead and associations with Matthew Clements.

The owner has submitted a notice of intention to demolish for all buildings on the property, which was completed on January 23, 2017. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on March 24, 2017.

The application was presented to the Heritage Oakville Advisory Committee on February 28, 2017 and the committee endorsed the staff recommendation to enter into a heritage easement agreement to ensure commemoration for the property while allowing for the demolition of the structure. The committee discussed various methods of commemoration for the property and Heritage Planning staff committed to working with the appropriate town staff (likely Parks and Open Space) to ensure that a plaque and other interpretive methods that may include landscaping, park/street naming and park structures reflect the historic associations of the property.

COMMENT/OPTIONS:*Evaluation of Property*

When a notice of intention to demolish is submitted for a listed property, research is completed to determine the architectural, historical 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 Heritage Register. If Council supports the staff recommendation

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and does not issue a notice of intention to designate the property within the 60 days, the property is removed from the Oakville Heritage Register and the owners may then proceed with applying for demolition.

This property was included in Phase One of the Cultural Heritage Landscape Strategy Implementation Inventory. As such, an inventory report was created for the property to evaluate its potential as a cultural heritage landscape or cultural heritage resource and is attached as Appendix B. This inventory report was used as the research assessment for the property, along with the Chain of Title that was completed for the property. Based on historical research and physical examinations of the property, the property does have cultural heritage value in its historic associations, although the physical condition of the house has compromised the potential for its retention, as discussed below.

Historic/Associative Value

The significant historic associations of the property are related to the early owners of the property, who include several of the founding families of Trafalgar Township. The Chain of Title for the property, attached as Appendix C, shows a large number of land transactions between 1809 and 1855 involving various parcels being sold between the Howard, Allan, Mitchell, Post, Marlatt, Synder and Wynn families of Trafalgar Township. While it is possible that a small residence was constructed on the property in the 1820s, based on the architectural details and information in the land transfers, it appears that the existing structure was most likely constructed in the 1850s by Matthew Clements. Matthew Clements, a local farmer who served as Warden of Halton County from 1874-1878, owned the property from 1855 to 1909. Whether he built the structure from scratch or enlarged an existing structure or built on its foundations is unknown and the building is in such an advanced state of disrepair that it is unlikely to yield further information. Additional material on Matthew Clements has also been collected in the Cultural Heritage Landscapes Inventory Report attached as Appendix B.

Design/Physical Value

The house has limited design/physical value as a simple two storey wood frame vernacular residence. The house is in a state of serious deterioration and has been for many years. The house is unsafe and currently collapsing on itself. There are no materials suitable for salvage in the residence as all of the windows have been removed/broken and the wood cladding, trim and framing is rotten. See Appendix D for photos of the property.

Contextual Value

Contextually, the property has limited value for its contribution to the local streetscape. Due to the changing nature of the neighbourhood, the residence no longer has an important role in defining, maintaining or supporting the character of

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the area. The property is not a landmark in the area as it is not visible from the road. The assessment of the property in the Cultural Heritage Landscapes Inventory has noted that there are no remaining landscape features that show the potential for cultural heritage value.

Conservation Options

While the property does have historic associations with the early settlers of Oakville, the condition of the structure does not permit retention or salvage of any materials.

In order to recognize, educate and celebrate the significant historic associations of this property, it is proposed that the history of the property and its owners be commemorated by a plaque and/or other methods of historic interpretation in the general area of the house following the future development of the property.

Conclusion

It is therefore recommended that the property be removed from the Oakville Heritage Register, following the owner entering into a heritage easement agreement with the town to commemorate the historic associations of the property.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

The cost of the commemoration will be borne by the property owner.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The heritage easement agreement will be developed with the Town's Legal department.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

This report generally complies with the sustainability objectives of the Livable Oakville Plan.

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APPENDICES:

- Appendix A – Location Map
- Appendix B – Cultural Heritage Landscape Inventory Report
- Appendix C – Chain of Title for 3371 Trafalgar Road
- Appendix D – Photos of Property

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