

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 8, 2021

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**FROM:** Planning Services Department

**DATE:** February 23, 2021

**SUBJECT:** Notice of amendment to By-law 2011-033 - Bowbeer House at 5 Bowbeer Road

**LOCATION:** 5 Bowbeer Rd

**WARD:** 7

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#### RECOMMENDATION:

That notice be issued under subsection 30.1(3) of the *Ontario Heritage Act* to the owners of 5 Bowbeer Road of the proposed amendments under subsection 30.1(2) of the *Ontario Heritage Act* to By-law 2011-033.

#### KEY FACTS:

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

- In 2011, the Bowbeer House, formerly located at 3369 Sixth Line, was designated under the *Ontario Heritage Act* by By-law 2011-033.
- The house was dismantled and stored and in 2019 was reconstructed on the same site, now known as 5 Bowbeer Road.
- In accordance with the *Act*, staff are recommending that By-law 2011-033 be updated to reflect the new address and the building's updated heritage attributes.

#### BACKGROUND:

The property at 5 Bowbeer Road is located on the northeast corner of Sixth Line and Bowbeer Road in north Oakville and contains the c.1850s Bowbeer House. See Appendix A for the Location Map.

The Bowbeer House was designated in 2011 under Part IV of the *Ontario Heritage Act* by By-law 2011-033. At the time, it was located at 3369 Sixth Line, a large agricultural parcel which was then developed as a new plan of subdivision. Because of significant structural issues, heritage approval was given for the house to be dismantled, stored and reconstructed on the site. The house was dismantled in 2012

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and stored until it could be reconstructed in 2019. It now sits on a new lot within the plan of subdivision, located approximately 30 metres to the west of its original location.

The original designation By-law 2011-033 is attached as Appendix B.

### **COMMENT/OPTIONS:**

In accordance with section 29 of *Ontario Heritage Act*, all designation by-laws are required to include the following four items: a description of the property; a statement explaining the cultural heritage value or interest; a description of the heritage attributes; and a correct legal description.

In the case of By-law 2011-033, the following needs to be updated:

- The description of the property will need to reflect the new location of the heritage house on its new lot within the subdivision;
- The legal address will need to reflect the new address of 5 Bowbeer Road, rather than the former address of 3369 Sixth Line; and
- The list of heritage attributes will need to be amended to reflect the fact that the house, including its designated heritage attributes, has been reconstructed and restored.

In accordance with section 30.1 of the *Ontario Heritage Act*, a Council may amend a designation by-law made under section 29 of the *Act*. As per the requirements of s. 30.1 (5), Part IV of the *Ontario Heritage Act*, the municipal heritage committee is being consulted regarding the proposed amendment to the designation by-law. Should Council decide to issue the notice of intention to amend the designation by-law, notice will be sent to the owner(s) of the property. There is a 30 day objection period, following which, if no objections are received, an amending by-law will be brought forward for passage.

Heritage Planning staff recommend that notice of intention to amend By-law 2011-033 be issued and that notifications proceed as required by the *Ontario Heritage Act*.

A similar report was taken to the Heritage Oakville Advisory Committee on February 16, 2021. The Committee supported staff's recommendation to issue a notice to amend the by-law.

**CONSIDERATIONS:**

**(A) PUBLIC**

Should Council support the staff recommendation, notification of the proposed amendment will be sent to the property owners of 5 Bowbeer Road. Public notification is not required for this amendment.

**(B) FINANCIAL**

None

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

The Legal Services department has reviewed this report.

**(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**

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The amendment of By-law 2011-033 does not impact the town's climate initiatives.

**APPENDICES:**

Appendix A – Location Map

Appendix B – By-law 2011-033

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