

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 13, 2020

FROM: Planning Services Department

DATE: December 18, 2019

SUBJECT: Notice of intention to demolish - 153 Balsam Drive

LOCATION: 153 Balsam Drive

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RECOMMENDATION:

1. That the property at 153 Balsam Drive be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and
2. That, prior to demolition, the property owner allow for the salvage of historic 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.
- It is recommended that the property at 153 Balsam Drive *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.
- The Heritage Oakville Advisory Committee reviewed the Notice of Intention to Demolish and supported the staff recommendation to remove the property from the Oakville Heritage Register.
- The subject notice must be dealt with by Council by January 15, 2020.

BACKGROUND:

The subject property is located on the east side of Balsam Drive north of Lakeshore Road. 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. The property was added based on its potential cultural heritage value or interest for its c.1920s Tudor Revival style stucco house.

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The owner has submitted a notice of intention to demolish for the removal of the house. The application was completed on November 15, 2019. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on January 15, 2020.

Staff have prepared a Heritage Research Report to assess the potential cultural heritage value of the property, which is attached as Appendix B. As part of the Cultural Heritage Landscape Strategy, the streetscape of Balsam Drive, on which the subject property is located, was identified as having potential cultural heritage value as a cultural heritage landscape. The inventory sheet completed for Balsam Drive as part of the Cultural Heritage Landscape Strategy is attached as Appendix C.

COMMENT/OPTIONS:

When a notice of intention to demolish is submitted for a listed property, Heritage Planning staff complete and/or review research 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 Register of Properties of Cultural Heritage Value or Interest. 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 Oakville Register of Properties of Cultural Heritage Value or Interest and the owner may then proceed with applying for demolition.

Research and Review

The property owner submitted a chain of title from the land registry office which provided details on all past owners of the property. Staff completed a heritage research report to evaluate the property's potential heritage value, which is attached as Appendix B. Based on staff's review of the submitted land registry information, historical research and physical examinations of the property, the property is not considered to have sufficient cultural heritage value or interest to warrant designation under s. 29, Part IV of the *Ontario Heritage Act*.

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The house is considered to have limited design/physical value as a modest representative example of a c.1920s vernacular home built with Period Revival influences. It is not a significant example of this style of architecture, nor does it display a high degree of craftsmanship or artistic merit.

In terms of historical/associative value, the property is generally associated with the development of the area from farmland to a residential neighbourhood and with the local families, such as the Tailby family, who lived in the house. However, the property does not demonstrate nor does it reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to this community.

Contextually, the property supports the low-density residential character of the neighbourhood and is historically and functionally linked to Balsam Drive. However, the property is not considered to be a significant feature of this streetscape, nor is it considered to be a landmark.

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* (2005), *Planning Act* (1990, as amended) *Provincial Policy Statement* (2014), the *Growth Plan for the Greater Golden Horseshoe* (2019).

Provincial Policy Statement (2014)

Section 2.6 of the *Provincial Policy Statement (PPS)* 2014 on Cultural Heritage and Archaeology states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The *PPS* (2014) defines “significant”, in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

The property at 153 Balsam Drive does not meet the definition of a significant built heritage resource as it is not considered to make an important contribution to our understanding of the history of a place, event or people.

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The Growth Plan for the Greater Golden Horseshoe (2019)

Section 4.2.7. of *The Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2017)* addresses the protection of cultural heritage resources. Specifically, it directs that “*Cultural heritage resources* will be conserved in order to foster a sense of place and benefit communities, particularly in *strategic growth areas*.”

Further, the *PPS (2014)* and *Growth Plan (2019)* both define "conserved" as:
the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

The *PPS (2014)* and *Growth Plan (2019)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* 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 property at 153 Balsam Drive has not demonstrated that the property has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection through the *PPS (2014)*, *Growth Plan (2019)* and *Ontario Heritage Act*.

Town Policy

The Livable Oakville Plan

On September 27, 2017, Council adopted Official Plan Amendment 16 (OPA 16) to update the cultural heritage policies in the Livable Oakville Plan to be consistent with applicable Provincial legislation and policies, and to support the implementation of the *Ontario Heritage Act* and the town's Cultural Heritage Landscape Strategy. On April 26, 2018, Halton Region approved OPA 16 as it was deemed to be consistent with the 2014 PPS, and conform to the 2017 Growth Plan and the Regional Official Plan. That decision was appealed by one party. Until the appeal is adjudicated, OPA 16 is not in effect. However, OPA 16 represents Council's position with respect to the conservation of cultural heritage resources in the Livable Oakville Plan area.

Section 5 of the Livable Oakville Plan, as amended by OPA 16, states that “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, as

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amended by OPA 16, states that, "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 to be conservation.

As the property at 153 Balsam Drive has not been identified as having significant cultural heritage value or interest through the application of provincial policies such as Ontario Regulation 9/06, the cultural heritage policies of the Livable Oakville Plan do not require that it be conserved.

Conclusion

Based on staff's research and investigation into the property, 153 Balsam Drive is not considered to have significant cultural heritage value and therefore does not merit designation under section 29, Part IV of the *Ontario Heritage Act*. It is therefore recommended that the property be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest.

Staff recommend that the owner allow for the salvaging of features of the house where there is interest. It has become a standard practice to include this as a condition as it allows for the retention and re-use of these features and keeps these items from going to the landfill.

A separate staff report on this matter was presented to the Heritage Oakville Advisory Committee on December 17, 2019. The Committee supported staff's recommendation to remove the property from the Oakville Heritage Register.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

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(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.

APPENDICES:

Appendix A – Location Map

Appendix B – Staff Heritage Research Report

Appendix C – CHL Inventory Sheet for Balsam Drive

(See Appendix C to Item 4a of Heritage Oakville Advisory Committee Agenda December 17, 2019, which may be viewed at the following link: [Heritage Oakville Advisory Committee Agenda](#).)

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