

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 19, 2018

FROM: Planning Services Department

DATE: February 26, 2018

SUBJECT: Notice of Intention to Demolish - 333 MacDonald Road

LOCATION: 333 MacDonald Road

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RECOMMENDATION:

1. That the property at 333 MacDonald Road 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 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 333 MacDonald Road *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 subject notice must be dealt with by Council by March 20, 2018.

BACKGROUND:

The subject property is located on the north side of MacDonald Road, north of the former Oakville Trafalgar Memorial Hospital site, east of Reynolds Street, and west of Allan Street. A location map for the property is attached as Appendix A. The property owner submitted a heritage impact assessment report. It is attached as Appendix B.

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 based on its potential cultural heritage value or interest for its c.1940 Colonial Revival style brick house. During the 1980s, a one-storey addition and basement was constructed on the west side of the 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 January 19, 2018. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on March 20, 2018.

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 owners may then proceed with applying for demolition.

Research and Review

The property owner submitted a heritage impact assessment report (HIA), authored by ATA Architects, which evaluated the property's heritage value based on Ontario Regulation 9/06. Based on staff's review of the submitted HIA, historical research and physical examinations of the property, the property does not have sufficient cultural heritage value or interest to warrant designation under s. 29, Part of the *Ontario Heritage Act*.

The c.1940 Colonial Revival style brick house has limited design/physical value as it is not a rare, unique, representative or early example of a style, type, expression, material or construction method, nor does it display a high degree of craftsmanship or artistic merit.

In terms of historic/associative value, the property was associated with Clarence Byers who was employed as Town Clerk between the 1930s and 1950s, but this connection is not considered to be significant. The property does not demonstrate

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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 is historically and functionally linked to the local area, as part of the 1909 Brantwood Annex Plan, but this is not considered to be of significant cultural heritage value and the property is not a landmark within the community.

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* (2017).

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 333 MacDonald Road does not meet the definition of a significant built heritage resource as it does not make an important contribution to our understanding of the history of a place, event or people.

The Growth Plan for the Greater Golden Horseshoe (2017)

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* (2017) both define “conserved” as:

the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a

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manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

The *PPS* (2014) and *Growth Plan* (2017) 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 333 MacDonald Road 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* (2017) and *Ontario Heritage Act*.

Town Policy

The 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 333 MacDonald Road 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 heritage impact assessment report submitted for the property and staff’s site visit and visual inspection of the property, 333 MacDonald Road 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.

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Staff recommend that the owners allow for the salvaging of historic features of the house where there is interest. It has become a standard practice to include this as a condition as it allows for owners of other historic homes to save and re-use historic materials on their own homes and keep these items from going to the landfill.

A separate staff report on this matter was presented to Heritage Oakville Committee on February 27, 2018.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

None

(C) IMPACT ON OTHER DEPARTMENTS & USERS

None

(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 – Heritage Impact Assessment

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