



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 10, 2020

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**FROM:** Planning Services Department

**DATE:** January 29, 2020

**SUBJECT:** **Notice of Intention to Designate - St. Jude's Cemetery, 258 Lakeshore Road West - Cultural Heritage Landscape**

**LOCATION:** 258 Lakeshore Road West

**WARD:** 2

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### **RECOMMENDATION:**

That a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the St. Jude's Cemetery cultural heritage landscape, located at 258 Lakeshore Road West, as identified in Appendix A to the report dated January 29, 2020 from the Planning Services Department, be issued.

### **KEY FACTS:**

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

- On September 9, 2019, Oakville Town Council endorsed the Phase Two Cultural Heritage Evaluation Report for St. Jude's Cemetery and recognized the property as a significant cultural heritage landscape and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy: Implementation of Protection Measures.
- The Province has provided guidance on the framework to assess cultural heritage value or interest. The designed cultural heritage landscape of the St. Jude's Cemetery property meets the criteria of Ontario Regulation 9/06 and merits protection under Section 29, Part IV of the *Ontario Heritage Act*.
- The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate: a description of the property; a statement of cultural heritage value; and, a description of its heritage attributes.
- Heritage Planning staff recommends that the Heritage Oakville Advisory Committee endorse the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, attached as Appendix A.
- The Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, at their meeting on January 21, 2020.

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## **BACKGROUND:**

### Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act (2005)*, *Planning Act (1990, as amended)*, Provincial Policy Statement (2014), and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*.

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.*

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

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2014) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage. The PPS (2014) definition of a cultural heritage landscape is the following:

*“a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”*

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.

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### Cultural Heritage Landscapes Strategy

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation to identify, inventory and assess candidate cultural heritage landscapes and to conserve significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

The Strategy is based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act*, Provincial Policy Statement and the *Ontario Heritage Act*. Section One of the Strategy provides an introduction to cultural heritage landscapes and the applicable legislation, including a discussion of the international and national context of cultural heritage landscape conservation. Section Two defines what cultural heritage landscapes are and how to identify and evaluate them. Section Three outlines the legislation and tools that are available to preserve and protect cultural heritage landscapes and Section Four provides the conservation strategies to preserve and commemorate cultural heritage landscapes.

The Strategy is being implemented in three phases: Phase One: Inventory; Phase Two: Research and Assessment; and, Phase Three: Implementation of Protection Measures.

### Phases One and Two of the Cultural Heritage Landscape Strategy

On February 16, 2016, Oakville Town Council endorsed the recommendations of the Phase One inventory and directed that those properties identified as 'high priority' within the inventory proceed immediately to Phase Two: Research and Assessment. The Phase Two, high-priority property assessments have been completed and staff are undertaking assessments of the medium-priority properties.

St. Jude's Cemetery was identified as a property for which no further action was recommended. This was because the property was already designated under Part IV of the *Ontario Heritage Act* by By-law 2009-075 and this protection was considered sufficient at the time. However, staff have since identified a concern that not all of the property was included in the 2009 heritage designation. Staff therefore began a Phase Two assessment of the property in November 2018 to evaluate the whole of the property as a potential cultural heritage landscape.

The Phase Two: Research and Assessment of St. Jude's Cemetery was undertaken by Heritage Planning staff working with other Town Departments including Parks and Open Space and Legal. Consultation with the Mississaugas of the Credit First Nation, St. Jude's Church and local historical societies was also undertaken by Heritage Planning staff. On August 27, 2019, the Heritage Oakville Advisory Committee endorsed the draft Cultural Heritage Evaluation Report for St. Jude's Cemetery at 258 Lakeshore Road West, recommending that "St. Jude's Cemetery

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be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures”.

On September 9, 2019 Council received and endorsed the Phase Two Cultural Heritage Evaluation Report for St. Jude's Cemetery, recognized the property as a significant cultural heritage landscape and directed that the assessment move into Phase Three: Implementation of Protection Measures.

### Phase Three: Implementation of Protection Measures

The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved. The term conserved, as shown in the PPS (2014) and Growth Plan (2019) definition earlier in this report, includes protection of significant cultural heritage resources, and also the management and use of these resources. For Phase Three, the Town seeks to ensure that the proposed designation, description of heritage attributes, and any proposed conservation measures recognize the cultural heritage value of St. Jude's Cemetery.

The Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, at their meeting on January 21, 2020.

### **COMMENT/OPTIONS:**

For the St. Jude's Cemetery property, the first step of Phase Three is consideration of heritage protection under the *Ontario Heritage Act*. While the property is already designated pursuant to By-law 2009-075, only the more historic portion of the cemetery was included in the initial designation and the whole of the cemetery is considered to be of cultural heritage value. St. Jude's Cemetery has been reassessed and recognized as a significant cultural heritage landscape. Should Council proceed with designation under Section 29, Part IV of the *Ontario Heritage Act*, they are required to issue a Notice of Intention to Designate to the property owner (in this case, the Town of Oakville), the Ontario Heritage Trust, and to publish the Notice in a newspaper having general circulation in the municipality.

The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate. They are a description of the property; a statement of cultural heritage value or interest; and, a description of its heritage attributes. Heritage Planning staff recommend the approval of the description of the St. Jude's Cemetery property; the statement of cultural heritage value or interest; and, the description of its heritage attributes, which is attached as Appendix A.

Additional protection measures under Phase Three will be brought forward at a later date. This includes a Conservation Plan for a Cultural Heritage Landscape, which is required by By-law 2018-019.

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### Conclusion

Each phase of the implementation of the Cultural Heritage Landscape Strategy has advanced the Town's understanding of St. Jude's Cemetery's significant cultural heritage landscape. Heritage Planning staff are satisfied that the Heritage Oakville Advisory Committee has before it sufficient additional information to initiate the designation of the property under Section 29, Part IV of the *Ontario Heritage Act*.

Staff recommend that Council issue a Notice of Intention to Designate for the St. Jude's Cemetery cultural heritage landscape, as outlined in the attached Draft Notice of Intention to Designate, under Section 29, Part IV of the *Ontario Heritage Act*.

### **CONSIDERATIONS:**

**(A) PUBLIC**

Should Council issue a Notice of Intention to Designate, the property owner and the Ontario Heritage Trust will be notified. The Notice will also be published in the local newspaper.

**(B) FINANCIAL**

None

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

The Legal 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**

The designation of St. Jude's Cemetery as a cultural heritage landscape protects a valuable natural space that includes mature trees and vegetation and a habitat for wildlife. The protection of this significant property therefore supports the town's climate and sustainability initiatives.

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**APPENDICES:**

Appendix A – Draft Notice of Intention to Designate

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