

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JULY 25, 2016

FROM: Planning Services Department

16-571

DATE: June 28, 2016

SUBJECT: Notice of Intention to Demolish - 104 Burnet Street

LOCATION: 104 Burnet Street

WARD: 2

Page 1

RECOMMENDATION:

1. That a heritage easement agreement for the property at 104 Burnet Street for the purpose of salvage of historic materials and 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;
2. That, following the registration of the heritage easement agreement, the property at 104 Burnet Street be removed from the Oakville Register of Properties of Cultural Heritage Value or Interest; and
3. 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 Heritage Register as a listed property.
- The subject property has historic associations with Oakville's African Canadian community 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

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Ontario Heritage Act and that the property be removed from the Oakville Heritage Register.

- The subject notice must be dealt with by Council by July 31, 2016.

BACKGROUND:

The subject property is located on the southwest corner of Burnet Street and Kerr Street, south of Lakeshore Road West. A location map for the property is attached as Appendix A. A heritage impact assessment was submitted by the applicant and is attached as Appendix B.

The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (Not Designated) in 2016. The property was added as it showed potential cultural heritage value for its historic associations with Oakville's early African Canadian community.

The owner has submitted a notice of intention to demolish for all buildings on the property, which was completed on June 1, 2016. In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on July 31, 2016.

The Heritage Oakville Advisory Committee reviewed this notice of intention to demolish at its meeting on June 28, 2016 and supported the staff recommendation to enter into an easement agreement to ensure salvage and commemoration of the property and then to remove it from the Heritage Register.

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 and does not issue a notice of intention to designate the property within the 60 days,

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Date: June 28, 2016
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the property is removed from the Oakville Heritage Register and the owners may then proceed with applying for demolition.

A heritage impact assessment has been submitted by the applicant to evaluate the property's heritage value according to Ontario Regulation 9/06. 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 owners of the property beginning in 1909. The exact construction date of the house is unknown – MPAC information indicates there was a structure on the property that dated to 1840, but based on the information in the chain of title and the architecture of the residence, this seems unlikely. The largest jump in property value occurs between the ownership of Robert K. Brady, a machinist from Georgetown in 1891 and the sale of the property to Elizabeth Brady, a local widow in 1903. In 1909, the property was sold to Jeremiah B. Adams, the son of Samuel Adams, a freed slave and prominent member of Oakville's African Canadian community. Jeremiah was heavily involved in the Turner African Methodist Episcopal Church, which he helped to found with his father and uncle (by marriage), Reverend William J. Butler. Jeremiah worked for the local Chisholm Brothers Mill and raised five children with his wife, Eliza Butler. The property at 104 Burnet Street was passed through Jeremiah's descendants until its recent sale in 2015. See Appendix A for more information on the significance of the Adams/Wayner/Skeete/Duncan families.

Design/Physical Value

The house has limited design/physical value as a simple two storey stucco-clad vernacular residence. There are no design features of note on the exterior of the building, although the interior does retain some original trim and stairs. The original lakestone foundation of the house is only visible from the interior of the basement. Overall, the residence is in very poor condition, as outlined in the Heritage Impact Assessment and the structural report contained within. The support beams in the basement have rotted and are no longer able to support the residence above. The lakestone foundation is collapsing. The floors of both the first and second storey are soft and sloping inward due to the structural instability of the beams. The one storey side addition shows evidence of fire damage. Ceilings are collapsing due to moisture, mould and rot and there are few structural elements that are suitable for retention.

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 is no

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Date: June 28, 2016
Subject: Notice of Intention to Demolish - 104 Burnet Street

longer important in defining, maintaining or supporting the character of the area. The property is not a landmark in the area.

Conservation Options

While the property does have important historic associations with the African Canadian community in Oakville, the condition of the structure is such that if retention was required, very little original or historic material could be retained. Essentially, the structure would be a rebuild or replica of the existing house. As replication is generally not considered a suitable heritage conservation method, heritage planning staff see little value in requiring the rebuild of an architecturally insignificant structure.

In order to recognize, educate and celebrate the significant historic associations of this property, which are largely unknown to the greater public, it is proposed that the lakestone from the foundation be salvaged and re-used in the creation of a wall or monument to be located on the property that would include a plaque describing the significance of the African Canadian owners of the property and their contributions to Oakville. The design and context of the wall and plaque will be approved by the Director of Planning Services, with input to be requested from the Canadian Caribbean Association of Halton and other interested parties. The cost of the wall and plaque would be borne by the property owner.

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 salvage materials to commemorate the African Canadian owners of the property.

Staff also recommend that the owners allow for the salvaging of other original 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.

CONSIDERATIONS:

(A) PUBLIC

None

(B) FINANCIAL

The cost of the monument and plaque will be borne by the property owner.

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(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.

APPENDICES:

Appendix A – Location Map

Appendix B – Heritage Impact Assessment by ATA Architects

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