

## REPORT

### PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

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**FROM:** Planning Services Department

**DATE:** April 18, 2019

**SUBJECT:** 2460 Old Bronte Road - Replacement of Heritage Easement Agreement

**LOCATION:** 2460 Old Bronte Road

**WARD:** 4

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#### RECOMMENDATION:

1. That the existing Heritage Easement Agreement (HEA) for the conservation and relocation of the Caleb Smith House, currently located at 2460 Old Bronte Road, between the town and the owner be replaced, in keeping with the content of this report, to permit the owner to construct a new rear addition to the house;
2. That the new HEA be in form and content satisfactory to the Town Solicitor and the Director of Planning Services or their designate;
3. That the new HEA be executed in accordance with Executions By-law 2013-057 and be registered on title to the lands on which the Caleb Smith House is currently located and on title to the lands to which the Caleb Smith House is to be permanently located; and
4. That the Town Solicitor be authorized to discharge the current HEA from title on all lands on which it is registered, at the expense of the owner, and that the new HEA authorized by this report be executed and registered on title as per the above recommendations and that the Town Solicitor be authorized to discharge the new HEA from all lands on which it is registered, at the expense of the owner, once the Caleb Smith House has been designated pursuant to the provisions of the *Ontario Heritage Act* and the requirements in the new HEA have been fully satisfied to the satisfaction of the Director of Planning Services or their designate.

## KEY FACTS:

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

- In 2018, the owners submitted a site plan application for 2444-2468 Old Bronte Road which proposes to retain the historic Caleb Smith House within the site and to construct a new eight storey mixed-use building on the remainder of the site.
- The house is currently listed on the Oakville Heritage Register and will be designated under the *Ontario Heritage Act* once it has been located onto its new foundation within the site.
- A Heritage Easement Agreement for the relocation and restoration of the house between the town and the owner has been registered on the property.
- The owners are now proposing to construct a rear addition to the house and staff are therefore recommending a replacement of the existing HEA with a new HEA to allow for not only the relocation and restoration of the Caleb Smith House, but also for the new rear addition which is anticipated to be constructed prior to heritage designation.

## BACKGROUND:

In 2018, the owners of 2444-2468 Old Bronte Road submitted a site plan application for these properties which are located on the west side of Old Bronte Road south of Dundas Street. The proposed development includes an eight storey mixed-use building and the retention and conservation of the Caleb Smith House, a 19<sup>th</sup> century frame house, within the site. Details on the property and the development are attached in Appendix A.

On July 24, 2018, the Heritage Oakville Committee reviewed the proposed development and was generally supportive of the proposal. After consultation with the Heritage Oakville Committee, Oakville Town Council on September 10, 2018 supported a staff recommendation that the town and the owner enter into a Heritage Easement Agreement for the relocation and restoration of the house. The HEA was registered on title in November 2018 and is attached as Appendix B to this report.

In September 2018, Council also recommended that a notice of intention to designate the Caleb Smith House under the *Ontario Heritage Act* be issued once the house had been relocated to the lands which would be its permanent site. The house is currently still on its original foundation and has therefore not yet been designated.

The owners are now proposing to construct a rear addition to the house as soon as it has been relocated onto its new foundation and they are looking for heritage

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approval for the design of the new addition. The draft of the proposed design of the new addition has been attached as Appendix C.

### **COMMENT/OPTIONS:**

The purpose of this report is to seek support to replace the existing Heritage Easement Agreement between the town and the owner in order to include the plans for a proposed rear addition to the Caleb Smith House, as well as the relocation and restoration process.

The current HEA currently contains provisions for the relocation of the house, the salvage of certain historic materials from the house, the restoration of the house and the installation of a metal historical plaque. The HEA also allows for the construction of a new rear addition, provided that the owner receives approval from the Town.

Typically, this approval would be in the form of a heritage permit. However, the property is currently not designated and will not be designated until the building has been relocated onto its new foundation. This is in order to ensure that only the final location of the house is designated, rather than the whole of the property which will eventually include the new eight storey mixed-use building.

Therefore, staff is proposing that the HEA itself be replaced to include the relocation and restoration provisions of the existing HEA and also to permit the owners to construct a new rear addition. The new HEA would include the final drawings for the new addition, as would typically be submitted as part of a heritage permit application. The draft drawings showing the design of the new addition have been attached as Appendix C. These drawings may be revised slightly in the coming weeks but provide a general understanding of what will be included in the HEA.

Staff have included four recommendations in this report. The first is that the existing Heritage Easement Agreement be replaced in accordance with the content of this report to permit the relocation, restoration work and construction of a new rear addition. The remaining recommendations are related to how the existing HEA is to be discharged and how the new HEA is to be drafted, executed, registered on title and eventually discharged when the work has been completed.

A separate report regarding this matter was presented to the Heritage Oakville Committee on April 23, 2019. The Committee supported the staff recommendation.

**CONSIDERATIONS:**

**(A) PUBLIC**

None

**(B) FINANCIAL**

None

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

Legal staff will assist with the revisions to the heritage easement agreement

**(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 Livable Oakville.

**APPENDICES:**

Appendix A – Proposed development application

Appendix B – Current Heritage Easement Agreement

Appendix C – Draft drawings of the proposed rear addition

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