

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: SEPTEMBER 9, 2019

FROM: Planning Services Department

DATE: August 28, 2019

SUBJECT: Notice of Intention to Designate - Erchless Estate Cultural Heritage Landscape

LOCATION: 8 Navy Street, 110-114 King Street

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RECOMMENDATION:

That a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Erchless Estate cultural heritage landscape, located at 8 Navy Street, 110-114 King Street, as identified in Appendix A to the report dated August 28, 2019 from the Planning Services Department, be issued.

KEY FACTS:

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

- On December 10, 2018, Oakville Town Council endorsed the Phase Two Cultural Heritage Evaluation Report for Erchless Estate, located at 8 Navy Street, 110-114 King Street, 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 Erchless Estate property meets the criteria of Ontario Regulation 9/06 and merits protection under Section 29, Part IV of the *Ontario Heritage Act*.
- Council should consider designation by issuing a Notice of Intention to Designate.
- 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.
- On August 27, 2019, the Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, attached as Appendix A.

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

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Regulation 9/06 as the means for determining if a property has cultural heritage value.

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, of which Erchless Estate is one.

The Phase Two: Research and Assessment of Erchless Estate was undertaken by Heritage Planning staff working with other Town Departments including Parks and Open Space; Recreation and Culture; and, Legal. Consultation with the Mississaugas of the Credit First Nation; Oakville Museum; and, local historical societies was also undertaken by Heritage Planning staff. On November 27, 2018, the Heritage Oakville Advisory Committee endorsed the draft Cultural Heritage Evaluation Report for Erchless Estate located at 8 Navy Street, 110-114 King Street, recommending that "Erchless Estate be recognized as a significant cultural heritage landscape and move into Phase Three: Implementation of Protection Measures".

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On December 10, 2018, Council received and endorsed the Phase Two Cultural Heritage Evaluation Report for Erchless Estate, 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 Erchless Estate.

COMMENT/OPTIONS:

The Cultural Heritage Evaluation Report, written during Phase Two of the Strategy: Implementation of Protection Measures, provided the evidentiary basis to identify Erchless Estate as a significant cultural heritage landscape.

For the Erchless Estate 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 1976-87, the only features recognized on the property for their historic or architectural value were the “Custom House and residence of R. K. Chisholm to which he (R. K. Chisholm) gave the name ‘Erchless’”, which, at the time, was the standard for heritage designation under the *Ontario Heritage Act*. According to direction provided in the Town’s Cultural Heritage Landscape Strategy, Erchless Estate 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(s), 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 Erchless Estate property; the statement of cultural heritage value or interest; and, the description of its heritage attributes, which is attached as Appendix A.

Should Council issue a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Erchless Estate property now, additional protection measures under Phase Three could still be brought forward at a later date. These protection measures could include amendment(s) to the Town’s Livable Oakville

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Plan, Zoning By-law 2014-014 or other tools as deemed appropriate and necessary by the Town, including Conservation Plans for Cultural Heritage Landscapes.

Official Plan Amendment (OPA) 15 to the Livable Oakville Plan, adopted by Council on September 26, 2017 and approved by Halton Region on April 26, 2018 (subject to two appeals with one being withdrawn), among other changes, identifies heritage conservation districts and cultural heritage landscapes as elements of the town's urban structure. OPA 16 to the Livable Oakville Plan, also adopted by Council on September 26, 2017 and approved by Halton Region on April 26, 2018 (subject to one appeal), updates the town's cultural heritage policies and associated definitions. Additionally, OPA 24 to the Livable Oakville Plan, adopted by Council on January 30, 2018 (subject to one appeal), provides a town-wide framework to establish special policy areas for heritage conservation districts and cultural heritage landscapes, which are intended to provide specific policies beyond the general policies and underlying land use designations and associated policies to support the conservation of these areas.

Further Assessment

As part of the implementation of Phase Three, Heritage Planning staff has worked with other Town Departments including Parks and Open Space; Recreation and Culture; and, Legal; and consulted with Oakville Museum and Oakville Historical Society to confirm the property's cultural heritage value and heritage attributes. The attached draft Notice of Intention to Designate is based on their feedback and includes a description of the Erchless Estate property; its statement of cultural heritage value or interest; and, the description of its heritage attributes. This description differs only slightly and remains substantially unchanged from the draft summary of cultural heritage value and the list of features which was presented to Heritage Oakville on November 27, 2018 as part of the Cultural Heritage Evaluation Report.

Conclusion

Each phase of the implementation of the Cultural Heritage Landscape Strategy has advanced the Town's understanding of Erchless Estate's significant cultural heritage landscape. On August 27, 2019, the Heritage Oakville Advisory Committee endorsed the staff recommendation to issue a Notice of Intention to Designate for the Erchless Estate cultural heritage landscape, as outlined in the attached Draft Notice of Intention to Designate, under Section 29, Part IV of the *Ontario Heritage Act*.

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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

Financing for the conservation plan has been provided in the Planning Services budget.

(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:

- continuously improve our programs and services
- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

The proposed designation generally complies with the sustainability objectives of the Livable Oakville Plan.

APPENDICES:

Appendix A – Draft Notice of Intention to Designate

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