



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: OCTOBER 5, 2020

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**FROM:** Planning Services Department

**DATE:** September 23, 2020

**SUBJECT:** Notice of Intention to Demolish - 4022 Fourth Line (Barn)

**LOCATION:** 4022 Fourth Line

**WARD:** 7

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### RECOMMENDATION:

1. That the barn at 4022 Fourth Line be removed from statement of potential cultural heritage value or interest on the Oakville Register of Properties of Cultural Heritage Value or Interest;
2. That the residence remain listed on the Oakville Register of Properties of Cultural Heritage Value or Interest as a property of potential cultural heritage value;
3. That the property at 4022 Fourth Line be removed from any further implementation of the Cultural Heritage Landscape Strategy; and
4. That, prior to demolition, the property owner allow for the salvage of historic materials from the barn.

### 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 for the barn on the property due to its condition. The notice does not include the residence.
- It is recommended that the barn at 4022 Fourth Line *not* be designated under the *Ontario Heritage Act* and that the barn be removed statement of potential cultural heritage value or interest on the Oakville Register of Properties of Cultural Heritage Value or Interest.
- It is also recommended that the property be removed from any further implementation of the Cultural Heritage Landscape Strategy.

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## **BACKGROUND:**

### Current Application

The subject property is located on the west side of Fourth Line, north of Burnhamthorpe Road West. A location map for the property is attached as Appendix A. The property was listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (Not Designated) in 2009. The property was added based on its potential cultural heritage value or interest for its historic farmstead, including the farmhouse and outbuildings, historically associated with the agricultural development of Trafalgar Township.

The owner has submitted a notice of intention to demolish for the removal of the barn only, although there are other potential heritage structures on the property, such as the farmhouse. The application was deemed completed on September 14, 2020, which is the date that Regulation 73/20 was repealed (which had suspended the timelines of the *Ontario Heritage Act* during the COVID-19 pandemic). In accordance with the *Ontario Heritage Act*, Council has 60 days to consider the request. The 60 day notice period expires on November 13, 2020.

### 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, updated 2020), and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (2019).

Section 2.6 of the *Provincial Policy Statement* (PPS) 2020 relating to Cultural Heritage and Archaeology states:

*2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

The PPS (2020) defines "significant", in regard to cultural heritage and archaeology, as:

*...resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

Further, the PPS (2020) and Growth Plan (2019) both define "conserved" as:

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*the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained...*

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2020) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage.

The PPS (2020) 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 Indigenous community. The area may involve features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”*

The PPS (2020) 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.

#### 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.

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### 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 property at 4022 Fourth Line was included in the 'low priority' category. The inventory sheet completed as part of the Cultural Heritage Landscape Strategy is attached as Appendix C for reference purposes.

Staff have prepared a Heritage Research Report to assess the potential cultural heritage value of the property, attached as Appendix B, which reviews and evaluates the cultural heritage landscape overall and the barn as a built structure.

### **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 owner may then proceed with applying for demolition.

### Research and Review

Staff completed a heritage research report to evaluate the property's potential heritage value, which is attached as Appendix B and assesses the cultural heritage landscape overall and the barn as a built structure. Based on staff's review of the submitted land registry information, historical research and physical examinations of the property, the cultural heritage landscape and the barn as a built structure are not considered to have sufficient cultural heritage value or interest to warrant designation under s. 29, Part IV of the *Ontario Heritage Act*.

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The property may have some limited cultural heritage value based on the design and physical attributes of the residence (which is not included in this Notice of Intention to Demolish), as it may be representative or an early example of a vernacular farmhouse that was built sometime during the early to mid-19th century, likely by the property owner and/or a local craftsman. Some of the historically significant features of the farmhouse have been lost, but a more thorough examination of the residence should be completed at a future date when full access is possible. The barn, which is in imminent danger of collapse, is no longer a good representative of early to mid-century barns. In regards to the potential cultural heritage landscape, the property only has remnants surviving from its historic use as a farm and is not considered to be significant.

The evaluation of the property at 4022 Fourth Line has not demonstrated that the barn or cultural heritage landscape has sufficient cultural heritage value to be considered a cultural heritage resource that warrants protection through the *PPS (2020)*, *Growth Plan (2019)* and *Ontario Heritage Act*.

The Heritage Oakville Advisory Committee reviewed this report at their meeting on September 15, 2020 and endorsed the staff recommendations.

#### Conclusion

Based on staff's research and investigation into the property, the barn and cultural heritage landscape at 4022 Fourth Line are not considered to have significant cultural heritage value and therefore do not merit designation under section 29, Part IV of the *Ontario Heritage Act*.

However, a more thorough examination of the residence should be completed at a future date when full access is possible. Staff recommend that the residence remain listed on the Oakville Register of Cultural Heritage Value or Interest as the remaining feature of this property of potential cultural heritage value or interest. This additional information would provide staff with the necessary information to determine if conservation of the residence is warranted or if other alternatives could be considered, including commemoration of the property and Glenorchy area.

Staff also recommend that the owner allow for the salvaging of features of the barn where there is interest. It has become a standard practice to include this as a condition as it allows for the retention and re-use of these features and keeps these items from going to the landfill.

#### **CONSIDERATIONS:**

- (A) PUBLIC**  
None

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**(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 Town of Oakville.

**APPENDICES:**

- Appendix A – Location Map
- Appendix B – Heritage Research Report
- Appendix C – CHL Inventory Report

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