

Town of Whitby

Staff Report

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Report Title: 5515 Garrard Road - Notice of Intent to Demolish under Ontario Heritage Act, Section 27(9)

Report to: Council

Date of meeting: July 26, 2023

Report Number: PDP 33-23

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner of
Planning and Development

Acknowledged by R. Saunders, Acting Chief Administrative Officer

For additional information, contact:

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1. Recommendation:

1. That Council receive the Notice of Intention to Demolish a non-designated property listed on the Municipal Heritage Register municipally know as 5515 Garrard Road;
2. That Council approve the removal of 5515 Garrard Road from the Heritage Register and consent to the demolition of the existing structures, pursuant to Section 27 (9) of the Ontario Heritage Act; and,
3. That a documentation and salvage report be prepared and any identified salvage items of cultural heritage value be utilized as a commemorative feature.

2. Highlights:

- MHBC on behalf the property owner, submitted a Notice of Intent to Demolish under Section 27(9) of the Ontario Heritage Act on June 29, 2023, for the property municipally known as 5515 Garrard Road. The property is “listed” on

- the Municipal Heritage Register, as having been identified for its heritage potential, but is not yet designated.
- The Cultural Heritage Impact Assessment (CHIA) submitted along with the Notice has determined that the property does not meet the threshold of two criteria for Determining Cultural Heritage Value or Interest as set out in Ontario Regulation 9/06 of the Ontario Heritage Act.
 - The Heritage Whitby Advisory Committee was consulted at a Special meeting held Tuesday, July 18, 2023.
 - Council has 60 days from the date the Notice was received to remove the property from Municipal Heritage Register and permit demolition. Council could also consider a Part IV Designation under the Ontario Heritage Act if the property meets two or more criteria under Ontario Regulation 9/06.

3. Background:

Property Description

The subject property is located south of the 407 corridor and is municipally known as 5515 Garrard Road (refer to Attachment #1). The site is approximately 1.36 ha (3.36 acres) in size and is “Listed” on the Town’s Municipal Heritage Register. There are currently three (3) structures on the property: a single detached dwelling; a barn; and an outbuilding.

The subject property is designated General Industrial as identified on Schedule A – Land Use of the Town Official Plan (refer to Attachment #2), and Schedule K - Brooklin Community Secondary Plan (refer to Attachment # 3).

The subject property is zoned A - Agricultural under Zoning By-law 1784 (refer to Attachment #4).

Overview of the Ontario Heritage Act

The subject property is listed on the Town’s Municipal Heritage Register as per Subsection 27 (1.2) of the Ontario Heritage Act. Listed properties are identified for heritage potential but are not yet designated. The property is not a Part IV individually designated property under the Heritage Act, nor is the property located within a Heritage Conservation District.

Pursuant to Section 27(9) of the Ontario Heritage Act, there is a demolition restriction on the subject property whereby the owner is required to give the municipality 60 days notice of intent to demolish or remove a building from the property, for a property listed on a Municipal Heritage Register. The 60-day notice period allows the municipality to consider designation of the property, if it meets two or more criteria, or to remove the property from the Heritage Register and consent to the demolition.

In accordance with the Ontario Heritage Act, the 60-day deadline for Council to consider the application begins once all information that the Town requires to form part of the Notice is submitted (including any plans and reports that may be

required). Should the information provided be satisfactory to Council, the deadline for Council to provide a decision is Monday August 28, 2023.

4. Discussion:

MHBC on behalf of the property owner has submitted a Notice of Intention to Demolish and thus remove the property from the Town's Municipal Heritage Register, in order to permit demolition. Information provided in support of the proposal to demolish identifies that the property owner intends to redevelop the subject lands and adjacent land for two new industrial buildings. As part of the Notice process, the applicant is required to determine its historical significance.

Ontario Regulation 9/06 Evaluation

Ontario Regulation 9/06 provides criteria for determining cultural heritage value or interest related to design or physical value, historical or associative value, and contextual value, as follows:

- The property has design value or physical value because it:
 - is a rare, unique, representative, or early example of a style, type, expression, material, or construction method;
 - displays a high degree of craftsmanship or artistic merit; or
 - demonstrates a high degree of technical or scientific achievement.
- The property has historical or associative value because it:
 - has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;
 - yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
 - demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
- The property has contextual value because it:
 - is important in defining, maintaining, or supporting the character of an area;
 - is physical, functionally, visually, or historically linked to its surroundings; or
 - is a landmark.

As of a result of Bill 23 changes to the Ontario Heritage Act, which took effect on November 28, 2022, a property must meet two or more of the nine evaluation criteria in O.Reg 9/06 to allow for designation.

The lands and building have been assessed by the applicants Cultural Heritage consultant (MHBC). Through a review of the available information and images of

the structures, MHBC has determined that the property meets only 1 of 9 criteria for determining cultural heritage value or interest (refer to Attachment #5, pages 38 and 39).

It is MHBC's opinion that based on background research, analysis and the understanding of current conditions, the property at 5515 Garrard Rd:

- Does have some design and physical value for a component of the residential dwelling (Section "A") and the barn. The residential dwelling is considered a representative example of a dwelling constructed in the Classical Revival style and the main dwelling was constructed before confederation in 1867. There are later additions to the dwelling that do not contribute to the cultural heritage value of the property. The barn is considered a representative example of a mid 19th Century bank barn. The barn is also constructed before 1867 but is not considered rare or unique. Also, the heritage consultant concluded that none of the buildings display signs of scientific or technological achievement or a high degree of craftsmanship or artistic merit;
- Does not display historical or associative value, also it is unknown who the builder/designer is; and
- Does not have contextual value.

As a result, MHBC is of the opinion that the subject lands do not exhibit cultural heritage value or interest as the lands only meet one criterion of Ontario Regulation 9/06.

Consultation with Heritage Whitby Advisory Committee

The Notice of Intention to Demolish was received on June 29, while the Town's Heritage Whitby Advisory Committee was in summer recess. However, a special meeting was held on July 18, 2023 to consider the matter.

At that meeting, HWAC passed the following motion:

"That the Heritage Whitby Advisory Committee requests that consideration for the demolition permit be deferred and an opportunity for adaptive reuses of the historic buildings on the property have be fully considered through the site plan process and an archaeological examination has been completed."

Conclusion

Based on a review of the application, photographs and the CHIA submitted in support of the Notice of Intent to Demolish the structures at the property located at 5515 Garrard Road, the CHIA concludes that subject lands do not meet the required minimum of two criteria of Ontario Regulation 9/06 – Determining Cultural Heritage Value or Interest.

A decision of Council is required to remove the subject lands from the Town's Municipal Heritage Register and consent to the proposed demolition. The CHIA

identifies that the property owner intends to redevelop the subject land and adjacent vacant agricultural lands for two new industrial buildings, consistent with the policy directions of the Town's Official Plan. The retention of the existing buildings on the subject land, including adaptive re-use, would compromise the ability to redevelop the property for industrial, employment generating purposes.

While the position of HWAC is recognized and appreciated, since the CHIA has determined that the property does not meet the minimum criteria to establish Cultural Heritage Value or Interest, it is recommended that Council approve the removal of 5515 Garrard Road from the Heritage Register and consent to the demolition of the existing structures, pursuant to Section 27 (9) of the Ontario Heritage Act, in order that the redevelopment application process may proceed without any uncertainties as it relates to heritage related matters.

In accordance with the recommendation of the CHIA prepared by MHBC, it is further recommended that a documentation and salvage report be prepared for the property at 5515 Garrard Road that identifies: any items that may be salvaged and re-used as opposed to ending up in landfill; and the identification of any specific cultural heritage features or materials that may be utilized on-site as a commemorative feature.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Should Council decide to remove and consent to demolition the Town of Whitby Heritage Register would be updated accordingly. The Register is available for public review. A copy of this staff report is available on the Town's website. Public Consultation is not required under the Ontario Heritage Act.

7. Input from Departments/Sources:

Not applicable.

8. Strategic Priorities:

The recommendations contained in this report align with the objectives of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

9. Attachments:

Attachment #1 – Location Sketch – 5515 Garrard Road

Attachment #2 – Schedule A – Land Use

Attachment #3 – Schedule K – Brooklin Community Secondary Plan

Attachment #4 – Zoning By-law 1784 excerpt

Attachment #5 – Cultural Heritage Impact Assessment