

Town of Whitby

Staff Report

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Report Title: 300 High Street – Notice of Intention to Designate Property Under Part IV, Section 29 of the Ontario Heritage Act

Report to: Committee of the Whole

Date of meeting: June 3, 2024

Report Number: PDP 26-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger Saunders, Commissioner of
Planning and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

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1. Recommendation:

1. That Council authorize staff to issue a Notice of Intention to Designate for the property identified as the Ontario County House of Refuge, located at 300 High Street in Whitby, to be published per section 29 (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended;
2. That, after the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act;
3. That, after the passing of the by-law, if no appeals to the Tribunal are received during the 30-day appeal period per Section 29 (12) of the Ontario Heritage Act, and the designation by-law comes into full force and effect under Part IV of the Ontario Heritage Act, that a commemorative plaque be installed in a form and location to the satisfaction of the Commissioner of Planning and Development or designate;
4. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 2(1) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Ontario County House of Refuge, located at 300 High Street in Whitby; and

5. That the extension outlined in Recommendation 4 be in effect until May 31, 2025.

2. Highlights:

- 300 High Street, known as the Ontario County House of Refuge, has been identified by the applicant's heritage consultant, Heritage staff and the Heritage Whitby Advisory Committee (HWAC) as a potential candidate for Part IV designation under the Ontario Heritage Act (the Act).
- A Cultural Heritage Impact Assessment (CHIA) and Statement of Significance have been prepared by the applicant's Heritage Consultant, which demonstrates that the Ontario County House of Refuge meets two (2) or more criteria required for designation under the Ontario Heritage Act and its associated Ontario Regulation 9/06.
- Staff have consulted with the property owner who is amenable to designating the existing building under the Act to help ensure that properties of cultural heritage value and interest such as this, are protected, preserved, and maintained for future generations.
- It is intended that the Part IV designation would apply only to the existing identified heritage structure on the subject lands and would not apply to the remainder of the property that is proposed for development of a separate rental apartment building.

3. Background:

A Zoning By-law Amendment application (DEV-05-19; Z-03-19) was approved by Council in March 2024, to permit a separate, 3-storey apartment building consisting of 13 additional rental apartment units on a portion of the lands municipally known as 300 High Street (refer to Attachments #1 and 2). A Cultural Heritage Impact Assessment (CHIA) report was prepared as part of the Zoning By-law Amendment application outlining and evaluating how the existing building as a cultural heritage resource meets the criteria for Cultural Heritage value or interest and for designation under the Ontario Heritage Act (Refer to Attachment #3 for excerpts from the CHIA).

The CHIA indicates the Ontario County House of Refuge located at 300 High Street is described as a four (4) storey, multi-unit building that was constructed in the Georgian Revival style between 1901 and 1903 to house the poor and elderly. The eleven (11) bay brick structure features stone foundations, was designed by a Mr. Miller, and was constructed by Thomas Deverell Sr. and Thomas Deverell Jr.

Currently, 300 High Street is listed on the Town's Municipal Heritage Register. Properties that are listed on the Register, but not yet designated are afforded less protection than properties that are designated. A Part IV individual designation under the Ontario Heritage Act would provide further protection for the existing building and would require a heritage permit for any future work on the existing building that may impact its significant heritage attributes.

4. Discussion:

The CHIA includes a Statement of Significance evaluating the Ontario County House of Refuge against Ontario Regulation 9/06 of the Ontario Heritage Act that lists nine (9) criteria for determining cultural heritage value or interest of a property (refer to Attachment #3 regarding criteria and Statement of Significance). In order for a property to be eligible for designation under Part IV of the Ontario Heritage Act, a minimum of two (2) out nine (9) criteria must be met. LHC's assessment concludes that the property at 300 High Street meets four (4) of the nine (9) criteria as summarized in Table 1 below:

Table 1 –Evaluation using O.Reg. 9/06 Criteria

Criteria in O.Reg. 9/06	Criteria Met	Justification
1. 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.	Yes	The structure located on 300 High St. was constructed of vernacular design with Georgian Revival elements. Materials used and construction methods are consistent with early 20th century structures. The landscaping and configuration of the overall property no longer retain features, such as vast open spaces and agricultural fields, which are representative of institutional design for health care that were characteristic of the early 20th century. However, as a result of the minimal intervention approaches of Mr. Agh in 1972 and the current owner, the primary

		structure has maintained the basic layout and features that are representative of institutional construction at the turn of the 20th century.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No	The property does not exhibit any particular style or high degree of craftsmanship.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.	No	The property does not demonstrate a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community.	Yes	The property was acquired by the County to house the poor and elderly of Whitby. The House of Refuge was built in 1903 and, although controversial at the time of construction, remains an integral part of the community. The House was later sold and renovated into apartments after the nearby Fairview Lodge was constructed. The House of Refuge has remained a fixture within the Town of Whitby.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	No	No potential to yield information was identified in the materials reviewed.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect,	No	Although a Mr. Miller has been identified as the architect, no information can be found about Mr. Miller that would indicate this criterion is met.

artist, builder, designer, or theorist who is significant to a community.		
7. The property has contextual value because it is important in defining, maintaining, or supporting the character of an area.	No	The four-storey residence located on the property is not important in maintaining the character of the area.
8. The property has contextual value because it is physically, functionally, visually, or historically linked to its surroundings.	Yes	The House of Refuge is historically linked to its surroundings as a key feature that dictated the development of surrounding properties.
9. The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.	Yes	The property is a landmark.

Based on the assessment by LHC, the subject site has design, physical, historical, and associative value, is considered a landmark, and would warrant Part IV designation under the Ontario Heritage Act. LHC's assessment also includes a statement of cultural heritage value or interest, which is required for a NOID, and for a designation By-law. A draft Designation By-law for the Ontario County House of Refuge at 300 High Street has been prepared for Council's consideration (refer to Attachment #4).

Staff have consulted with the property owner regarding designation of the existing building under Part IV of the Ontario Heritage Act. The owner is amenable to designation under Part IV of the Act. However, the property owner would like the pending Site Plan Application finalized prior to the designation by-law being brought forward, so that a survey/plan can properly identify only that portion of the property to which the designation would apply.

Should Council support the designation of the Ontario County House of Refuge, a brass plaque would be installed on site to provide passersby an understanding of this heritage resource.

Next Steps

The NOID will need to be issued/served/published prior to December 31, 2024 in order to meet the requirements of Bill 23 changes to the Ontario Heritage Act.

Should Council wish to designate the Ontario County House of Refuge the NOID will be served on the property owner and the Ontario Heritage Trust and published on the Town's public notice website. The NOID is subject to a 30-day objection period to Council.

Following the 30-day objection period, Council would consider any objections and then provide a decision to either pass the designation by-law or withdraw the NOID.

Should Council support passing the designation by-law, a further 30-day appeal period to the Ontario Land Tribunal would commence. If no appeals are received during that period, the by-law will be deemed to be in full force and effect, and the property would be designated under Part IV of the Ontario Heritage Act.

Once designated, staff would also arrange for a plaque to be installed on site to provide an understanding of this historic place.

5. Financial Considerations:

Costs for the designation process (including NOID and designation plaque) are included within the annual budget for the Heritage Whitby Advisory Committee.

6. Communication and Public Engagement:

Staff have consulted the property owner regarding the designation process, and the owner is amenable to designation, provided that the details regarding the Site Plan application can be addressed prior to a designation by-law being brought forward for Council's consideration.

Should Council support designation of the Ontario County House of Refuge located at 300 High Street, then the Town of Whitby is required to issue/publish/serve a public Notice of Intention to Designate under Section 29(1.1) of the Ontario Heritage Act in order to proceed. The notice period provides an opportunity for input from the public within 30 days from when the NOID is issued/published/served. Additionally, notice regarding Council's final decision on the designation by-law includes a 30 day appeal period.

7. Input from Departments/Sources:

At its meeting of June 9th, 2020 HWAC discussed the possibility of fully designating 300 High Street under the Ontario Heritage Act.

At its meeting of March 10th, 2024 an update was provided to HWAC regarding possible designation of 300 High Street.

8. Strategic Priorities:

Protecting heritage properties supports Pillar #1 of the Community Strategic Plan, Whitby Neighbourhoods, by promoting and strengthening the local arts, culture, heritage, and the creative sector.

Heritage conservation further supports Pillar #2, Whitby's Natural and Built Environment, by enhancing community connectivity and beautification.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Excerpt of Cultural Heritage Impact Assessment and Statement of Significance

Attachment #4: Draft Designation By-law for 300 High Street