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Executive Summary

The former Rand Estate is a planned country estate connected to prominent people and families in the Town of Niagara-on-the-Lake's history, with rare and unique designed landscapes under the direction of leading landscape architects in Canada, and a rare ensemble of hobby-farm buildings. Designation by-laws passed under the *Ontario Heritage Act* protect the character-defining elements of the Rand Estate to ensure this heritage value is retained.

Permitting change is expected to ensure that designated properties survive. However, that change must still achieve the objective of the *Ontario Heritage Act*: to conserve heritage value.

The Applicant's proposed Commemoration Plan falls short of achieving conservation as envisioned by the *Ontario Heritage Act*, applicable policies and best practices. Conservation of the Rand Estate requires the preservation and restoration of the character-defining elements of the landscape that was designed and managed by the Dunington-Grubbs, including mature trees and plantings, the formal designed gardens and Axial Walkway with its designed **rooms** and **nodes**. In addition, conservation of the Rand Estate requires the restoration and rehabilitation of buildings that formed the early farm complex on the estate.

Chapter 1

Recommendations

1.1. With respect to the Heritage Permit Application for 200 John Street East (File No. HER-015-2022) it is respectfully recommended that:

- 1.1.1 The proposal to remove mature trees and plantings and construct a road and pedestrian pathway through the panhandle at 200 John Street East be refused;
- 1.1.2 The removal of the White Ash, identified as Tree #5 in Appendix D, drawing L-900A within the Wallace HIA Addendum, be approved, subject to the following condition:
 - 1.1.2.1 Prior to the removal of the tree, a report is prepared by a qualified engineer, at the applicant's cost, demonstrating that any potential impacts to the boundary wall will be mitigated prior to removal of the tree or its root system to the satisfaction of the Director of Community and Development Services;
- 1.1.3 The proposal to remove healthy trees along the boundary wall on 200 John Street East be refused;
- 1.1.4 The proposal to remove and widen the boundary wall opening and remove the brick pillars at the entrance to 200 John Street East be refused;
- 1.1.5 The proposal to construct a new Axial Walkway on 200 John Street East with new alignment and the proposed commemoration plans for sunken gardens be refused;
- 1.1.6 The Peony Garden adjacent to the Tea House on 200 John Street East be restored in-situ, that mowing of the area ceases immediately, and that the original (existing) plants be provided on-going maintenance, and the opportunity to recover in order to encourage the plant's vitality and ability to grow on;
- 1.1.7 The proposal to remove the extant circular Mound Garden on 200 John Street East and construct a new mound garden in a new location be refused;
- 1.1.8 That the existing Mound Garden be retained and the Austrian Pine Trees circling the mound be restored;
- 1.1.9 The proposed restoration of the Swimming Pool Garden according to the original Dunington-Grubb drawings be approved;
- 1.1.10 The proposal to remove any portion of the Dunington-Grubb designed Swimming Pool Garden on 200 John Street East be refused;
- 1.1.11 The proposed use of Corten Steel plaques and their locations as proposed in the Commemoration Plan for the Swimming Pool Garden at 200 John Street East be refused;
- 1.1.12 The proposed restoration of the Tea House, in-situ, at 200 John Street East is approved, subject to the following condition:

- 1.1.11.1 Prior to restoration, a Documentation Report and Restoration Plan for the structure and its context, prepared by a qualified professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;
- 1.1.13 The proposed removal of the concrete swimming pool structure on 200 John Street East is recommended for approval, subject to the following condition:
 - 1.1.12.1 Prior to the issuance of a Demolition Permit, detailed designs for replacement with a shallow reflecting pool of the same dimension and shape as the pool structure, and a Temporary Protection Plan (to outline mitigation measures for the surrounding built and landscape elements of the Swimming Pool Garden during removal of the concrete pool and installation of a reflecting pool), prepared by a qualified professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;
- 1.1.14 The proposed removal of the footings from the original pergola in the Dunington-Grubb designed Swimming Pool Garden at 200 John Street East be refused;
- 1.1.15 The construction of a contemporary pergola design at 200 John Street East be refused;
- 1.1.16 The proposal to relocate the Bath Pavilion on 200 John Street East be refused;
- 1.1.17 The proposed removal of trees within the arboretum-like landscape on 200 John Street East, adjacent to the Bath Pavilion, be refused;
- 1.1.18 Any development within the former orchard area on 200 John Street East include landscape enhancements through the planting of suitable fruit bearing tree species;
- 1.1.19 The proposed restoration of the Whistle Stop structure on 200 John Street East, and the reuse of the salvageable wood brackets be approved, subject to the following condition:
 - 1.1.18.1 Prior to restoration, a detailed Restoration Plan, prepared by a professional member of CAHP, at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;
- 1.1.20 The installation of interpretive signage within the Whistle Stop setting be approved, subject to the following condition:
 - 1.1.19.1 Prior to installation, a detailed Commemoration Plan for the area and a Landscape Restoration & Management Plan for the surrounding naturalized area, prepared by a professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;
- 1.1.21 The removal of healthy and viable trees within the naturalized area surrounding the Whistle Stop on 200 John Street East be refused;

- 1.1.22 The proposed demolition of the Calvin Rand Summer House on 200 John Street East be approved, subject to the following condition:
- 1.1.21.1 Prior to issuance of a Demolition Permit, the wide plank floors be salvaged as proposed within the Commemoration Plan, and a Documentation Report with measured drawings, prepared by a professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community Development and Services;
- 1.1.23 The proposal to demolish the Carriage House on 200 John Street East be refused;
- 1.1.24 The proposed removal and transplanting of the Rose of Sharon hedge and Oriental Cedar hedge northeast of the Carriage House on 200 John Street East be refused; and
- 1.1.25 An archaeological assessment be completed for the entire property at the applicant's expense, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Director of Community and Development Services.

1.2 With respect to the Heritage Permit Application for 588 Charlotte Street (File No. HER-016-2022) it is respectfully recommended that:

- 1.2.1 The proposed demolition of the main residence (former stables and barn) on 588 Charlotte Street be approved, subject to the following condition:
- 1.2.1.1 Prior to issuance of a Demolition Permit, a Documentation Report with measured drawings prepared by a qualified professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community Development and Services;
- 1.2.2 Any materials that can be salvaged from the main residence (former stables and barn) on 588 Charlotte Street, such as the cupola, weathervane, horse stall doors, wood half glass door and wood paneling, be re-used on the subject properties, as recommended within the Commemoration Plan, to the satisfaction of the Director of Community and Development Services;
- 1.2.3 The proposal to relocate the one-storey outbuilding be approved, subject to the following condition to the satisfaction of the Director of Community and Development Services:
- 1.2.3.1 Prior to for the relocation within a Community Garden Park setting on 588 Charlotte Street:

- i. a Temporary Protection Plan, prepared by an Ontario licensed P. Eng. at the applicant's cost, detailing the specifications for its relocation; and
 - ii. a Restoration Plan, prepared by a professional member of CAHP with specialization in buildings for its rehabilitation and final proposed location at the applicant's cost;
- 1.2.4 The proposal to demolish the two smaller sheds on 588 Charlotte Street be refused; and
- 1.2.5 An archaeological assessment be completed for the entire property at the applicant's expense, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Director of Community and Development Services.

Chapter 2

Ontario Heritage Act Decision Making

I. The Legal Framework

Objective of the *Ontario Heritage Act*

The objective of the *Ontario Heritage Act*¹ is to **conserve heritage value** of properties in Ontario. It achieves this objective, in part, by designating² properties and by regulating whether and how owners are permitted to make any changes³ to the property.

Designated Properties

Properties are designated based on a list of criteria.⁴ Criteria includes factors like the meaning, associations, and connections the property holds for a community. If a property meets the listed criteria, it's designation is formalized in a designating by-law.⁵

Heritage Value and Heritage Attributes

The designating by-law contains important information about the property that informs its overall heritage value, including:

- **Statement of Heritage Value**,⁶ which describes why the property is important based on the criteria;⁷ and
- A list of **Heritage Attributes**,⁸ which are the particular heritage elements of the property (such as function, design, materials, forms, etc.) that represent and support the Heritage Value. Heritage Attributes can be buildings and landscapes. They are the character-defining element.

The **Statement of Heritage Value** and the list of **Heritage Attributes** are interdependent. Any proposed change to any Heritage Attribute must be carefully considered for impacts to the Heritage Value.

¹ [RSO 1990 c O 18](#).

² See *Ontario Heritage Act*, RSO 1990 c O 18, [s 29\(1\)](#).

³ The kind of change that is regulated by the *Ontario Heritage Act* is any alteration, removal, or demolition. See ss [33](#) and [34](#) of the *Ontario Heritage Act*.

⁴ The list of criteria is set out in O Reg 9/06 at [s 1\(2\)](#).

⁵ See *Ontario Heritage Act*, RSO 1990 c O 18, [s 29](#).

⁶ The by-law must include a statement explaining the cultural heritage value or interest of the property, as set out in [s 29\(8\)](#).

⁷ The list of criteria is set out in O Reg 9/06 at [s 1\(2\)](#).

⁸ The by-law must include a description of the heritage attributes, as set out in [s 29\(8\)](#).

Changing Heritage Attributes

If an owner wants to make any changes that may affect the **Heritage Attributes** of a designated property, they must apply to Council for a permission. Council may consent to the changes with or without conditions, or may refuse the changes.

Heritage Integrity

Permitting change is expected to ensure that designated properties survive. The heritage integrity of a property is a measure of how well the **Heritage Attributes** continue to represent the **Heritage Value**. Heritage integrity diminishes with changes over time that erase why the property is important. However, property that appears in a deteriorated condition can still maintain its Heritage Value or importance.⁹

Conservation

Change permissions must still achieve the objective of the *Ontario Heritage Act*: to **conserve Heritage Value**. Conserving heritage value means the actions or processes that protect the **Heritage Attributes** or character defining elements of a place in order to retain its importance and extend its physical life.

Role of Council

Your job as Council, in consultation with the Municipal Heritage Committee (“**MHC**”), is decide whether to permit change within this legal framework. You will receive MHC’s recommendation and decide.

Government policies¹⁰ and best practice guidance¹¹¹² set out an overall framework to assist your decision-making. The framework ensures that **conservation** decisions are based on a thorough understanding of a historic place, so that **conservation principles** are applied consistently throughout Ontario.

Council’s decision may be appealed by the applicant to the Ontario Land Tribunal.

II. Applicable Policies

A full list of policies is available in Appendix II.

Provincial Policy Statement, 2020

⁹ Ontario Heritage Tool Kit, “Heritage Property Evaluation,” 26,

¹⁰ See Appendix I for a full list of Policy

¹¹ The Standards and Guidelines for the Conservation of Historic Places in Canada, 2010.
<https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>.

¹² Ontario Heritage Trust, “Eight guiding principles in the conservation of historical properties,”
<https://www.heritagetrust.on.ca/pages/tools/tools-for-conservation/eight-guiding-principles>.

The Provincial Policy Statement provides a broad policy foundation for regulating the development and use of land as it pertains to matters of provincial interest.¹³ Cultural heritage and archaeological resources are matters of public interest because they contribute to economic, environmental and social benefits.¹⁴ The wise use and management of these resources over the long term is a key provincial interest.¹⁵ The Provincial Policy Statement acknowledges that long-term economic prosperity is supported by:

Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.¹⁶

The Provincial Policy Statement provides specific policy direction for the wise use and management of cultural heritage and archaeological resources in section 2.6, and directs that:

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

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the *proposed development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.¹⁷

Conserved means “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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision- maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

A **significant built heritage resource** means a "building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an

¹³ Province of Ontario, “Provincial Policy Statement,” 2020, 1.

¹⁴ Provincial Policy Statement, 24.

¹⁵ Provincial Policy Statement, 6.

¹⁶ Provincial Policy Statement, 22.

¹⁷ Provincial Policy Statement, 31.

Indigenous community,” and that has cultural heritage value or interest under the criteria established under the authority of the *Ontario Heritage Act*.

A significant cultural heritage landscape means “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 include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association,” and that has cultural heritage value or interest under the criteria established under the authority of the *Ontario Heritage Act*.

Heritage attributes means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).

The subject properties contain properties that are designated under Part IV of the *Ontario Heritage Act*, and are therefore considered “**significant**” under the policies of the Provincial Policy Statement, and shall be **conserved**.

The policies of the Provincial Policy Statement represent minimum standards. Local authorities “may go beyond these minimum standards to address matters of importance to a specific community” in their own Official Plans, as long as it does not contradict PPS policies.¹⁸

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020 (“The Growth Plan”)

The Growth Plan is the Ontario government’s initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Vision for the Greater Golden Horseshoe recognizes that cultural heritage resources provide a sense of place.¹⁹

Cultural Heritage Resources are defined as:

Built heritage resources, cultural heritage landscapes and archaeological 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. While some cultural heritage resources may already be

¹⁸ Provincial Policy Statement, 3.

¹⁹ Province of Ontario, “A Place to Grow: Growth Plan for the Greater Golden Horseshoe,” last modified 2020, <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>, 4.

identified and inventoried by official sources, the significance of others can only be determined after evaluation.

The guiding principles for the policies within the Plan include:

- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.²⁰

Section 4.2.7 provides the following policies for **Cultural Heritage Resources**:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.²¹

Niagara Official Plan, 2022

Official Plans are used for long-term planning and implement the policy direction of the PPS.²² The Niagara Official Plan (“Niagara OP”) provides the long-term strategic policy planning framework for managing growth within Niagara into 2051.²³

Section 2.2.1 provides policies for managing growth in Niagara and directs that:

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

(j) conservation or reuse of cultural heritage resources pursuant to Section 6.5.²⁴

The Niagara OP advises that cultural heritage resources are a key Regional interest, that they are irreplaceable, and must be conserved and promoted with new growth. It is an objective of the Plan to support the identification, conservation, wise use and management of cultural heritage resources. Policies in section 6.5.1 direct that significant cultural heritage resources be conserved in order to foster a sense of place and benefit communities. Designation under the *Ontario Heritage Act*, or as part of a larger area, or Heritage Conservation District is encouraged.²⁵

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

²⁰ A Place to Grow, 5.

²¹ A Place to Grow, 47.

²² Provincial Policy Statement, 1.

²³ Niagara Region, *Niagara Official Plan*, 2022, 2.

²⁴ Niagara Official Plan, 17-18.

²⁵ Niagara Official Plan, 196-197.

Section 1 of the Niagara-on-the-Lake Official Plan (OP) describes the importance of cultural heritage resources to the identity of the Town:

The existing atmosphere of the Town with its historic buildings, historic sites, tender fruit lands, specialized crop production and micro-climate is unique in Ontario. Its tree lined streets and environment from earlier periods of the country's history are different from almost any other Town in Ontario. As a result, the development picture is also somewhat different from other municipalities of a similar size. All are agreed that this atmosphere should be maintained and enhanced in the Town of Niagara-on-the-Lake. With this objective in mind the importance of setting out policies that will both encourage and regulate development patterns in the Town becomes one of the most important goals of the municipality.²⁶

In considering intensification, objectives within subsections 4.3 and 4.4 (e) state, "Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area."²⁷ Related policies state, "(h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area."²⁸ Land Use Compatibility Policies also direct that intensification be compatible and integrate with cultural heritage resources.²⁹

The Town's Official Plan (section 6.9) contains specific policies for Estate Lots, which are defined as "those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots." The estate lots are valued not only for the built heritage resources they contain, but also for their natural heritage resources. The Estate Lot policies require any application for Plan of Subdivision to demonstrate that the proposal will not result in negative impacts on vegetation, and that the ambience, character, setting and historic value of the existing home will be retained.³⁰

Section 18 of the OP provides direction for the management of cultural heritage resources. Relevant goals and objectives for cultural heritage resources include:

18.2 Goals and Objectives

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.

²⁶ Town of Niagara-on-the-Lake, "Town of Niagara-on-the-Lake Official Plan," 1.

²⁷ Town OP, 196-197.

²⁸ Town OP, 197.

²⁹ Town OP, 200-201.

³⁰ Town OP, 28.

- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the *Ontario Heritage Act* the provisions of that Act regarding buildings and additions shall apply. In the Queen-Picton Heritage Conservation District the design of new buildings and structures shall also be subject to the requirements of the Queen-Picton Street Heritage District Plan.
- (3) To prevent the demolition, destruction or inappropriate alteration or use of heritage resources.
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.
- (7) To recognize the importance of archaeological sites within the municipality that represent the physical remains of a lengthy settlement history and a fragile non-renewable cultural legacy.³¹

Section 18.4 provides specific policy direction on the preservation of cultural heritage resources:

- (2) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural values.

Guidance Documents

The Town's intent with respect to the management of cultural heritage resources is reinforced within the Town's 2019 adopted Official Plan (not currently in force and effect), which directs that "protection, maintenance, adaptive reuse and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact cultural heritage resources."³²

III. Applicable Best Practices

Guidance on how to **conserve** cultural heritage resources comes from policy documents, as reviewed above, and best practice documents. These policies and best practice documents provide assistance in assessing heritage permit applications for proposed alterations, demolition and removal.

³¹ Town OP, 298.

³² Niagara-on-the-Lake Official Plan (adopted 2019), 110.

Council has adopted several best practice documents to inform decisions on conservation. In September 2020, Town Council adopted the following best practice documents to guide Staff, Committee and Council decisions on heritage matters:

- "The Standards and Guidelines for the Conservation of Historic Places in Canada" associated with Canada's Historic Places;
- The "Ontario Heritage Toolkit" series as prepared by the Ministry of Heritage, Sport, Tourism and Culture Industries, and information sheets which provide a basis for required information in a Heritage Impact Assessment (HIA) and Conservation Plan, as well as the "Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes;" and
- "Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation."

Additional documents endorsed by Council within the 2019 adopted Official Plan include the "Venice Charter" and the "Appleton Charter for the Protection and Enhancement of the Built Environment" (the "Appleton Charter"). The Town has also adopted the "Eight Guiding Principles in the Conservation of Historical Properties" (the "Eight Guiding Principles") prepared by the Ontario Heritage Trust, which is utilized by many Ontario municipalities to inform conservation approaches.

"The Standards and Guidelines for the Conservation of Historic Places in Canada" (S&Gs) have been adopted by many federal agencies (including Parks Canada), provinces, heritage agencies (such as the Ontario Heritage Trust), and municipalities as a guiding document for heritage conservation work. The S&Gs are considered best practice guidance for heritage conservation across Canada.

The S&Gs were developed as a tool to help inform decisions on how best to **conserve** an historic place. The S&Gs outline a framework for making conservation decisions about which character-defining elements (or **heritage attributes**) should be preserved and which ones can be changed while protecting heritage value.³³ Within the S&Gs, "**conservation**" is defined as:

All actions or processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life.³⁴

The conservation process involves the following actions:

- Understanding the historic place;
- Planning for conservation; and,

³³ S&Gs, 21.

³⁴ S&Gs, 17.

- Intervening.

Understanding the Historic Place

Understanding is achieved through background research, review of the condition of a historic place, its evolution over time and its past and present significance to a community. All of this information informs the **heritage value** of the historic place including the Statement of Cultural Heritage Value or Interest and the **Heritage Attributes** (or character-defining elements) that support the CHVI.

Planning for Conservation

The thorough understanding of the **heritage value** of a historic place informs decisions on change to **heritage attributes**. Planning is intended to “consider all factors affecting the future of an historic place, including the needs of the owners and users, community interest, the potential for environmental impacts, available resources and external constraints.”³⁵

Intervening

An intervention any action or process that results in a physical change to the character-defining elements of an historic place. Interventions must respect and protect heritage value. The S&Gs describe three types of conservation interventions: Preservation, Rehabilitation or Restoration,³⁶ which are defined below:

Preservation: the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting its heritage value.

Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.

Restoration: the action or process of accurately revealing, recovering or representing the state of an historic place, or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.³⁷

The S&Gs recommend choosing one overall conservation intervention to provide consistency in decision-making and to ensure a successful conservation project. However, it is recognized that multiple interventions may be necessary on large projects.

³⁵ S&Gs, 3.

³⁶ S&Gs, 3.

³⁷ S&Gs, 17.

The Standards within the S&Gs are a set of principles that inform conservation decisions. The Standards are central to the process of preserving, rehabilitating or restoring an historic place in a consistent manner.³⁸ The Guidelines within the S&Gs provide direction on how to interpret the Standards.

The following are the Standards (or principles) for conservation:

General Standards for Preservation, Rehabilitation and Restoration

1. Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to an historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for an historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize an historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.

³⁸ S&Gs, 5.

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The following Principles, endorsed by the Ontario Heritage Trust, “Eight Guiding Principles in the Conservation of Historical Properties” provide a framework for decision making in conservation. They also provide rationale for activities or interventions that may affect the character, features or context of a heritage property. They are based on international charters for best practice in heritage conservation.³⁹

1. Respect for documentary evidence

Do not base restoration on conjecture. Conservation work should be based on historical documentation, such as historical photographs, drawings and physical evidence.

2. Respect for the original location

Do not move buildings unless there is no other means to save them. Site is an integral component of a building. Any change in site diminishes heritage value considerably.

3. Respect for historical material

Repair or conserve rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the historical content of the resource.

4. Respect for original fabric

Repair with like materials, to return the resource to its prior condition without altering its integrity.

5. Respect for the buildings history

³⁹ Ontario Heritage Trust, “Eight guiding principles in the conservation of historical properties,” <https://www.heritagetrust.on.ca/pages/tools/tools-for-conservation/eight-guiding-principles>.

Do not restore to one period at the expense of another. Do not destroy later additions to a house solely to restore it to a single time period.

6. Reversibility

Alterations should be able to be returned to original conditions. This conserves earlier building design and technique. For instance, when a new door opening is put in a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

7. Legibility

New work should be distinguishable from old. Buildings should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

8. Maintenance

With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

IV. Cultural Heritage Landscapes Best Practices

The S&Gs provide specific guidelines for cultural heritage landscapes, recognizing the importance of relationships between character-defining elements. Guidance is provided with respect to: evidence of land use; evidence of traditional practices; land patterns; spatial organization; visual relationships; circulation; ecological features; vegetation; land-forms; water features; and built features.

The Ontario Heritage Tool Kit (the “Tool Kit”) was designed to help Council, Staff and MHCs to understand the heritage conservation process in Ontario. The Tool Kit states,

Within a cultural heritage landscape, there are often heritage buildings, structures, ruins, trees, plantings, archaeological resources and other features or attributes that collectively illustrate a historical theme or activity. There is usually evidence of change over time, through site evolution and/or natural regeneration. There are also historic and/or visual qualities that can include viewsheds or site lines from within the landscape area, as well as specific observation points from outside its boundaries.⁴⁰

To conserve a cultural heritage landscape the Tool Kit advises preservation of elements that are part of the cultural heritage landscape and related elements in the surrounding area.

The Ontario Heritage Tool Kit outlines three types of cultural heritage landscapes:

⁴⁰ Ontario Heritage Tool Kit, Info Sheet #2,
http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Heritage_PPS_infoSheet.pdf.

- **Designed landscapes:** those which have been intentionally designed e.g. a planned garden or in a more urban setting, a downtown square.
- **Evolved landscapes:** those which have evolved through the use by people and whose activities have directly shaped the landscape or area. This can include a 'continuing' landscape where human activities and uses are still on-going or evolving e.g. residential neighbourhood or mainstreet; or in a 'relict' landscape, where even though an evolutionary process may have come to an end, the landscape remains historically significant e.g. an abandoned mine site or settlement area.
- **Associative landscapes:** those with powerful religious, artistic or cultural associations of the natural element, as well as with material cultural evidence e.g. a sacred site within a natural environment or a historic battlefield.

Chapter 3

The Rand Estate

I. Subject Lands and Context

This report assumes John Street East to be north of the subject properties, with Charlotte Street to the west and the Upper Canada Heritage Trail (former railway corridor) south of the subject properties.

The properties municipally addressed as 200 John Street East and 588 Charlotte Street comprise the “subject properties.” The subject properties are located on the south side of John Street East, and east of Charlotte Street, within Old Town (location map in Figure 1). A portion of 200 John Street East, at the southeast, is outside the urban area boundary and will not form part of the proposed Subdivision.

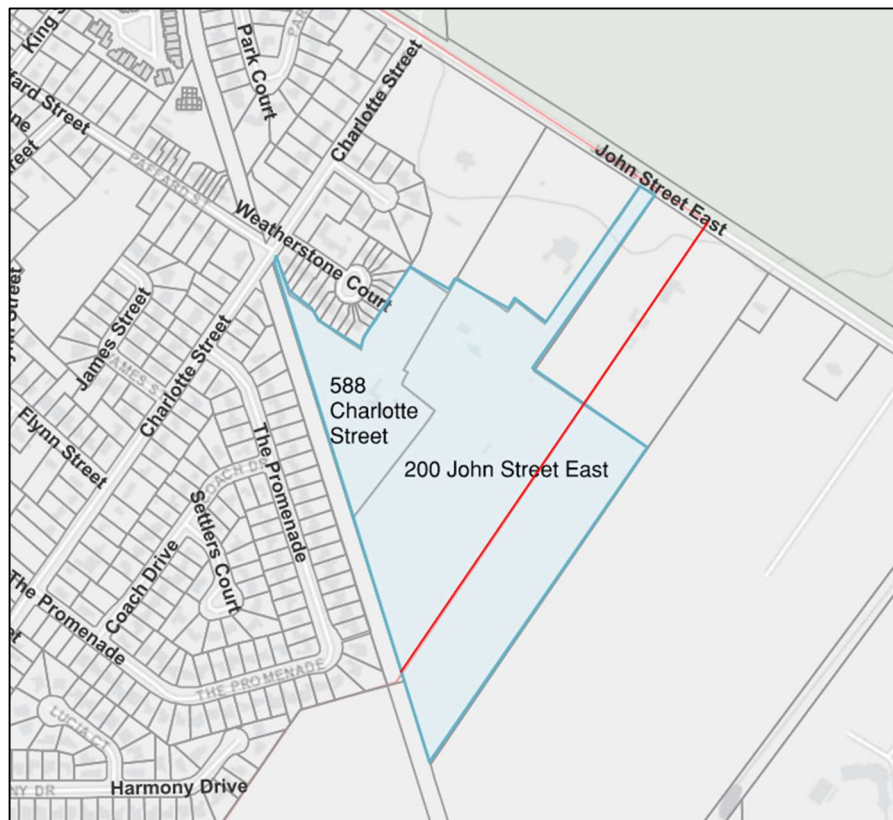


Figure 1 - Location Map, Subject Properties shown in blue, Urban Area Boundary shown as red line.

200 John Street East has frontage at the north through a long, narrow strip of land between 176 and 210 John Street East. 588 Charlotte Street has frontage at the west on Charlotte Street, beside the Upper Canada Heritage Trail. The subject properties contain

former residences, accessory structures and agricultural related outbuildings, designed landscapes, mature trees, fallow fields and pathways. The subject properties and surrounding properties made up the former Rand Estate under the ownership of the Rand family from 1919-1980.

A tributary of One Mile Creek, traverses a section of the subject properties at the west. To the south is the former Michigan Central Railway corridor, now the Upper Canada Heritage Trail, a multi-use recreational trail that connects to a larger trail network.

Surrounding lands to the west and south include established residential neighbourhoods with a mix of single-detached dwellings and townhouses, including the former lands of the Rand Estate around Weatherstone Court and Christopher Street. Weatherstone Court contains the early Milkhouse and Stables, which has been converted to a dwelling and designated under Part IV, section 29 of the *Ontario Heritage Act*. Along Charlotte Street is the original Rand Estate stone entrance arch and Gatehouse.

The adjacent property to the east, municipally addressed as 210 John Street East and known as “Brunswick Place,” (listed on the Town’s Register of Properties of Cultural Heritage Value or Interest) contains a large estate residence, mature trees and accessory structures. Further to the east are agricultural lands, including wetlands, open fields and vineyards.

North of the subject properties is “Butler’s Barracks National Historic Site” under the auspices of Parks Canada, which contains heritage value for its “military history and British occupation between 1812 and 1871.” Character-defining elements of the site include: archaeological resources, wooden buildings and landscape features, such as the large open space known as the Commons and Paradise Grove⁴¹ (a large wooded area known for its old growth oaks, predating the War of 1812⁴²), as well as spatial relationships between legible site resources.⁴³ Parks Canada identifies the Commons as a cultural landscape.⁴⁴

II. Heritage Value

The Rand Estate is important because it is a rare example of a country estate with a rare and unique designed landscape that is connected to prominent people and families in the Town’s history.

⁴¹ Parks Canada, “Butler’s Barracks National Historic Site,” <https://parks.canada.ca/lhn-nhs/on/fortgeorge/culture/butler>.

⁴² Niagara Parks, “Paradise Grove,” <https://www.niagaraparks.com/visit/nature-garden/paradise-grove/>.

⁴³ Parks Canada, “Butler’s Barracks National Historic Site of Canada,” <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=7824&pid=0>.

⁴⁴ Parks Canada, “Cultural landscapes,” <https://parks.canada.ca/lhn-nhs/on/fortgeorge/culture/paysages-landscapes>.

The Rands purchased several older estate properties beginning in 1910 and 1919 and merged them into a larger estate property, which they named “Randwood.” The Rands lived in Buffalo and summered in Niagara-on-the-Lake, making them part of a larger trend in the Town’s history as a popular summer ‘resort town’ for Americans.

The Rands established a functioning country estate with formal gardens, walkways, leisure areas, mature trees and plantings, hobby-farm uses (orchards, livestock and equestrian related), and supporting buildings and structures. The Rand Estate (Randwood) is defined by the estate boundary wall that runs along John Street East, Charlotte Street and the former railway corridor (now the Upper Canada Heritage Trail).

In planning the estate, the Rands hired pioneering landscape architects, Howard and Lorrie Dunington-Grubb who prepared landscape plans for formal gardens. The design techniques used by the Dunington-Grubbs are visible across much of the estate. The Rand’s hired staff and gardeners to implement the comprehensive plan for the estate and for on-going care and maintenance.

The planned estate, with its interconnected landscapes and buildings, was largely realized by the 1930s, under the ownership of George Rand II. The interconnected landscape and built elements are understood to form a Cultural Heritage Landscape that includes all of the grounds of the former Rand Estate.

III. Protected Heritage Attributes

The following are the character-defining elements at 200 John Street East that support the property’s heritage value. Elements include buildings, structures and landscapes. All of the elements contribute to the cultural heritage landscape of the former Rand Estate:

The Property:

- The tea house and pool;
- The surviving elements of the Dunington-Grubb landscape;
- The one storey, rectangular bath pavilion;
- The extant wooden gazebo/whistle stop; and
- The wall and red pillars located at the rear of the property and on John Street East.

Carriage House:

- The two-storey carriage house with hipped roof;
- The asymmetrical façade with three large French style door openings on the main floor; and
- The original rectangular diamond patterned windows.

The Calvin Rand Summer House (the Guest House)

- Entire exterior of the dwelling

The following are the character-defining elements at 588 Charlotte Street that support the property's heritage value. Elements include buildings and structures. All of the elements contribute to the cultural heritage landscape of the former Rand Estate:

- The stone wall located along the rear of the property;
- The red brick pillars and stone wall located at the entrance on Charlotte Street;
- Main Dwelling and Sheds; and
- The one storey rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate

IV. Cultural Heritage Landscape

The *Ontario Heritage Act* does not mention cultural heritage landscapes. This is a Provincial Policy Statement term. *Planning Act* decisions must be consistent with provincial policy to “**conserve**” cultural heritage landscapes. A cultural heritage landscape is defined as:

Cultural Heritage Landscape: means 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 include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.⁴⁵

The properties that formed the Rand Estate, and which contain **Heritage Attributes** have protection under the *Ontario Heritage Act* (Figure 2). Designation By-laws have been passed for the properties at 144, 176 and 200 John Street East, 588 Charlotte Street and 9 Weatherstone Court. The Designation By-laws are attached as Appendix III.

⁴⁵ PPS 2020, 42

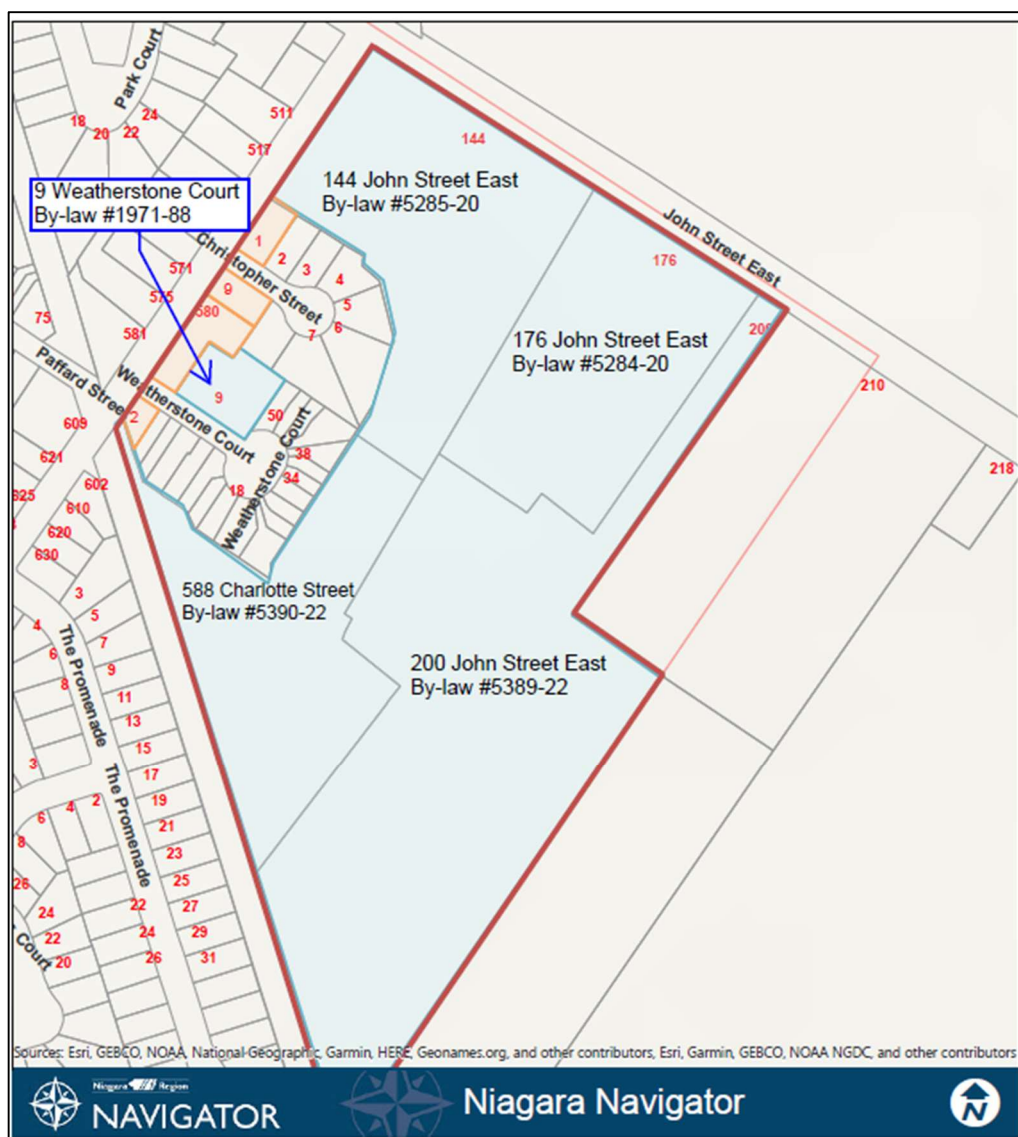


Figure 2 - Former Rand Estate outlined in red, properties with Designation By-laws shown in Blue, properties listed on the Town's Municipal Register of Properties of Cultural Heritage Value or Interest shown in orange.

The former Rand Estate, as a whole, is a cultural heritage landscape. Any consideration of change must assess the impacts on the individual property, as well as on **Heritage Attributes** in the context of the whole.

Chapter 4

The Applications for Change

I. Proposed Subdivision

The proposed subdivision consists of 39 single detached dwellings, 26 semi-detached dwellings, and 107 townhouse units, serviced by private roads and laneways. The primary access to the development is proposed to be accommodated from the frontage at 200 John Street East. Access is also proposed at 588 Charlotte Street, immediately north of the Upper Canada Heritage Trail, for emergency and pedestrian purposes.

The plan provides for three park spaces, including a “Heritage Park”, a “Whistle Stop Parkette” and a park with a community garden.

II. Proposed Changes

Changes to **Heritage Attributes** are required to facilitate the proposed Subdivision at 200 John Street East. The Heritage Permit Application for 200 John Street East is attached as Appendix IV. The proposed changes are:

200 John Street East		
Heritage Attribute(s) to be impacted	Existing Material	Proposed Materials and Colours
Tea house and pool	Tea House <ul style="list-style-type: none"> • Hip roof with asphalt shingles • Open air wood frame structure • Simple wood classically inspired columns • Simple wood railings and boxed newels • Interlocking brick paves • Brick and concrete steps Pool <ul style="list-style-type: none"> • Large inground concrete 	Tea house to be restored to original materials and colours. Pool to be demolished (removed) and CHVI conserved through commemoration. A Documentation Report will be prepared for the pool prior to its removal. See Stantec's Heritage Commemoration Plan.
The surviving elements of the	<ul style="list-style-type: none"> • Sunken landscaped pool area • Concrete bases of the 	Swimming Pool Area to be

Dunington-Grubb landscape	<p>former pergola</p> <ul style="list-style-type: none"> • Original plantings (see Stantec's Heritage Commemoration Plan) 	<p>restored following Dunington-Grubb's pool area plans. Sunken lawn area proposed. Installation of a new pergola. See Stantec's <i>Heritage Commemoration Report</i> for more details.</p>
The one storey, rectangular bath pavilion	<ul style="list-style-type: none"> • Hip roof with asphalt shingles • Wood eaves • Wood entrance portico • Wood steps • Smooth stucco exterior • Multi-pane wood casement windows within wood frames • Wood screen door • Interior plaster walls 	<p>To be relocated into the Heritage Park Area. See Stantec's <i>Heritage Commemoration Report</i> for more details.</p>
The extant wooden gazebo/whistle stop	<ul style="list-style-type: none"> • Wood gazebo structure • Base of mortar and stone 	<p>Extant wooden gazebo and whistle stop to be restored to original materials and colours. Adjacent garden to be restored. Commemoration of the Whistle Stop through an interpretative panel. See Stantec's <i>Heritage Commemoration Report</i> for more details.</p>
The wall and red pillars located at the rear of the property and on John Street East	<ul style="list-style-type: none"> • Concrete punctuated by brick pillars and three entrance gates • Two brick entrance pillars 	<p>Walls to be restored/repared where required to stabilize structural integrity. Trees abutting the wall to be removed where impacting structural integrity.</p>
The carriage house	<ul style="list-style-type: none"> • The entire exterior • The hipped roof • The asymmetrical face with three large French style door openings on the main floor • The original rectangular diamond patterned windows 	<p>The building will be demolished to accommodate the new subdivision. Any materials that can be saved will be offered to the Town or to the public for reuse. Measured drawings and photographic documentation will be provided to the Town. The building and its function</p>

		will be commemorated (see Commemoration Plan)
The Calvin Rand summer house	<ul style="list-style-type: none"> The entire exterior of the dwelling 	<p>The building will be demolished to accommodate the new subdivision. Any materials that can be saved will be offered to the Town or to the public or reuse. Measured drawings and photographic documentation will be provided to the Town. The building, its history and its function will be commemorated (see Commemoration Plan)</p>

Changes to **Heritage Attributes** are required to facilitate the proposed Subdivision at 588 Charlotte Street. The Heritage Permit Application for 588 Charlotte Street is attached as Appendix V. The proposed changes are:

588 Charlotte Street		
The Stone Wall located along the rear of the property.	<ul style="list-style-type: none"> Stone wall with brick pillars 	<p>Walls to be restored/repared where required to stabilize structural integrity. Any tree abutting the wall to be removed where impacting structural integrity.</p> <p>The entrance from Charlotte Street may have to be widened. If that is the case, the brick pillars will be carefully dismantled and reconstructed in new locations to permit access by emergency or other vehicles.</p>
Main Dwelling and Sheds	<ul style="list-style-type: none"> Frame buildings with stucco exteriors 	<p>The main dwelling will be demolished. Any salvageable material of cultural heritage value will be salvaged and offered to the Town and/or the public for reuse.</p>

		<p>Measured drawings will be completed along with photographic documentation for archival purposes.</p> <p>The two small sheds will be demolished. Although these were considered for reuse, along with the larger one storey rectangular building, no particular adaptive reuse could be found due to their small size which limits their usefulness for storage or other purposes. Their purpose in the scheme of the original estate could not be determined.</p> <p>All of the buildings will be commemorated and interpreted appropriately.</p>
<p>The one-storey rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate.</p>	<ul style="list-style-type: none"> • Frame building with stucco exterior. 	<p>The one-storey rectangular outbuilding with hipped roof will be moved to the proposed community garden adjacent to Charlotte Street. The exterior will be repaired and restored and the structure will be adaptively reused as a storage shed for garden tools and other gardening materials. It and the other sheds will be interpreted along with the other buildings on the site.</p>

In addition, the proposed Subdivision relies, in part, on the adjacent properties at 144 and 176 John Street East for:

- relocation of wetland
- accommodation of road infrastructure in panhandle
- transfer of lands between 176 John Street East and 200 John Street East

Separate Heritage Permit Applications would be required for alterations, demolitions and removals on adjacent properties. Heritage Permit Applications have not been received by the Town, to date.

III. Materials Reviewed

Materials and Information Submitted with the Applications

Documents submitted in support of the Applications include:

1. Appendix VI - Heritage Impact Assessment prepared by Heritage & Land Use Planning Services (200 John Street East & 588 Charlotte Street), dated July 9, 2020
2. Appendix VII - Addendum to Heritage Impact Assessment prepared by Heritage & Land Use Planning Services (200 John Street East & 588 Charlotte Street), dated September 1, 2022
3. Appendix VIII - Building Condition Assessment, The Bath House, 200 John Street East, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 27, 2022;
4. Appendix VIII - Building Condition Assessment, The Carriage House, 200 John Street East, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 27, 2022;
5. Appendix VIII - Building Condition Assessment, The Guest House, 200 John Street East, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 27, 2022;
6. Appendix VIII - Building Condition Assessment, The Tea Pavilion, 200 John Street East, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 27, 2022;
7. Appendix VIII - Building Condition Assessment, The Whistle Stop, 200 John Street East, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 17, 2022;
8. Appendix VIII - Building Condition Assessment, 588 Charlotte Street, Niagara-on-the-Lake, prepared by Mark Shoalts, dated April 4, 2022; and
9. Appendix IX - Heritage Commemoration Plan, 200 John Street East and 588 Charlotte Street, prepared by Stantec Consulting Ltd., dated February 7, 2023.

Stantec Consulting Ltd. (“Stantec”) prepared the above referenced Heritage Commemoration Plan (the “Commemoration Plan”) for the subject properties. The Commemoration Plan outlines a proposed approach to commemorate and communicate the history of the site, which includes the relocation of buildings and structures to park areas for concentrated commemoration. Section 1.2 of the Commemoration Plan lists the following reports as informing the Plan:

- Heritage Impact Assessment - 200 John Street East and 588 Charlotte Street, Niagara-on-the-Lake (HIA), prepared by Leah Wallace in 2020.
- Cultural Heritage Landscape Evaluation Report – 200 John Street East and 588 Charlotte Street, Niagara-on-the-Lake (CHLER), prepared by Stantec in 2021.
- Cultural Heritage Evaluation Report – 200 John Street & 588 Charlotte Street, Town of Niagara-on-the-Lake (CHER), prepared by Leah Wallace in 2021.
- 200 John Street East and 588 Charlotte Street, Niagara-On-The-Lake, Ontario Arborist Report and Tree Inventory Report (Arborist Report), prepared by Stantec in association with Buchanan Expert Tree Care Inc.

The Commemoration Plan does not indicate that it was informed by the 2021 Cultural Heritage Evaluation Reports for the subject properties prepared by LHC Heritage Planning and Archaeology Inc. (“LHC”) on behalf of the Town, or the 2021 Cultural Heritage Evaluation Report prepared by Brendan Stewart with ERA Architects (“ERA”), on behalf of the local community organization, “Save Our Rand Estate.”

Additional Background Materials and Information that Inform this Report

Staff have reviewed and considered the Cultural Heritage Evaluation Reports prepared by LHC and ERA, and materials prepared by The Planning Partnership. This report has been informed by the following additional materials and information:

- Cultural Heritage Evaluation Report – 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street, prepared by Letourneau Heritage Consulting Inc., dated September 2018.
- Addendum to Cultural Heritage Evaluation Report – 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street, prepared by Letourneau Heritage Consulting Inc. (LHC), dated April 26, 2019.
- Cultural Heritage Evaluation Report – 200 John Street East, Niagara-on-the-Lake, prepared by LHC Heritage Planning and Archaeology Inc., dated June 2021.
- Cultural Heritage Evaluation Report – 588 Charlotte Street, Niagara-on-the-Lake, prepared by LHC Heritage Planning and Archaeology Inc., dated June 2021.
- Cultural Heritage Landscape Evaluation Report – 200 John Street East and 588 Charlotte Street, Niagara-on-the-Lake, prepared by Stantec Consulting Ltd., dated June 28, 2021.
- The Rand Estate, Niagara-on-the-Lake – Cultural Heritage Evaluation Report for 200 John Street East and 588 Charlotte Street, prepared by Brendan Stewart with ERA Architects, dated June 28, 2021.
- Rand Estate Heritage Attributes Map, prepared by LHC Heritage Planning and Archaeology Inc., dated 2021-07-05.
- Witness Statement of Michael Ormston-Holloway, Environmental and Land Tribunals Ontario: Conservation Review Board CRB1822, CRB 1823, CRB 1824, CRB 1825.
- Dunington-Grubb and Stensson Fonds, University of Guelph Archives.
- “Sunshine and Shadow in a Country Garden,” Canadian Homes & Gardens, February 1930.
- H. B. Dunington-Grubb, “The Country Estate, Canadian Homes & Garden, November 1933.
- H. B. Dunington-Grubb, “The Suburban Garden,” Royal Architectural Institute of Canada Journal 143, no. 7, 1937.

Chapter 5

Conservation Approach

I. Understanding the Historic Place

As recommended within the S&Gs, the first step to determine the proper conservation approach is to understand the historic place. The following section provides a description of the subject properties and explains the cultural heritage value of the subject properties.

“Randwood”

The subject properties formed a portion of a larger 160-acre tract of land that was granted by the Crown to the Honourable Peter Russell in 1796. Peter Russell was a prominent and active figure in Upper Canada as a member of the Legislative and Executive Councils and as the Province’s Receiver General.

Peter Russell sold his tract of land to the Honourable William Dickson, who built a brick residence on the lands. Dickson’s house was burned by American soldiers in 1813. It is believed that the current residence at 176 John Street East was built in the same location as the Russell house. William Dickson divided his lands in 1821 between his sons. The divided estate lands were later known as “Rowanwood” and “Woodlawn.”

In 1873, the lands known as “Woodlawn” (part of the former Rand Estate) were sold to General Henry Livingston Lansing. General Lansing, who resided in Buffalo at the time of purchase, had served in the American Civil War and worked as a Secretary/Treasurer of the Buffalo and Erie Railway. The Woodlawn Estate first became a summer residence and later a permanent residence for the Lansing family. General Lansing is believed to have made substantial changes to the estate’s primary residence (later the Rand Mansion.)

In 1905, the Lansing family sold the property to Katherine Macdonald, who sold the land to George F Rand I in 1910.⁴⁶ The Rands were a prominent family from Buffalo, active in establishing a consolidated banking system in New York.⁴⁷ George Rand I subsequently purchased the Rowanwood Estate in 1919. With the merger of the lands, the Rands renamed their estate “Randwood,” which included the existing properties at 144 and 176 John Street East, the subject properties, as well as the lands along Charlotte Street (now the developments at Weatherstone Court and Christopher Street) from John Street East to the Upper Canada Trail.⁴⁸

Based in Buffalo, the Rand family used the estate as a summer residence. The prominence of Niagara-on-the-Lake as a popular summer destination for Americans had

⁴⁶ LHC, “Cultural Heritage Evaluation Report – 200 John Street East, Niagara-on-the-Lake” (June 2021), 34-36.

⁴⁷ Brendan Stewart with ERA Architects, “The Rand Estate, Niagara-on-the-Lake – Cultural Heritage Evaluation Report for 200 John Street East and 588 Charlotte Street” (June 28), 10.

⁴⁸ LHC CHER 2021, 200 John Street East, 34-36.

begun in the 1880s after the establishment of the Queen's Royal Hotel. In this way, the family was part of a larger trend within Niagara-on-the-Lake that saw Americans purchasing large estate properties as seasonal residences.

Investing In Randwood

Almost immediately, the Rands implemented a comprehensive plan of development on the estate, preparing designed landscapes and constructing new residences, structures and outbuildings. So prominent were the family and estate that the social and development activities at Randwood featured in numerous Buffalo newspaper articles⁴⁹ and even in a 1930 Canadian Homes and Gardens magazine article.⁵⁰ Estate changes were described in a newspaper article from the Buffalo Times in 1919:

Quite a little colony is springing up at "Randwood" where a large number of workmen are employed on the construction of pretty little cottages, barns and other buildings which will later be used by Mr. Rand's employees, while landscape gardeners have the grounds in hand and are gradually transforming them so they will be like those found on country estates elsewhere. A lily pond surrounds a magnificent fountain in one section of the estate while flower gardens border a beautiful lawn, tennis court, etc. "Randwood" was always one of the show places of Niagara, but it is now even more lovely and it is no wonder the family are making it their permanent home.⁵¹

Buildings constructed to support the estate included the stone entrance arch with the estate title, "Randwood," with attached Gatehouse (now 580 Charlotte Street, Figure 3). The substantial Milkhouse and Stables (now 9 Weatherstone Court, Figure 4). The farm complex (subject property at 588 Charlotte Street, Figure 5), a cottage (later the Calvin Rand Summer House), the Carriage House and Bath Pavilion (subject property at 200 John Street East) followed. The comprehensive plan for the support buildings across the estate is evidenced in the similar design features and materials between these buildings, including the exterior stucco finish, diamond-paned windows and large overhanging eaves.

⁴⁹ ERA CHER 2021, 61-65.

⁵⁰ LHC CHER 2021, 200 John Street East, 38-39.

⁵¹ ERA CHER 2021, 64.



Figure 3 – Gatehouse and Randwood stone entrance arch, 580 Charlotte Street, March 2023.



Figure 4 - Milkhouse and Stables, 9 Weatherstone Court, March 2023.



Figure 5 – View of the former Rand Estate facing north from the Upper Canada Heritage Trail to 588 Charlotte Street and 200 John Street East. 588 Charlotte Street contains the Rand Estate stone wall (in foreground), farm complex in foreground, the two-storey Carriage House and smaller Calvin Rand Summer House in the background. March 2023.

Designed Landscapes: Howard and Lorrie Dunington-Grubb

Comprehensive plans for Randwood were further reflected within designed landscapes on the estate, guided by professional landscape architects. As early as 1919, and perhaps earlier, the Rands hired prominent and pioneering landscape architects Howard and Lorrie Dunington-Grubb to prepare garden designs. The Dunington-Grubbs were a husband and wife team. Lorrie Dunington-Grubb had particular expertise in horticulture and Howard had particular expertise in landscape architectural design. Howard and Lorrie Dunington-Grubb were leaders in the field of landscape architecture in Canada and were founding members of the Canadian Association of Landscape Architects in the 1930s.⁵² In addition, the Dunington-Grubbs founded Sheridan Nurseries, still in existence today, to grow ornamental plants for their prolific design work, as there were no large nurseries at the time.⁵³

The landscape on the Rand Estate shows an adherence to two specific design trends of the time, which the Dunington-Grubbs were known to employ.⁵⁴ Both of these design trends are evident within the designed landscape on the Rand Estate. One of the design

⁵² ERA CHER 2021, 50.

⁵³ Sheridan Nurseries, "Company History," <https://www.sheridannurseries.com/about/company-history>.

⁵⁴ LHC CHER 2021, 200 John Street East, 55.

trends developing in the UK, was an approach to designing landscape and architecture in union. As described by LHC in their 2021 CHER:

In this approach, gardens were designed as a series of '**outdoor rooms**,' or '**nodes**' (activity centre), each distinct and with its own character that could be defined by specific buildings and plant compositions of varying colours, textures, and forms. '**Rooms**' can be understood as clearly defined spaces with defined limits or edges while '**nodes**' can be understood as a general area without firm boundaries.⁵⁵

A second, but related, design trend had roots in the United States, and merged "the symmetry and formality of the Italian Renaissance garden with the English picturesque approach."⁵⁶ The symmetry, formality and picturesque approaches to landscape design are particularly clear within the formal gardens designed by the Dunington-Grubbs, for which landscape plans and drawings exist, and can be referenced. The Dunington-Grubbs prepared plans for a Beaux-Arts style Sunken Garden in front of the Rand Mansion at 176 John Street East. The Sunken Garden is constructed on an axial line with a water feature (the lily pond) at the centre, surrounded by symmetrical garden layout (see 1917 Dunington-Grubb sketch for the Sunken Garden in Figure 6). The Dunington-Grubbs also prepared plans for the Swimming Pool Garden at 200 John Street East. The Swimming Pool Garden was also a sunken garden design with the pool at the centre, grassed berms and built structures set into the landscape (Figures 7 & 8).

⁵⁵ LHC CHER 2021, 200 John Street East, 55.

⁵⁶ LHC CHER, 2021, 200 John Street East, 55.

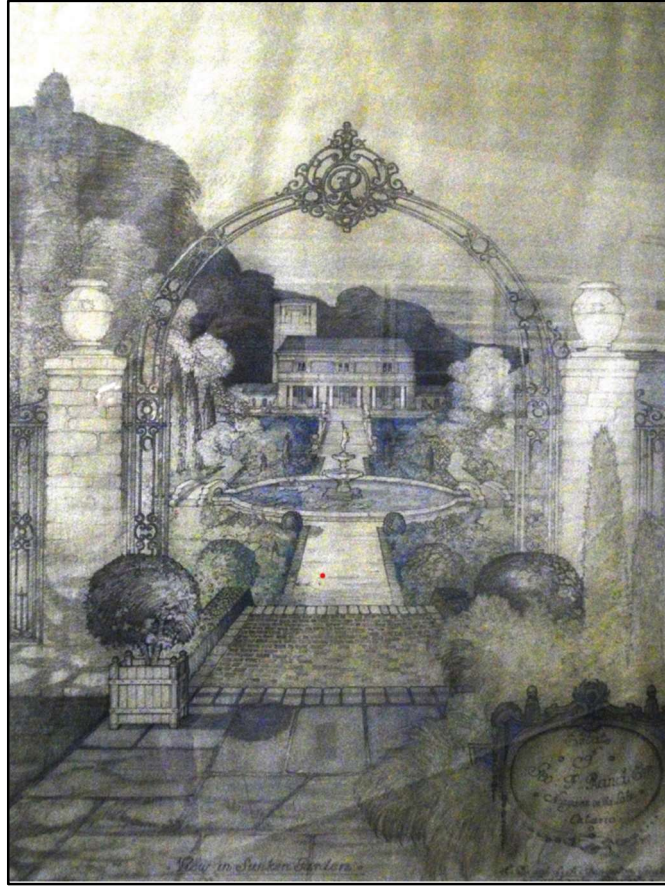


Figure 6 - 1917 Dunington-Grubb sketch of Sunken Garden with lily pond at 176 John Street East, Rand Mansion in background. Source: Sheridan Nurseries Archives, in ERA CHER 2021, Appendix C: Dunington-Grubb Drawings, p. C3.



Figure 7. Swimming Pool Garden, date unknown. Source: Sheridan Nurseries Archives, in ERA CHER 2021, 71.



Figure 8. Swimming Pool Garden in 1930 with original pergola in background. Source: Canadian Homes and Garden, February 1930, 39.

The approach with the use of designed **rooms** and **nodes** is evident along the estate's Axial Walkway, which stretches from the rear of the Rand Mansion to the private train stop at the south of the estate. The Axial Walkway was the central organizing feature, around which designed landscape **rooms** included the Rose and Perennial Garden (designed in a semi-circular layout at the rear of the Rand Mansion),⁵⁷ the Peony Garden, Swimming Pool Garden, Mound Garden, Orchard and the Whistle Stop (a private train stop along the former Michigan Central Railway). The "**nodes**" included an area devoted to property maintenance with the Calvin Rand Summer House and Carriage House.⁵⁸ A map outlining the designed **rooms** and **nodes** on 200 John Street East has been prepared by LHC and is attached as Appendix X.⁵⁹

While landscape plans/drawings by the Dunington-Grubbs do not exist for the whole estate, the Dunington-Grubbs were known to design on site without the use of plan drawings depending on the context and project.⁶⁰ In addition, detailed analysis of the characteristics of the designed landscape on the Rand Estate show that the plant species and landscape layout follow landscape design techniques known to be used by the Dunington-Grubb firm.

The Country Estate

The Dunington-Grubbs had experience designing several private country estates. Estate planning began in the 18th century and was especially popular in the 1920s and 1930s, which became known as the "Country Place Era." The Rand Estate exemplified the approach to planning large country estates, with its estate residence surrounded by formal and informal landscape settings, and supporting outbuildings.⁶¹

In a 1933 *Canadian Homes and Gardens* magazine article, entitled, "The Country Estate," Howard Dunington-Grubb advised of the importance of establishing a "comprehensive plan of development" directly following the purchase of a property, even if building operations could not take for some time afterward. The comprehensive plan included landscape design and consideration for the location of buildings to support the estate use.⁶²

Howard Dunington-Grubb further advised that country estates should be roughly divided into five sections: entrance zones, service areas, pleasure grounds, recreation zones, and domestic grounds.⁶³ These sections are evident on the Rand Estate and have been mapped within the ERA CHER over the course of the Rand ownership (Figure 9 shows the 1930s period, other periods are mapped in the 2021 ERA CHER).⁶⁴ Entrance zones included the driveways to 144 and 176 John Street East and the Whistle Stop with the

⁵⁷ ERA CHER 2021, 70.

⁵⁸ LHC CHER 2021, 200 John Street East, 57.

⁵⁹ LHC CHER, 200 John Street East, Figure 18, 58.

⁶⁰ ERA CHER 2021, 54.

⁶¹ LHC CHER 2021, 200 John Street East, 53.

⁶² Canadian Homes and Gardens, February 1930. 54.

⁶³ ERA CHER 2021, 54.

⁶⁴ ERA CHER 2021, 33-34.

Axial Walkway. Service areas were focused around the farm complex, the Carriage House and the Milkhouse and Stables. Pleasure grounds included the front and rear lawns around the residences and designed landscapes. Recreation zones included the Swimming Pool Garden and tennis court, which were visually screened, and set behind the residences. The domestic grounds were generally associated with the hobby-farm use and included fields, pastures and paddocks.

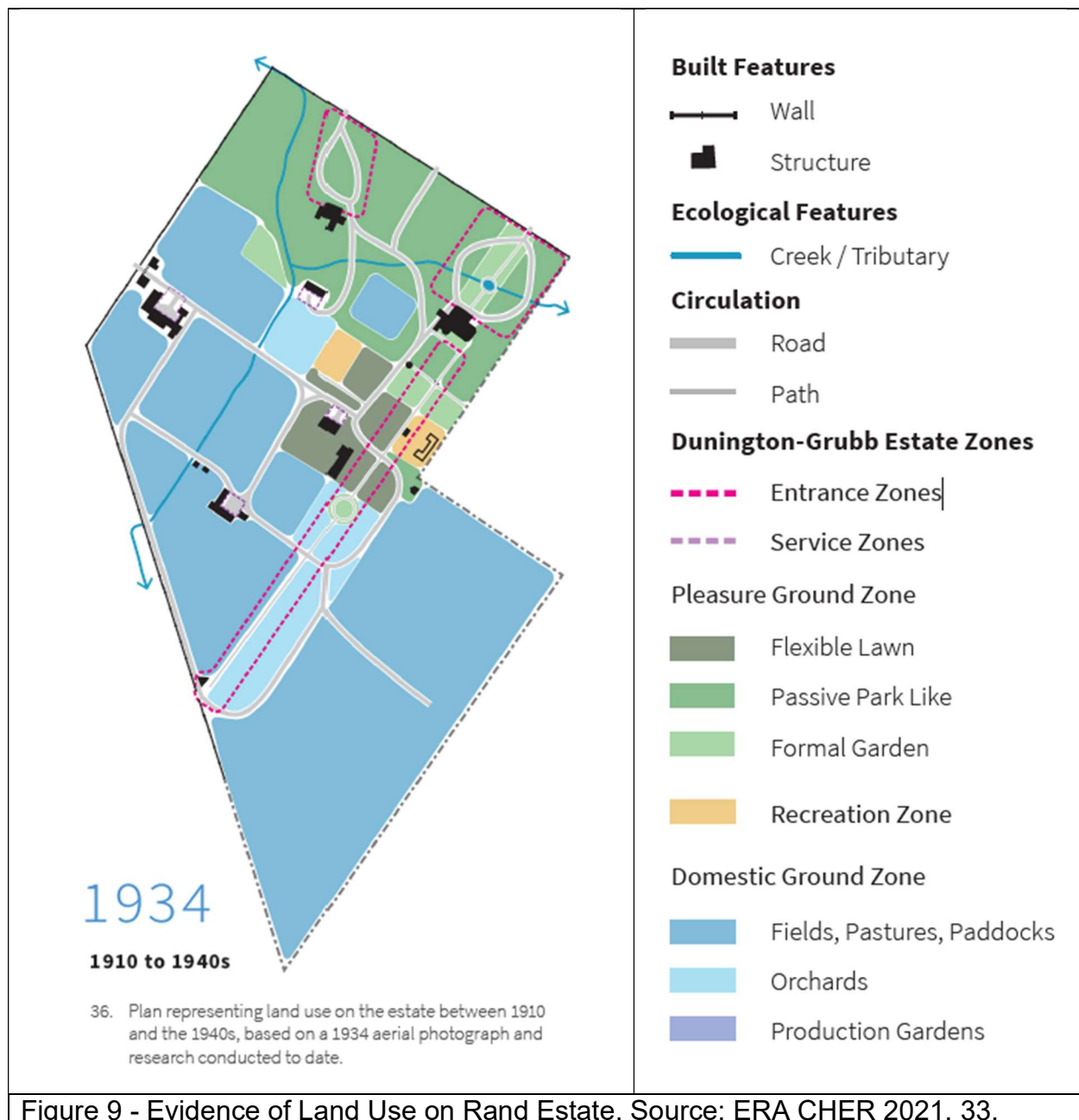


Figure 9 - Evidence of Land Use on Rand Estate. Source: ERA CHER 2021, 33.

The former Rand Estate is understood to be a planned country estate with rare formal and informal designed landscapes under the direction of leading landscape architects in Canada, containing a rare and unique ensemble of hobby-farm buildings.

II. Planning for Conservation

The Rand Estate represents a cultural heritage landscape with a high level of integrity. Much of the designed landscapes and built heritage elements have survived from the 1920s and 1930s into today, including early plant and tree species. The surviving Dunington-Grubb landscape drawings for the Rand Estate show the original design plans, and plant and tree species for the formal gardens. The informal designed landscapes include species that are known to be part of the Dunington-Grubb species list. Where plant or tree species have been lost, Sheridan Nurseries provides an opportunity to reintegrate suitable species. The landscape design techniques evident in the Dunington-Grubb's work on the Rand Estate, and on other estate properties, provide an understanding of the design intent and therefore a process for approaching the preservation of these landscapes. The designed landscape is a rare and unique surviving example of landscape design by the Dunington-Grubb firm as part of a larger estate.

The built heritage elements are in varying states of physical condition, but they are largely intact and in sound condition, with original materials remaining. Many of the built heritage elements have not been substantially altered on the exterior from their construction period. The design features shared between many of the built heritage elements, especially those supporting the hobby-farm use on the estate, show a planned overall design. The built heritage elements are part of a rare and unique surviving ensemble of buildings associated with the estate hobby-farm.

III. Intervening

Changes to character-defining elements must respect and protect heritage value. Given the high level of integrity on the subject properties and Rand Estate, I recommend that **Preservation** be the primary conservation approach. **Preservation** involves protecting, maintaining and stabilizing the existing form, material and integrity of an historic place, while conserving heritage value.

Within the Swimming Pool Garden, **Restoration** is proposed as a secondary approach given the level of integrity and the ability to consult documentary evidence for the original garden design and plantings.

Within the farm complex, **Rehabilitation** is proposed as secondary approach to accommodate new uses.

Chapter 6

My Opinion

I. Recommendations in Brief

My recommendations for conservation of the former Rand Estate are to preserve and restore the character-defining elements of the estate with its hobby-farm and the character-defining elements of the landscapes designed and managed by the Dunington-Grubbs, including mature trees and plantings along the panhandle, the formal designed gardens and Axial Walkway with its designed **rooms** and **nodes**.

As per best practices, I have recommended that character-defining elements are largely retained in-situ, especially where location is important in understanding the attribute and its relationship to other elements. Relocation of buildings on the subject properties is only a secondary consideration where the context of a character-defining attribute has been substantially diminished. I have recommended demolition, as a last resort, of the Calvin Rand Summer House at 200 John Street East and the main residence (former stables and barn) at 588 Charlotte Street due to the substantial alterations to the buildings over time, which have diminished their relationship to the estate, and where physical conditions mean that efforts at preservation would still result in the substantial loss of the early form and materials of the buildings.

The **Preservation** of character-defining elements will **conserve** the **heritage value** of the subject properties and their relationship to the Rand Estate as a whole.

Archaeology

My assessment of the proposed changes are provided with the understanding that archaeological assessments of the subject properties are on-going. The discovery and recognition of any registered archaeological sites or archaeological resources on the subject properties could result in the need to **conserve** archaeological resources in-situ. Retaining archaeological resources in-situ could result in the need for a re-assessment of impacts to cultural heritage resources and archaeological resources, and revisions of these recommendations.

II. 200 John Street East Road through the “Panhandle”

The frontage at 200 John Street East is accessed from a long, narrow strip of land (referred to as the “panhandle”) approximately 20 metres wide and 200 metres long. The panhandle is characterized by mature coniferous and deciduous trees along its length, and by an Eastern Red Cedar Hedge close to the boundary wall at the street. One Mile Creek crosses over the panhandle from 176 John Street East through to 210 John Street East. Access over the creek is provided by a concrete bridge. The length of the panhandle contains the remains of a modest gravel driveway, that is now largely overgrown with grass.

The panhandle is considered to form part of the “surviving elements of the Dunington-Grubb landscape.” The original elliptical driveway for the Rand Mansion at 176 John Street is believed to have been laid out by the Dunington-Grubbs. The eastern section of the designed elliptical driveway crossed over onto (what is now) the panhandle lands. When the lands at 200 John Street East were severed from 176 John Street East in the 1970s, and a new driveway was laid out for 200 John Street East, the original curve of the elliptical driveway appears to have been sensitively adapted into the winding driveway at 200 John Street East⁶⁵ (Figure 10). The remnant curve of the driveway retains a connection with the original Dunington-Grubb plans for the estate.

⁶⁵ LHC CHER, 2021, 200 John Street East, 70 & ERA CHER 2021, 95.

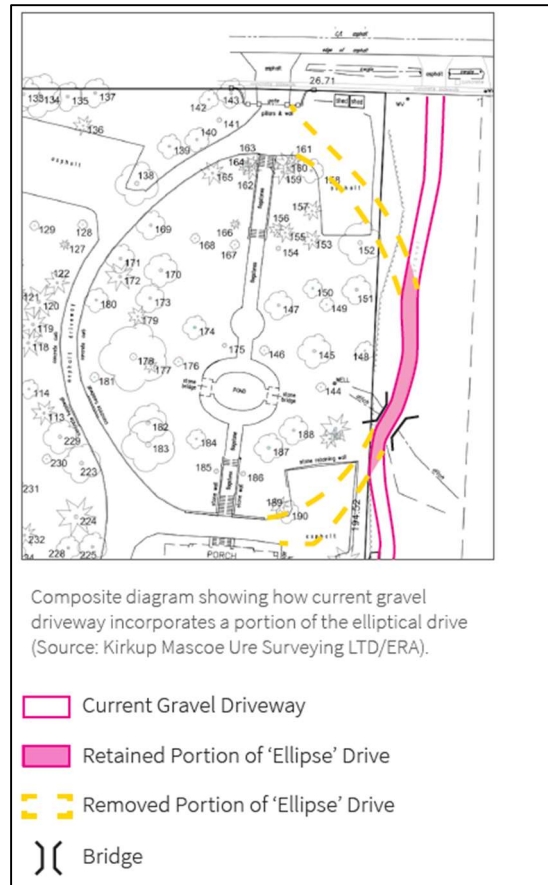


Figure 10 - 176 John Street East at left with elliptical driveway, 200 John Street East at right with pink shading showing the retained portion of the elliptical driveway. Source: ERA CHER 2021, 96.

The mature trees and plantings along the panhandle are further evidence that the panhandle lands form part of the Dunington-Grubb designed landscape. Analysis by Michael Ormston-Holloway, an ISA certified Arborist with the Planning Partnership, indicates that the tree species along the panhandle are consistent with the arboretum-like plantings found on 144 and 176 John Street East, and include trees that are 100 years and older, and which are known to be part of the Dunington-Grubb species list. In addition, the coniferous trees along the panhandle appear to be planted in a wind-break formation, a technique that was known to be used by Howard Dunington-Grubb to provide screening for wind and privacy.⁶⁶ Figure 11 shows the trees along the early property lines in a wind-break formation, and the elliptical driveway at the left, on what is now the panhandle.

⁶⁶ Witness Statement of Michael Ormston-Holloway, 5-6.



Figure 11 - Randwood circa 1920, with Rand Mansion at rear, Sunken Garden in foreground and elliptical driveway visible curving around the garden at the left. Source: "Randwood in Niagara on the Lake 1920," Brock University, St. Catharines Standard/Niagara Falls Review Fonds, <https://dr.library.brocku.ca/handle/10464/16512>.

Trees that pre-date the Dunington-Grubb work on the site (those approximately 100 years and older) are understood to have been incorporated and managed within the arboretum-like setting in front of the Rand Mansion. The front lawn at 176 John Street East was, historically, defined by mature trees. Early photos of the estate from the Lansing ownership, circa 1900, just 10 years prior to the Rand ownership, show many mature trees on the front lawn (Figure 13). Even the former estate name, "Woodlawn" under the Lansing ownership, and later "Randwood" under the Rand ownership, reinforces the importance of the mature trees as part of the character of the estate.⁶⁷

⁶⁷ ERA 2021, 27

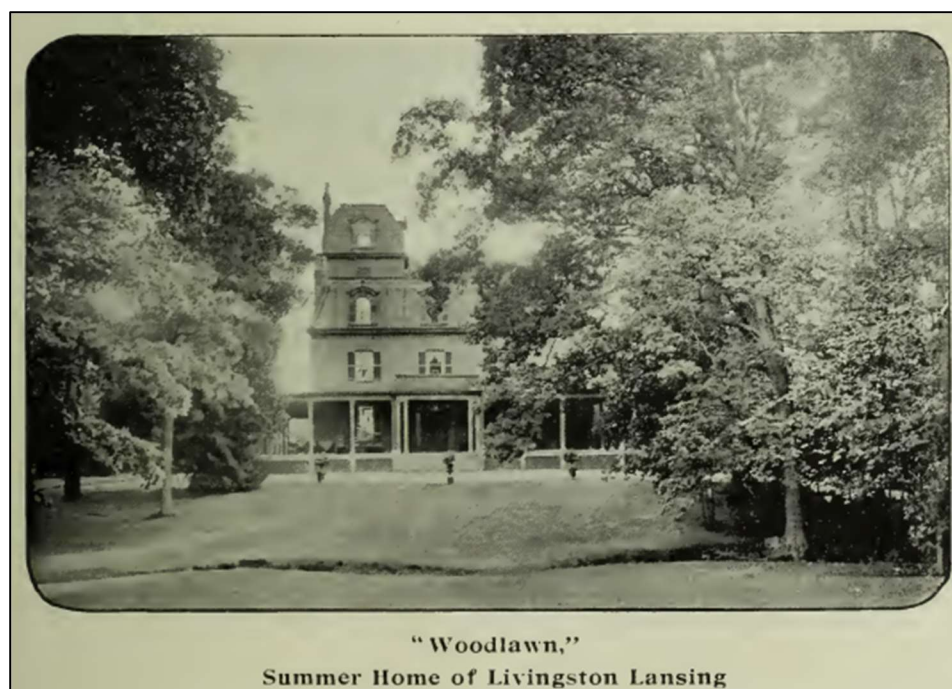


Figure 13 - Woodlawn circa 1900, prior to its renaming as Randwood by the Rand Family, 176 John Street East. Source: John S. Clarke, 'Illustrated Niagara-on-the-Lake, Canada: Engravings of some of her many attractions,' 1900, 21. <https://dr.library.brocku.ca/bitstream/handle/10464/4819/illustratedniagaraonthelake1900.pdf?sequence=1>

The Dunington-Grubbs would have understood the importance of the mature trees in defining the character of the estate and would have integrated existing trees in their landscape plans. Indeed, the work of the Dunington-Grubbs on other estate properties showed an ability to incorporate and enhance existing (as-found) conditions on a property within new landscape designs.⁶⁸ Detailed research by ERA uncovered a 1930 *Canadian Homes and Gardens* magazine article that described the country estate of George F. Rand as "...distinguished primarily by reason of its groves of fine trees native to the district. Oaks, Elms, Maples and Pines mingle their varied tones of green above the smoothly rolling lawns, and provide welcome shade from the heat of the midsummer sun."⁶⁹ This article indicates that the front lawns with its mature trees were managed as a "grove," and defined the estate character. It is reasonable to conclude, that the existing landscape at the front of 176 John Street East (which included the panhandle at 200 John Street East) would have formed part of the landscape managed with input from the Dunington-Grubbs.

In my opinion, the mature trees and plantings along the panhandle are a heritage attribute that support the heritage value of 200 John Street East through their design value in association with the Dunington-Grubb landscape.

⁶⁸ ERA 2021, 52.

⁶⁹ Canadian Homes and Gardens, "Sunshine and Shadow in a Country Garden," 1930, quoted in ERA CHER 2021, 27.

The Applications propose the construction of a road with retaining walls and bioswales, which would result in the loss of most of the existing trees along the panhandle.⁷⁰ The Commemoration Plan proposes to incorporate Corten steel interpretive panels within the panhandle to commemorate the history of the site. Detailed design plans for the proposed road were not provided with the Applications. The Design Brief indicates that the proposed road has a traveled width of 7 metres, the Commemoration Plan notes that the road construction would also include bioswales and retaining walls for structural support.⁷¹ The actual disturbed area for the proposed road construction could be in excess of 15 metres in width. In addition, a pedestrian pathway is proposed within the panhandle. The impacts of a 15-metre-wide area of disturbance for the road and a separate proposed pedestrian pathway, within the 20-metre-wide panhandle would result in substantial negative impacts to mature trees and plantings that form the arboretum-like landscape. Negative impacts include complete removal of trees and potential damage to, and removal of, root systems and soil compaction for any remaining trees on 200 John Street East and any trees on 176 John Street East whose root systems cross over the panhandle. The mature trees on 176 John Street East are also considered to be a Heritage Attribute as part of the surviving elements of the Dunington-Grubb landscape.

Further assessment from an ISA Certified Arborist would be required to review the detailed plans for road construction and assess all potential impacts to existing mature trees and plantings along 200 John Street East and 176 John Street East. The assessment would need to take into account the ability for existing trees to survive and grow-on.

In my opinion the proposed road system would result in substantial negative impacts to the character-defining elements within the panhandle, including the arboretum-like landscape with mature trees and plantings and the original section of the elliptical driveway, and thereby diminish the cultural heritage value of the subject property. Further information in the form of an arborist report with reference to detailed engineering plans for the road construction would be required to fully assess and understand impacts.

Recommendation:

The proposal to remove mature trees and plantings and construct a road and pedestrian pathway through the panhandle at 200 John Street East is recommended for refusal.

III. 200 John Street East Removal of Trees and Boundary Wall

The Applications propose to remove mature trees impacting the integrity of the estate boundary wall at John Street East. The Wallace HIA Addendum includes a Tree Inventory in Appendix D, drawing L-900A, which shows the trees proposed for removal along the John Street East gated entrance. Trees proposed for removal include an approximately 30-year-old White Ash (Tree #5) in poor health, as well two healthy trees, including a 100-

⁷⁰ Wallace HIA Addendum, Appendix D: Tree Inventory Plans, L-900A.

⁷¹ Commemoration Plan, 35.

year-old Honey Locust, and 30-year-old Scot's Pine (Trees #1 and #2 in the Tree Inventory).⁷²

Both the boundary wall and the mature trees are identified as **heritage attributes** on 200 John Street East. In my opinion, further information is required to determine the level of impact that healthy trees might have on the boundary wall, and whether alternatives to tree removal can be found to mitigate potential impacts, prior to a recommendation to remove mature, healthy trees.

Specifically, in order to consider the proposed removal of healthy trees that may impact the integrity of the boundary wall, I would recommend the submission of a Heritage Permit Application with Arborist Report, by a third party, prepared by an ISA Certified Arborist with input and review from an Ontario licensed P. Eng., with demonstrated experience working with foundations. The Arborist Report should map, and clearly identify within a chart, all trees proposed for removal, the health and viability of the trees, expected lifespan and potential impacts to the boundary wall prior to removal, during removal and post-removal, as well as consideration for mitigation/alternative options for the retention of mature trees where possible.

Recommendation:

The removal of the White Ash on 200 John Street East, that is in poor health, identified as Tree #5 in Appendix D, drawing L-900A within the Wallace HIA Addendum, is recommended for approval subject to the condition that, prior to the removal of the tree, a report is prepared by a qualified engineer, at the applicant's cost, to the satisfaction of the Director of Community and Development Services, demonstrating that any potential impacts to the boundary wall will be mitigated prior to removal of the tree or its root system.

The proposal to remove healthy trees along the boundary wall on 200 John Street East is recommended for refusal as further detailed information is required.

IV. 200 John Street East Entrance Gates and Pillars

The John Street East frontage is physically and visually demarcated by the boundary wall and brick entrance pillars (the **Heritage Attributes**) that define most of the former Rand Estate lands (Figure 14). The construction of the boundary wall is attributed to three generations of the local Elliott family, some of whom were trained in dry stone wall construction.⁷³ Portions of the wall along John Street East were constructed by 1915, as seen in photographs from that time. Other sections of the wall on John Street East, closer to Charlotte Street, indicate a date of 1921.⁷⁴

⁷² Wallace HIA Addendum, Appendix D – Tree Inventory, L-900.

⁷³ LHC CHER 2021, 200 John Street East, 39.

⁷⁴ ERA CHER 2021, 65-66.

In the 1970s the property at 200 John Street East was severed from 176 John Street East, which required a new opening within the boundary wall for street access and the construction of new brick pillars.⁷⁵ The existing brick pillars at 200 John Street East are therefore not original, however, they are compatible in design with the original boundary wall pillars.



Figure 14 - Brick entrance pillars and boundary wall at entrance, 200 John Street East, March 2023.

The proposal to enlarge the wall opening at 200 John Street East would result in direct impacts to the wall and brick pillars, involving the removal and rebuilding of the brick pillars and portions of the wall. Insufficient information has been provided with the applications to determine the full extent of boundary wall removal or to outline how the integrity of the wall would be maintained with the alteration. In addition, widening the entrance may not be necessary if the proposed road construction through the panhandle is refused because of the negative impacts to the mature trees and other landscape elements.

Recommendation:

The proposal to remove and widen the boundary wall opening and remove the brick pillars at the entrance to 200 John Street East is recommended for refusal.

V. The Axial Walkway

The Axial Walkway describes a pedestrian walkway that stretched from 176 John Street East at the north of the estate lands, to 200 John Street East at the south and the estate's

⁷⁵ ERA 2021, 19

private train stop (the “Whistle Stop”) beside the former Michigan Central Railway corridor (now the Upper Canada Heritage Trail). The walkway was designed with functional and aesthetic considerations. Other elements, or landscape **rooms**, on the estate are organized around, and accessed from, the Axial Walkway. In my opinion, the Axial Walkway, with its **rooms** and **nodes**, is a surviving element of the Dunington-Grubb landscape.

Functionally, the Axial Walkway provided a primary circulation route on the estate from the Rand Mansion to the rail line. At the southern terminus of the Axial Walkway is the Whistle Stop structure, an open-air, three-sided wood frame gazebo with rubblestone foundation, set within a naturalized area of trees. The Rands were known to use the train for the daily commute to work in Buffalo, and guests made use of the Whistle Stop when visiting the Rand Estate for the many events hosted there. It is a rare example of a Whistle Stop located on private property.⁷⁶ The Whistle Stop and the surrounding naturalized area is considered to be a designed **room** along the Axial Walkway.⁷⁷

The Axial Walkway is visible in aerial images from the 1930s,⁷⁸ when the Dunington-Grubbs were known to be working on the subject properties. 1930s aerial images show the Axial Walkway passed through ornamental gardens at the rear of the Rand Mansion, south through a vegetative buffer to the subject properties. Moving further south on the subject properties, the Axial Walkway passed between the Peony Garden and Swimming Pool Garden,⁷⁹ then onto a designed Mound Garden. South from the Mound Garden the Axial Walkway functioned as the western limit of the orchards on the hobby-farm lands and finally terminated at the Whistle Stop. By the 1960s the section of the Axial Walkway south of the Mound Garden leading to the Whistle Stop is no longer visible on aerial images. The Michigan Central Railway closed in 1959,⁸⁰ and the eventual disappearance of the south portion of the Axial Walkway correlates with the closing of the rail lines.

The Axial Walkway is identified on the 1928 Dunington-Grubb landscape plans for the Swimming Pool Garden. In the landscape plans the Axial Walkway is identified as a pedestrian thoroughfare labeled the “Main Walk,” and is shown to lead to the “House” (the Rand Mansion) to the north and to the “Memorial Garden” to the south. Historic photos and interviews confirm that the walkway was gravel, a material choice that is reflected in the gravel walkways used within the Swimming Pool Garden as identified on the 1928 Dunington-Grubb landscape plans. The Axial Walkway is considered to form part of the surviving elements of the Dunington-Grubb landscape, as an integrated and central organizing feature. The Axial Walkway is also considered to be its own **room**.⁸¹

⁷⁶ Shoalts, Building Condition Assessment – The Whistle Stop, 4.

⁷⁷ LHC CHER 2021, 200 John Street East, 71.

⁷⁸ LHC CHER 2021, 200 John Street East, Figure 10, 42.

⁷⁹ LHC CHER 2021, 200 John Street East, Figure 10, 42 & 70-71.

⁸⁰ LHC CHER 2021, 200 John Street East, 33.

⁸¹ LHC CHER 2021, 200 John Street East, 96.

The Axial Walkway supports the heritage value of 200 John Street East because it serves as the feature that connects the **rooms** within the Dunington-Grubb designed landscape. It has physical value as an element of a rare Dunington-Grubb designed landscape. It contains contextual value through its connection with the former estate residence (the Rand Mansion).⁸²

The Applications propose the construction of a new pedestrian pathway with a new alignment, with sunken **rooms** along its length to commemorate the history of the Rand Estate.

The portion of the Axial Walkway north of the Mound Garden is still visible on the subject properties. As per the S&Gs recommendations for circulation systems, the deteriorated portions of the walkway should be retained and reproduced in form and alignment. The missing portions of the walkway should be replaced based on existing physical and documentary evidence.⁸³ The alignment for the south portion of the Axial Walkway can be determined based on the locations of the Whistle Stop and Mound Garden, and based on aerial images.

The introduction of commemoration in the form of sunken gardens may be more intensive of a physical change than necessary, and would confuse the formal sunken garden designs on the estate with the informal landscape that pre-dominated on the hobby-farm (south portion) of 200 John Street East. In my opinion, the Axial Walkway should be restored as close as possible to its original form and materials, with a more informal landscape treatment.

The applications also propose to restore the early Peony Garden (Figure 15) that lined the Axial Walkway, adjacent to the Tea House. The restoration is proposed to be based on historical photos and species available at Sheridan Nurseries in the 1920s and 1930s.⁸⁴ The Peonies were extant in 2018⁸⁵ but later mown over. The Planning Partnership has indicated that the existing Peonies may recover if mowing ceases.⁸⁶ Mowing of the area should cease immediately. I support the proposed conservation of the Peony Garden, but recommend that the original plants be provided the opportunity to recover and be maintained on an on-going basis to encourage their ability to survive and grow-on.

⁸² LHC CHER 2021, 200 John Street East, 129.

⁸³ S&Gs, 72.

⁸⁴ Commemoration Plan, 45.

⁸⁵ LHC CHER 2021, 200 John Street East, 71.

⁸⁶ LHC CHER 2021, 200 John Street East, Appendix D: Peony Garden.



Figure 15 - 200 John Street East Peony Garden adjacent to Swimming Pool Garden, Calvin Rand Summer House visible in background. Source: Rand Family, in ERA CHER 2021, 79-80.

Recommendation:

It is recommended that the proposal to construct a new Axial Walkway on 200 John Street East with new alignment and the proposed commemoration plan for sunken gardens be refused.

It is recommended that the Peony Garden adjacent to the Tea House on 200 John Street East be restored in-situ, that mowing of the area ceases immediately, and that the original (existing) plants be provided the opportunity to recover, with on-going maintenance, in order to encourage the plant's vitality and ability to grow on.

VI. Mound Garden

The Axial Walkway passes through a raised, circular Mound Garden that was encircled by mature trees. Aerial images (Figure 16) show that the Mound Garden had a ring of Austrian Pines trees around the outside and a ring of coniferous trees around the inside. The Mound Garden is visible in aerial images from the 1930s into 2018. The mound feature is still extant above grade on site, however, the mature Austrian Pines encircling the mound were removed in November 2018, without Council approval. The trees around the Mound Garden were in place at the time of the service of the Notices of Intent to Designate the property at 200 John Street East, and are a heritage attribute of the property. This report considers the trees to continue to contribute to the Mound Garden as a character-defining element as Council approval was not obtained for their removal.



Figure 16 - 1971 Aerial Image showing the Swimming Pool Garden at top right, Axial Walkway (Main Walk) just left of the Swimming Pool Garden and moving south through the Mound Garden. Source: Niagara Air Photo Library, in ERA CHER 2021, 8.

The Mound Garden has been part of the designed landscape on the estate since the 1930s, when the Dunington-Grubbs were actively designing on the property. The 1928 Swimming Pool Garden plans show an arrow pointing south from the Main Walk (Axial Walkway) to the “Memorial Garden.” It is conceivable that the Mound Garden is the referenced Memorial Garden. In fact, detailed research from ERA demonstrates that the use of groves as memorials to those lost in the war was popular in the early 20th century. In addition, the use of rings of trees to create a commemorative grove was used in the UK.⁸⁷

Circular forms and mounds were common within Beaux-Arts design.⁸⁸ The Dunington-Grubbs used Beaux-Arts design within the sunken gardens on the Rand Estate, and were known to use Beaux-Arts design on other estate properties, connecting the Mound Garden to the design techniques used on the Rand Estate.⁸⁹ In addition, the Axial Walkway bisected by the circular Mound Garden reflects the design of the Sunken Garden with axial pathway and circular lily pond at 176 John Street East in front of the Rand Mansion,⁹⁰ (known to be designed by Dunington-Grubb) but on a larger scale and in a less formal setting.

⁸⁷ ERA CHER 2021, 82.

⁸⁸ Stantec CHLER, 3.2

⁸⁹ Stantec CHLER, 3.3

⁹⁰ Image of sunken garden in ERA HIA 2021, C3.

The design features of the Mound Garden connect it to other designed **rooms** on the site both functionally and aesthetically. Aesthetically, the Austrian Pine tree species is used as a backdrop within the designed Swimming Pool Garden and were known to be part of the Dunington-Grubb species list. In addition, the circular design and scale of the Mound Garden is reflected within the Rose and Perennial Gardens at the rear of the Rand Mansion as seen in the 1930s aerial images. From a functional perspective, the Mound Garden appears to serve as a “visual terminus” or “**node**” along the length of the Axial Walkway, and is at the halfway point between the Rand Mansion and the Whistle Stop.⁹¹ The Mound Garden has been a legible landscape element on the estate since the 1930s and is visually connected with other designed landscapes on the estate. In my opinion, the Mound Garden, with its ring of trees, forms part of the Dunington-Grubb designed landscape.

Within the Applications the Mound Garden is proposed to be removed to accommodate the proposed Subdivision. A new mound garden, considerably reduced in circumference and scale, and with different landscape treatment is proposed to be constructed further west on 200 John Street East.

The Mound Garden is still visible on the landscape, and the tree species that ringed the mound are known or can be replaced with similar species based on historic photographs and documentation. The visual relationship with the Whistle Stop and the Axial Walkway remains. Section 4.1.5 for ‘Visual Relationships’ within the S&Gs recommends repairing and rejuvenating, deteriorated parts of features that define visual relationships, and replacing based on physical evidence.⁹² In my opinion, the proposal to remove the existing mound and construct a new smaller mound would interrupt the visual organization of the site and diminish the understanding of the designed landscape. The Mound Garden, which may in fact be the referenced Memorial Garden in the Dunington-Grubb landscape plans, had an established visual relationship along the Axial Walkway and with the Whistle Stop.

In my opinion the best approach to **conserve** the **heritage attribute**, and therefore **heritage value**, is to retain and restore the Mound Garden, in-situ, with the planting of known tree species, or similar, around the Mound Garden. A separate Heritage Permit would be required for this proposed change.

Recommendation:

It is recommended that the proposal to remove the extant circular Mound Garden on 200 John Street East and construct a new mound garden in a new location be recommended for refusal.

⁹¹ ERA CHER 2021, 77-78.

⁹² S&Gs, 68-69.

That the existing Mound Garden be retained and the Austrian Pine Trees circling the mound be restored;

VII. Swimming Pool Garden and Supporting Landscape Attributes

The Swimming Pool Garden is a Heritage Attribute on 200 John Street East. The garden is its own contained **room** on the property, and was designed by the Dunington-Grubbs based on landscape drawings dated to April 1928. The Swimming Pool Garden is a Beaux-Arts style sunken garden (like the sunken garden at 176 John Street East), virtually symmetrical in form, with the pool at the lowest elevation and grass embankments and hedges increasing in height towards the outer perimeter. The garden, as a **room**, was enclosed by mature trees, plantings, hedges and built structures, providing screening and privacy. To the east, the Swimming Pool Garden is accessed from the Axial Walkway through the Tea House. The Tea House is a covered, unenclosed structure, under which the pool filtering equipment was located.⁹³ At the west edge of the garden was a u-shaped pergola structure (only the footings are still extant). To the southeast, outside of the Swimming Pool Garden, but in close proximity, and within an arboretum is the Bath Pavilion, used as a change house for swimmers.

The heritage value of the Swimming Pool Garden resides in its design value as a unique formally designed landscape by the Dunington-Grubbs. It also has historical and associative value because it was designed by the Dunington-Grubbs. The garden also has contextual value as it is considered a landscape **room** along the Axial Walkway within the larger former Rand Estate.⁹⁴

In my opinion, the Swimming Pool Garden, with its design value and association with the Dunington-Grubs should be Preserved and Restored in-situ. The built and landscape elements of the designed Swimming Pool Garden are largely intact, and the 1928 design drawings are available for consultation where elements are deteriorated or missing.

The Commemoration Plan proposes to restore a portion of the Swimming Pool Garden based on the Dunington-Grubb drawings, and to incorporate the garden within a designated “Heritage Park” area in the proposed Subdivision. However, the east portion of the Swimming Pool Garden, which includes the pergola footings, brick stairs and mature trees and plantings, are proposed for removal for the construction of the new lots and street access through the panhandle.

Proposed alterations to the Swimming Pool Garden include restoration of portions of the landscape and the Tea House in-situ. The concrete pool structure is proposed to be removed, and a further “sunken room” is proposed to be instated in its place. A new pergola is proposed to be constructed within the Heritage Park. In addition, the Bath

⁹³ Sunshine and Shadow in a Country Garden, 39.

⁹⁴ LHC CHER 2021, 200 John Street East, 126.

Pavilion is proposed to be relocated from its current location within the arboretum and relocated to the proposed Heritage Park, adjacent to the Swimming Pool Garden.

VIII. Pool Garden Design and Plantings

Only a portion of the Swimming Pool Garden is proposed for Restoration within the applications. The west side of the garden is proposed to be restored based on the 1928 Dunington-Grubb drawings. However, the east side of the garden would be removed to accommodate new lots and the construction of the road through the panhandle to the Subdivision lands. The construction of the proposed lots and road would result in the loss of mature Pine and Cedar trees, including Austrian Pine and Scot's Pine, and surrounding barberry hedges and purple plum hedges.⁹⁵ In addition, the brick steps that led to the pergola structure within the garden (Figure 17) and the former pergola's footings would be removed.

The garden beds and bermed landscaping within the Swimming Pool Garden supports heritage value through the design and physical value and historical value as part of a rare surviving designed landscape by the Dunington-Grubb firm. The garden beds also support contextual value with the connection to the Axial Walkway as part of the larger designed estate.⁹⁶

The Cedar, Boxwood and Barberry Hedges, and Austrian Pines in the Swimming Pool Garden support heritage value as part of the surviving designed landscape by the Dunington-Grubb firm.⁹⁷

⁹⁵ Commemoration Plan, 13.

⁹⁶ LHC CHER 2021, 127-128.

⁹⁷ LHC CHER 2021, 127-128.



Figure 17 - Brick steps in foreground (proposed for removal) leading to the Swimming Pool Garden, with mature plantings, swimming pool and Tea House visible in background. March 2023.

The Swimming Pool Garden is a rare surviving example of a Beaux-Arts designed garden **room** by the Dunington-Grubb firm. Many existing mature trees and plantings within and around the Swimming Pool Garden are intact. The Dunington-Grubb landscape drawings identify the original species used within the garden and can serve as a guide for re-planting. Given the high level of integrity within the garden, and the documentary evidence for the original designs and species, the Swimming Pool Garden should be Preserved and Restored in its entirety according to the 1928 design plans with original garden plantings/species (or similar if unavailable) as per best practices.⁹⁸ The proposed restoration should be outlined in a Landscape Management Plan.

The Commemoration Plan includes a proposal to erect Corten Steel plaques as interpretive panels within the garden, spanning along the side of the Tea House and at the edge of the pool. The Commemoration Plan suggests that the aging patina of the Corten Steel “evokes memories of the 19th century.”⁹⁹ In my opinion, Corten Steel for commemorative plaques would be visually incompatible within the soft landscape of the

⁹⁸ S&Gs, 80.

⁹⁹ Commemoration Plan, 38.

garden, and therefore inappropriate. The S&Gs do not recommend “introducing a new built feature, such as an interpretive panel, that is visually incompatible with the cultural landscape.”¹⁰⁰ Corten Steel does not relate to the subject property, or the designed garden landscape. The heavy appearance of the Corten Steel material would detract from the plantings as the focal features within the garden. Any consideration for commemoration plaques or panels within the garden should be visually secondary to the garden design and plantings, and sympathetically set within the landscape.

Recommendation:

It is recommended that the restoration of the Swimming Pool Garden according to the original Dunington-Grubb drawings be approved.

It is recommended that the proposal to remove any portion of the Dunington-Grubb designed Swimming Pool Garden on 200 John Street East be recommended for refusal.

It is recommended that the Commemoration Plan proposal for the use of Corten Steel as interpretive panels within the Swimming Pool Garden at 200 John Street East be refused.

IX. Tea House

The Tea House is an integral part of the Swimming Pool Garden, serving as a primary entrance feature. The classical details of the Tea House structure are common within Beaux-Arts design.¹⁰¹ The Tea House supports heritage value with its physical, design and historical value as a rare surviving element of a Dunington-Grubb designed landscape. It also supports the historical and associative value as a Dunington-Grubb designed feature, and supports contextual value as a feature within the Swimming Pool Garden.¹⁰²

The Building Condition Assessment, prepared by Mark Shoalts (P. Eng.) in April 2022, states that the “basic structure is still sound and much of the fabric is readily reusable for restoration of the pavilion. There are existing samples of anything that must be replicated, ensuring that a true and faithful restoration of the pavilion can be carried out.”¹⁰³ The Commemoration Plan proposes the preparation of a documentation report prior to the restoration of the structure.

Recommendation:

It is recommended that the proposed restoration of the Tea House, in-situ, at 200 John Street East is approved, subject to the preparation of a Documentation Report and Restoration Plan for the structure and its context, at the applicant’s cost, prior to restoration, to the satisfaction of the Director of Community and Development Services.

¹⁰⁰ S&Gs, 92.

¹⁰¹ Commemoration Plan, 24.

¹⁰² LHC CHER 2021, 126.

¹⁰³ Building Condition Assessment Tea House, 10.

X. Pool Structure

The concrete pool served as the focal point around which the Swimming Pool Garden was organized. It was reputedly the first private pool in Town,¹⁰⁴ and a highlight for visitors to the Rand Estate.¹⁰⁵ The extant concrete pool structure is not believed to be the original structure. The pool structure represents the heritage value as the central feature within the Swimming Pool Garden designed by the Dunington-Grubbs.¹⁰⁶

The Commemoration Plan proposes removal of the concrete pool structure and adaptive reuse as a sunken lawn space. I recognize that the use as a pool may not be feasible within a private development. The S&Gs provide guidance in section 4.1.10, when a water feature is a character-defining element within a cultural heritage landscape that is proposed for alteration. The S&GS recommend “designing and installing a new water feature, when required, by a new use in a way that preserves the cultural landscape’s heritage value.”¹⁰⁷ I recommend support for the removal of the concrete pool structure. However, I recommend that a shallow reflecting pool be used in its place. The shallow reflecting pool would better respect the Beaux-Arts design, which often included the use of oblong pools.¹⁰⁸ The Dunington-Grubb firm was known to design formal gardens around water features on other estate properties,¹⁰⁹ which gives some indication of their original design intent.

Recommendation:

The removal of the concrete swimming pool structure on 200 John Street East is recommended for approval, subject to the submission of detailed designs for replacement with a shallow reflecting pool of the same dimension and shape as the pool structure, and a Temporary Protection Plan (to outline mitigation measures for the surrounding built and landscape elements of the Swimming Pool Garden during removal of the concrete pool and installation of a reflecting pool) prior to issuance of Demolition Permit, to the satisfaction of the Director of Community and Development Services, at the applicant’s cost.

XI. Pergola Structure

The pergola structure defined the eastern boundary of the Swimming Pool Garden and served as an access to the garden. The pergola structure shown in the 1928 Dunington-Grubb drawings for the garden was realized. However, the pergola structure is no longer

¹⁰⁴ LHC CHER 2018, 36.

¹⁰⁵ ERA HIA 2021, 15.

¹⁰⁶ LHC CHER 2021, 126.

¹⁰⁷ S&Gs, 89.

¹⁰⁸ Commemoration Plan, 24.

¹⁰⁹ ERA HIA 2021, 52-53.

intact. As of July 2020, the posts for the pergola structure were still standing, but have since been removed, only the concrete bases remain intact.

The remnants of the Pergola supported heritage value as a Dunington-Grubb designed feature, and supported contextual value as a feature within the Swimming Pool Garden.

The Commemoration Plan recommends that a contemporary pergola structure be constructed either in a similar location to the original or in a new location to serve as a separate “room.” However, the overall recommended approach to the Swimming Pool Garden is Restoration. As such Standard 14 of the S&Gs recommends replacing missing features “with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.” In my opinion, the extant footings, historic photographs and images from 1930s magazine articles provide sufficient evidence to reconstruct a pergola similar in design to the original, which would better reflect the original design intent of the garden.

Recommendation:

It is recommended that the proposed removal of the footings from the original pergola in the Dunington-Grubb designed Swimming Pool Garden at 200 John Street East be refused.

It is recommended that the construction of a contemporary pergola structure at 200 John Street East be refused.

XII. Bath Pavilion

The Bath Pavilion, also referred to as the Change House and Folly, is a small stucco clad building of rectangular footprint with simple Neo-Classical design features (see Figure 18). The building has a projecting front porch supporting a pedimented gable roof. It was originally constructed to serve as a change house associated with the swimming pool, and included change rooms and showers. Later interior renovations saw the structure converted for use as sleeping quarters.¹¹⁰ The Bath Pavilion was constructed around 1928, when the Dunington-Grubbs were actively designing the Swimming Pool Garden.¹¹¹ The Bath Pavilion has functional and visual ties to the Swimming Pool Garden. I consider the Bath Pavilion to be part of the surviving elements of the Dunington-Grubb landscape.

¹¹⁰ ERA 2021, 42.

¹¹¹ ERA 2021, 75.



Figure 18 - Bath Pavilion, 200 John Street East, March 2023.

The Bath Pavilion has visual ties to the Swimming Pool Garden through its design relationship with the Swimming Pool Garden. The Dunington-Grubb's used Beaux-Arts landscape design on the Rand Estate. Beaux-Arts designs often included structures with Neo-classical details.¹¹² The Neo-classical design details of the building include the gable pediment roof, open porch supported by columns and central door. The Wallace HIA Addendum states that,

While the small building that was identified as the pool house cannot be attributed to the Dunington-Grubbs, it makes an interesting and picturesque contribution to the landscape. Its Neo-classical formality has stylistic characteristics that relate to the work of these two landscape architects. Additional research may uncover a connection.¹¹³

A close look at design features on the Bath Pavilion shows a similarity to structures within the Swimming Pool Garden. Specifically, the Tuscan-style columns of the Bath Pavilion are a shared design feature on the Tea House and former pergola within the Swimming Pool Garden (Figures 19, 20 & 21). In addition, the simple architrave and frieze detail of the Bath Pavilion is similar to those on a proposed design for the Tea House (Figure 22). The architectural style and design details of the Bath Pavilion connect it to the Dunington-Grubb designed Beaux-Arts landscape.

¹¹² Stantec CHLER, 3.2.

¹¹³ Wallace HIA Addendum, 50.



Figure 19 - Bath Pavilion with Tuscan-style Columns, March 2023.



Figure 20 - Tea House with Tuscan-Style Columns, April 2022. Shoalts, Building Condition Assessment - The Tea Pavilion, 7.



Figure 21- Former Swimming Pool Garden pergola with Tuscan-style Columns in 1930. Source: Canadian Homes and Gardens, 39.

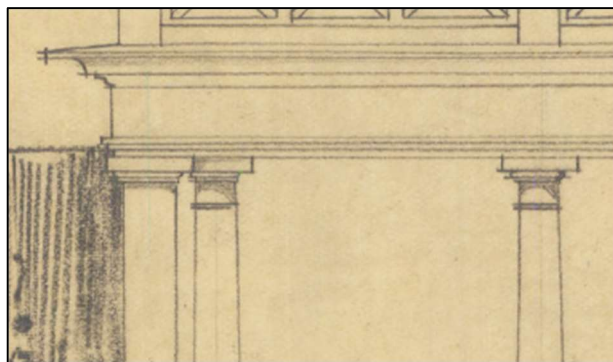


Figure 22 - Dunington-Grubb 1928 Elevation Drawings for a Proposed Tea Pavilion design. Source: University of Guelph Archives.

The function of the Bath Pavilion as a change house further connects it to the Swimming Pool Garden. The Wallace HIA Addendum advises that detailed research should be undertaken for the Bath Pavilion, “to determine its original function; if it has been moved from its original location; and if it would be appropriate to move it closer to the pool and

tea house or elsewhere on the property.”¹¹⁴ Detailed research undertaken by ERA uncovered an accounting document for Randwood that notes repairs were undertaken to the “bath house” in June 1929.¹¹⁵ This document confirms that a change house existed on the estate by 1929. Further research through appraisal documents and personal interviews with the Rand family confirms that the Bath Pavilion was originally a change house with showers.¹¹⁶ It is clear, in my opinion, that the Bath Pavilion, as a change house, was directly connected to the Swimming Pool Garden through its function.

Further, it is clear that the need for a change house was identified in the preliminary planning stages for the Swimming Pool Garden. Concept drawings for the Swimming Pool Garden by the Dunington-Grubbs included one version of the Swimming Pool Garden with a building to house change rooms.¹¹⁷ That proposed design was not realized. However, it is reasonable to conclude that the design and location for the actual change house, as a supporting building to the Swimming Pool Garden would have been informed by the Dunington-Grubbs. The Bath Pavilion supports heritage value because it was designed to be functionally connected to the Dunington-Grubb Swimming Pool Garden as a change house.

The final consideration of siting and setting is important. The Bath Pavilion was set within a landscaped area of mature trees (Figure 23) identified as an arboretum within the Stantec Commemoration Plan.¹¹⁸ The formal classical design of the Bath Pavilion may seem unusual within the informal landscape setting. However, the formal architectural character of the building, in contrast to the natural setting, can be reconciled if one considers the Bath Pavilion was designed as a Folly within the landscape. Follies were generally designed to enhance the landscape, built on a smaller scale than the buildings they mimicked,¹¹⁹ and could be situated in seclusion, partially obscured from view, so as to create a feeling of discovery as one traveled through a landscape. Follies were common within the Picturesque movement and the Bath Pavilion appears to have been designed according to the qualities of the Picturesque where,

The fact that many of the styles and types of buildings...were not in themselves Picturesque was not in any way contradictory...The Picturesque point of view was interested in how the building was perceived in relation to its natural environment rather than as an isolated object. Although a structure might be regular and symmetrical, if properly situated within the landscape thoroughly Picturesque effects could be created.¹²⁰

¹¹⁴ Wallace, HIA Addendum, 48.

¹¹⁵ ERA CHER 2021, 75.

¹¹⁶ ERA CHER 2021, 75.

¹¹⁷ ERA CHER 2021, Appendix C: Dunington-Grubb Drawings, C12.

¹¹⁸ Stantec Commemoration Plan, 14.

¹¹⁹ Britannica, “Folly,” <https://www.britannica.com/art/folly>.

¹²⁰ Janet Wright & Parks Canada, “Architecture of the Picturesque in Canada,” 1984, 16.

In addition, the Bath Pavilion was sited along a curve in the east to west service road, functioning as a visual terminus as one traveled through the estate. The siting of a folly within a natural landscape setting, and along a curve in the road embodies the picturesque ideals.



Figure 23 – View towards Bath Pavilion circa 1980s. Source: Rand Family, in ERA CHER 2021, 76.

The Wallace HIA Addendum recognizes the merits of the Bath Pavilion's architectural style and its picturesque contribution to the landscape,¹²¹ but questions its location. Under the "Mitigation and Conservation Methods" section of the HIA Addendum, it is concluded that "leaving the Bath Pavilion in-situ is not an acceptable solution since it would hamper development of an efficient and well-designed development." No alternatives or mitigation measures are provided. The HIA further concludes that the existing location of the Bath Pavilion leaves it isolated from other significant built features in the Swimming Pool Garden.¹²² However, the setting and siting of the Bath Pavilion in relation to the Swimming Pool Garden and within an "arboretum," or designed landscape setting, and its appearance as a Folly, indicate it was part of the planned landscape and was intentionally constructed in its current location.

The date of construction, Neo-classical style, design features and function of the Bath Pavilion connect it visually and functionally to the designed Swimming Pool Garden. The siting and setting of the Bath Pavilion within the arboretum-like landscape, and along

¹²¹ Wallace HIA Addendum, 50.

¹²² Wallace HIA Addendum, 25.

established service roads would have been part of the overall estate landscape design and vision of the Rands and the Dunington-Grubb firm. It is logical that the Dunington-Grubbs would have considered the design details and siting of the Bath Pavilion while planning the Swimming Pool Garden and the larger context, and in relation to early circulation patterns on the estate.

Within the Commemoration Plan, the Bath Pavilion is proposed to be relocated to the Heritage Park area and restored. It is proposed to be screened from view by vegetation to recreate a picturesque setting.¹²³ A new use has not been proposed for the Bath Pavilion within the Heritage Park. The proposal to relocate the Bath Pavilion to the Heritage Park, would result in the loss of its picturesque setting within the arboretum-like designed landscape.

Respect for original location is part of the principles of conservation. If the heritage value of the Bath Pavilion was embodied solely through its architectural style, then relocation to the proposed Heritage Park might be considered. However, the cultural heritage value of the building is embodied in its existing location and setting, as much as in its architectural character. Following the principles of conservation, the Bath Pavilion should be restored in-situ.

The Shoalts' Building Condition Assessment, dated to April 2022, indicates that the Bath Pavilion is in fair condition, and that the concrete foundation appears to be in good condition.¹²⁴ Shoalts concludes that the "basic structure is still sound and much of the fabric is fully intact,"¹²⁵ meaning that restoration of the building in-situ is achievable.

It is my opinion that the best approach to **conserve the heritage attribute**, and therefore **heritage value**, is to retain and restore the Bath Pavilion in-situ within its arboretum-like setting. The structure should be subject to a Documentation Plan and Restoration Plan, at the applicant's cost.

In addition, the trees within the arboretum-like setting are proposed for removal to accommodate the Subdivision. The removal of trees from the arboretum-like landscape is recommended for refusal as it would detract from the overall designed landscape.

Recommendation:

It is recommended that the proposal to relocate the Bath Pavilion on 200 John Street East be refused.

It is recommended that the proposed removal of trees within the arboretum-like landscape on 200 John Street East, adjacent to the Bath Pavilion, be refused.

¹²³ Commemoration Plan, 42.

¹²⁴ Shoalts, Building Condition Assessment – The Bath House, 4-5.

¹²⁵ Shoalts, Building Condition Assessment – The Bath House, 6.

XIII. The Orchard Remains

Orchards associated with the estate hobby-farm are visible in aerial images from the 1930s, east of the Axial Walkway on 200 John Street East.¹²⁶ The orchards can be understood to form one of the designed **rooms** on the estate connected with the Axial Walkway. Trees in this area have largely been removed.

The Applications propose to develop the former orchards as new lots within the Subdivision. The heritage value of the orchard as a **room** within the designed landscape has been substantially diminished with the removal of trees. In my opinion, the heritage value of the former orchards could be acknowledged with the planting of new fruit bearing trees along the Axial Walkway.

It is recommended that any development within the former orchard area on 200 John Street East include landscape enhancements through the planting of suitable fruit bearing tree species.

XIV. Whistle Stop

The Whistle Stop is a wood frame, three-sided gazebo structure with low stone and concrete walls. It is located within a naturalized area of mature trees, beside the former railway corridor, and functions as the southernmost terminus on the Axial Walkway. The Whistle Stop was used by the Rands when waiting for the daily train to Buffalo. The Whistle Stop is a testament to the period when Niagara-on-the-Lake was a popular summer town for Americans. It is a rare example of an extant private train stop.¹²⁷

The exact age of the structure is unknown, it may pre-date the Rand family ownership.¹²⁸ However, the design of the Whistle Stop is similar to other structures on the Rand Estate. For example, the wood brackets used on the Whistle Stop match, in detail, the brackets used on the Victorian wooden gazebo (Figures 24 & 25) that led to the Rose and Perennial Garden at the rear of the Rand Mansion on 176 John Street East. The Victorian wooden gazebo served as the entrance feature to the formal Rose and Perennial Garden and is visible in photos as early as 1927, including within the Buffalo Courier Express newspaper article.¹²⁹ Both structures also used wood shingles.¹³⁰

¹²⁶ LHC, CHER 2021, 200 John Street East, 133.

¹²⁷ Shoalts, Building Condition Assessment - The Whistle Stop, 4.

¹²⁸ LHC CHER 2021, 200 John Street East, 134.

¹²⁹ ERA CHER 2021, 67-68.

¹³⁰ Use of wood shingles identified by Shoalts within the Shoalts, Building Condition Assessment - The Whistle Stop, 6.



Figure 24 - Whistle Stop with wood bracket detail, March 2023.



Figure 25 - Victorian Wooden Gazebo with wood bracket detail at 176 John Street East, March 2023.

In addition, as noted in the Shoalts Building Condition Assessment, there are similarities in construction between the low walls of the Whistle Stop and the Rand Estate boundary wall, with the use of concrete and stone facing and coping.¹³¹

The Whistle Stop is in a deteriorated state. Since the Building Condition Assessment by Mark Shoalts in April 2022, the roof has completely collapsed (Figures 26, 27 & 28).

¹³¹ Shoalts, Building Condition Assessment - The Whistle Stop, 5.



Figure 26 - Whistle Stop in 2018 with roof structure mostly intact. Source: LHC CHER 2021, 200 John Street East, p. 93.



Figure 27 - Whistle Stop gazebo with roof partially intact, April 2022, in Shoalts Building Condition Assessment – Whistle Stop, p. 3.



Figure 1 - Whistle Stop Gazebo with collapsed roof, March 2023.

The location of the Whistle Stop within a naturalized area of mature trees is part of the designed setting. The area contains mature specimen trees that are 50-100 years old, including White Oak and Pin Oak¹³² that are proposed to be removed according to Tree Inventory Plans.¹³³ The naturalized area also contains coniferous trees known to be used by Dunington-Grubb. The naturalized area is considered to be a self-contained **room** within the larger designed estate, with its defined boundary of mature trees.¹³⁴

The Whistle Stop supports heritage value through its physical value as part of the Dunington-Grubb designed landscape. The Whistle Stop marks a start and terminus on the Axial Walkway. The Whistle Stop is also functionally tied to the Axial Walkway and functions as a distinct **room** on the Rand Estate, defined over time by the naturalized area around the Whistle Stop structure and the associated entrance pillars in the boundary wall.¹³⁵

The Commemoration Plan proposes Restoration of the Whistle Stop in-situ, and the installation of interpretive signage to explain the history of the railway and connections with the Rand family and estate. There is sufficient material remaining to create a replica of the original Whistle Stop and an opportunity to salvage the original remaining wood brackets.¹³⁶

¹³² LHC CHER 2021, 93.

¹³³ Wallace HIA Addendum, Appendix D - Tree Inventory Plans, L-900H.

¹³⁴ LHC CHER 2021, 200 John Street East, 93.

¹³⁵ LHC CHER 2021, 200 John Street East, 134.

¹³⁶ Shoalts, Building Condition Assessment – The Whistle Stop, 6-7.

The naturalized area surrounding the Whistle Stop is proposed to be converted to a garden and restored to “its original design as enjoyed by the members of the Rand Family.”¹³⁷ However, the Commemoration Plan provides no plans or photos to show an original garden design. Further information is required to understand the proposed changes to the landscape surrounding the Whistle Stop structure. In my opinion, the mature specimen trees and any other species known to be on the Dunington-Grubb species list should be retained.

Recommendation:

It is recommended that the proposed restoration of the Whistle Stop structure on 200 John Street East, and the reuse of the salvageable wood brackets be approved, subject to the submission of a detailed Restoration Plan, at the applicant’s cost, to the satisfaction of the Director of Community and Development Services.

It is further recommended that the installation of interpretive signage within the Whistle Stop setting be approved, subject to the submission of a detailed Landscape Restoration & Management Plan and detailed Commemoration Plan, to the satisfaction of the Director of Community and Development Services.

It is recommended that the removal of healthy and viable trees within the naturalized area surrounding the Whistle Stop on 200 John Street East be refused.

XV. Calvin Rand Summer House

The Calvin Rand Summer House, also referred to as the Guest House or Lodge, was constructed around 1925. Early photos of the house show that it was clad in stucco and had diamond-paned windows. These design details are shared with other buildings on the property, including those within the farm complex.¹³⁸ The building is believed to have first served as a cottage for the estate gardeners.¹³⁹ Calvin Rand began to use the house as his primary residence in the late 1970s after he sold the Rand Mansion at 176 John Street East and the Sheets House at 144 John Street East.¹⁴⁰ Calvin Rand hired local architect Donald N. Chapman to construct additions and re-design the dwelling in a more contemporary style (Figure 29). The rear greenhouse addition was removed at this time. In 1998 there was a fire in the dwelling which damaged the ceiling in the earliest portion of the dwelling.¹⁴¹

¹³⁷ Commemoration Plan, 44.

¹³⁸ ERA CHER 2021, 44.

¹³⁹ LHC CHER 2021, 200 John Street East, 48.

¹⁴⁰ LHC CHER 2021, 200 John Street East, 48.

¹⁴¹ ERA CHER 2021, 44.



Figure 29 - Calvin Rand Summer House at centre, Carriage House at left, Bath Pavilion at right, 200 John Street East, March 2023.

Calvin Rand was a well-known philanthropist in Buffalo and Niagara-on-the-Lake. He is recognized as a founding member of the Shaw Festival Theatre, now a renowned and respected theatre company.¹⁴² He also founded the Niagara Institute for International Studies, a non-profit foundation that held conferences on a variety of international issues.¹⁴³

Within the Applications, the Calvin Rand Summer House is proposed for demolition. Prior to demolition, the dwelling is proposed to be fully documented through a Documentation Report. Commemoration of the demolished residence is proposed through interpretive/educational panels within the Whistle Stop.¹⁴⁴

The original dwelling that served as a gardener's cottage formed part of the larger designed landscape and is still in its original location along early circulation routes on the estate. However, as evidenced in the analysis undertaken by LHC,¹⁴⁵ much of the original dwelling was re-designed, and the early form and massing of the house as it related to the designed estate is no longer evident.

The dwelling is directly connected to Calvin Rand, although he was not living in the dwelling when he founded the Shaw Festival.¹⁴⁶ The dwelling was remodeled under his ownership by local architect Donald Chapman. Through associations with people significant to a community, the dwelling could be considered to have heritage value. Donald Chapman designed many buildings across Niagara through his firm Chapman Murray Associates Architects Inc. In Niagara-on-the-Lake, specifically, he designed Town Hall, the Pillar and Post, Queen's Landing and the Moffat Inn, among other buildings. He

¹⁴² LHC CHER 2021, 200 John Street East, 42.

¹⁴³ ERA CHER 2021, 10.

¹⁴⁴ Commemoration Plan, 44.

¹⁴⁵ LHC CHER 2021, 200 John Street East, Figure 16, 52.

¹⁴⁶ ERA CHER 2021, Appendix A – Interview Notes, Interview #1: Robin Ellis, Jennifer Griffis and Melissa Robb, June 16, 2021.

had extensive experience working with heritage buildings, and was known for his sensitive adaptations. He also served on the Town's Municipal Heritage Committee for more than three decades.¹⁴⁷

The Shoalts Building Condition Assessment identifies that the interior of the building is in fair to poor shape, and the basement is filled with water, a situation which appears to have existed for a long time and has led to mold and moisture issues. The Shoalts assessment concludes that "a reconstruction project would necessarily be so extensive that a complete replacement would be more effective and more economical."¹⁴⁸ The complete replacement of the building would diminish its heritage value as it relates to architect Donald Chapman.

Given the lack of heritage value exhibited by the dwelling in relation to the early planned estate, and the difficulties in preserving the 1970s form of the dwelling due to its current physical condition, I recommend support for the proposed demolition.

Recommendation:

It is recommended that the proposed demolition of the Calvin Rand Summer House on 200 John Street East be approved, and that, prior to issuance of a Demolition Permit, the applicant undertakes, at their own cost, the preparation of a Documentation Report with measured drawings, to the satisfaction of the Director of Community Development and Services.

XVI. Carriage House

The Carriage House was built around 1919, to function as a stable for horses and later automobiles.¹⁴⁹ The structure has a second floor that served as the living quarters for groundskeepers on the Rand Estate.¹⁵⁰ It is identified as a Heritage Attribute on 200 John Street East.

The Carriage House is a substantial two-storey structure with stucco finish, deep overhanging eaves and Dutch-gabled roof (Figure 30). The building has a rectangular footprint and contains three sets of large double French style doors which have diamond-paned windows. The Carriage House shares these design features with other buildings on the estate. These shared design features between buildings on the hobby-farm are evidence that there was an overall plan for the buildings supporting the estate uses.

¹⁴⁷ Don Chapman legacy found in historic buildings, August 19, 2020. Accessed March 20, 2023. <https://www.notllocal.com/local-news/don-chapman-legacy-found-in-historic-buildings-6249411>

¹⁴⁸ Mark Shoalts, Building Conditions Assessment – Guest House, April 2022, 5.

¹⁴⁹ LHC CHER 2021, 76.

¹⁵⁰ LHC CHER 2021, 76.



Figure 30 - The Carriage House, 200 John Street East, March 2023.

In my opinion, the Carriage House supports heritage value as a unique example of an accessory building supporting an estate hobby-farm use. The form, scale and massing of the Carriage House are design features related to its function in the estate support **node** on the Property. In addition, the Carriage House supports contextual value through the design features that connect it to other buildings on the Rand Estate. the Carriage House supports the character of the estate, and is visually connected to other buildings on the Rand Estate, through the following shared design details: stucco cladding, six-pane windows, diamond-paned windows, large overhanging eaves and gabled roof. These design features are shared by the buildings within the farm complex on 588 Charlotte Street and the original Milkhouse and Stables.¹⁵¹

The Carriage House was functionally tied to a **node** devoted to estate support and maintenance.¹⁵² The building remains in its original location along a former service road for the hobby-farm portion of the Rand Estate (Figure 31).

¹⁵¹ LHC, CHER 2021, 200 John Street East, 100-101.

¹⁵² LHC CHER 2021, 200 John Street East, 102.



25. The Carriage House c.1974 (Source: Glenbow Archives).

Figure 31 - The Carriage House circa 1974, 200 John Street East. Source: Glenbow Archives, in ERA CHER 2021, 20.

The Commemoration Plan proposes demolition of the Carriage House. To commemorate the building, Rose of Sharon bushes are proposed to be transplanted, if viable, to the Heritage Park, in an outline of the footprint of the Carriage House's interior horse stalls.¹⁵³

Heritage Value would be diminished with the demolition of the Carriage House, which assists in understanding the hobby-farm uses on the estate and the concept of the planned country estate. In addition, the Shoalts' Building Condition Assessment for the Carriage House identifies that the building is in reasonable condition and could support an adaptive reuse.¹⁵⁴

It is my opinion that the conservation approach for the Carriage House should be Preservation and Rehabilitation of the building in-situ, along the early access road on the estate property and in close proximity to the former production gardens.¹⁵⁵

In addition, the Rose of Sharon Hedge and the Oriental Cedar Hedge northeast of the Carriage House are species known to be used by the Dunington-Grubbs. It is

¹⁵³ Commemoration Plan, 43.

¹⁵⁴ Shoalts, Building Condition Assessment – Carriage House, 12.

¹⁵⁵ ERA CHER 2021, 74.

recommended that these species be retained in-situ with on-going maintenance in order to encourage the plants' vitality and ability to grow on.

Recommendation:

It is recommended that the proposal to demolish the Carriage House on 200 John Street East be refused.

It is recommended that the removal and proposed transplanting of the Rose of Sharon hedge and Oriental Cedar hedge northeast of the Carriage House on 200 John Street East be refused.

XVII. Agricultural Buildings

588 Charlotte Street contains a grouping of buildings as part of a previous farm complex that supported the hobby-farm uses on the Rand Estate. This grouping of buildings contained a barn and stables, a one-storey rectangular outbuilding (original purpose unknown), and two small sheds that served as a granary and chicken coop.¹⁵⁶ The farm complex with the stables and barn and one-storey outbuilding forms an irregular u-shape around a central open courtyard. The two smaller sheds are set slightly apart from, and northwest of, the residence and one-storey outbuilding.

The farm complex is situated along the north-south service road on Charlotte Street, through the Randwood entrance arch and Gatehouse. There were formerly trees lining the service road, however, these have since been removed. Early aerial images depict what may have been the remnants of an orchard to the south (rear) of the farm complex. The former orchard use is no longer visible on the subject property.¹⁵⁷

While the exact date of construction for each building within the farm complex has not been determined, review of aerial images shows that the farm complex was in place by the 1930s. In the 1950s, the barn and stables were connected via building additions and converted into a single residence for summer use by Henry Bennett Sheets Jr., the son of Evelyn Sheets (who resided at the Sheets House at 144 John Street East) and grandson of George Rand I. Further alterations were made to the converted residence in the 1980s, although the buildings retain original design features. According to a previous property owner, the outbuildings are all believed to remain in their original form with little modification over the years.¹⁵⁸

A diagram prepared by ERA shows the estimated construction dates for the buildings with later additions (Figure 32).

¹⁵⁶ LHC CHER 2021, 588 Charlotte Street, 48.

¹⁵⁷ ERA CHER 2021, 100.

¹⁵⁸ LHC CHER 2021, 588 Charlotte Street, 49.

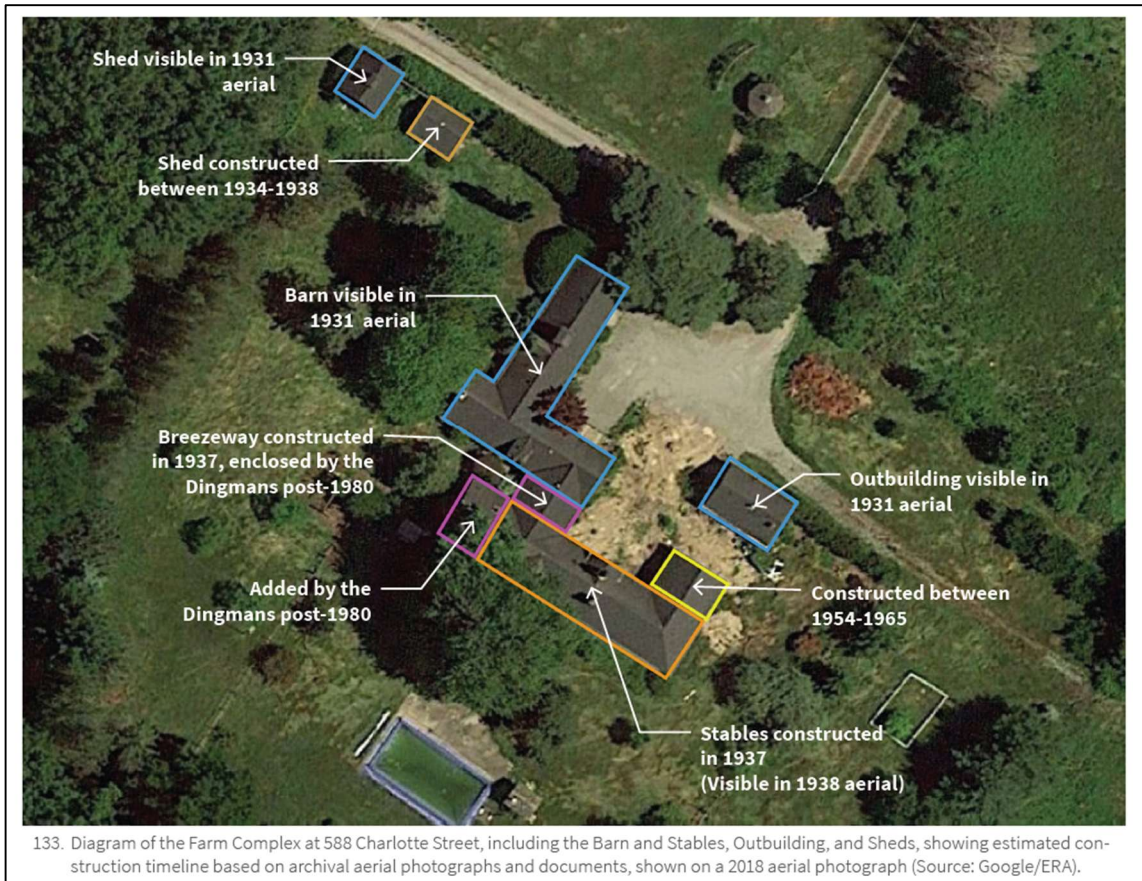


Figure 32 - Diagram of Farm Complex with approximate dates of construction, 588 Charlotte Street. Source: Google, in ERA CHER 2021, 101.

The original barn section is visible at the far right in Figure 33, with the defined gable and dovecote (for the housing of doves or pigeons). The barn was constructed prior to 1931 and still contains a few diamond-paned windows, and early barn doors. It also has the original opening for the hayloft on the west elevation. The one-storey rectangular outbuilding was also constructed prior to 1931 (visible in Figure 34 at far left). The barn and one-storey outbuilding are stylistically similar with the stucco finish, dutch-gabled roof design, uniquely defined gables and large overhanging eaves.



Figure 33 – North elevation of farm complex, early stables shown at centre, early barn at far right, and one-storey rectangular outbuilding at left. March 2023.

The early stable building, at centre in Figure 33, was constructed around 1937. It shares similar design features and retains the cupola with weathervane. Later building additions and alterations to the stable to convert it into a residence resulted in the removal of original features (door and window openings) confusing its legibility as the original stable. In fact, communications from a previous owner indicate that the original Stables was built over entirely for the construction for a new dwelling and that the only remaining original elements included a few diamond-paned windows, a portion of the ceiling, the cupola and the barn doors inside the dwelling.¹⁵⁹ However, later additions are generally compatible in scale, design and material.




The two small sheds are set together along an early service road, northwest of the converted residence and one-storey outbuilding. Again, the sheds are stylistically similar within the farm complex. The two-storey shed, which was a granary, was constructed prior to 1931. Stylistically, it shares much of the same design features as the pre-1931 barn and one-storey outbuilding, including the stucco finish, dutch-gabled roof design, uniquely defined gables and large overhanging eaves. The small shed, which has been identified as a former chicken coop, is simpler in design. Stylistically, it also has a stucco finish, 6-pane windows, and large overhanging eaves.



Figure 2 – Two Shed buildings, northeast elevation. March 2023.

¹⁵⁹ LHC CHER 2021, 588 Charlotte Street, 49.

The following table provides an overview of the buildings within the farm complex and the design features that stylistically tie them together within the farm complex and to other hobby-farm buildings on the estate.

Description	Building
<p>Early Barn (east elevation)</p> <ul style="list-style-type: none"> -constructed prior to 1931 -exterior stucco finish -dutch-gabled roof design -uniquely defined gables -large overhanging eaves -diamond paned windows -original double doors -dovecote -hayloft opening 	 <p>March 2023</p>
<p>One-storey rectangular Outbuilding (north elevation)</p> <ul style="list-style-type: none"> -constructed prior to 1931 -exterior stucco finish -dutch-gabled roof design -uniquely defined gables -large overhanging eaves -6-pane wood windows 	 <p>March 2023</p>
<p>Early Stables (north elevation)</p> <ul style="list-style-type: none"> -Constructed circa 1937 -exterior stucco finish -dutch-gabled roof design -uniquely defined gables -large overhanging eaves -cupola and weathervane 	 <p>March 2023</p>

Two-Storey Shed (northeast elevation)

- Constructed prior to 1931
- exterior stucco finish
- Dutch-gabled roof design
- uniquely defined gables
- large overhanging eaves
- 6-pane wood windows



March 2023

One-Storey Shed (south elevation)

- Constructed circa 1934-1938
- exterior stucco finish
- large overhanging eaves
- 6-pane wood windows



March 2023

The farm complex supports heritage value through its design and physical value as a rare and unique collection of buildings with similar design features that supported an estate hobby-farm.¹⁶⁰ They are physically, visually and historically connected to their surroundings, the larger Rand Estate. Each of the buildings, through their shared design features, former function as agricultural buildings and close proximity to one another, supports the understanding of the farm complex and former hobby-farm use on the Rand Estate.

The Applications propose the demolition of all of the farm complex buildings with the exception of the one-storey rectangular outbuilding, which is to be relocated to a park area for possible adaptive reuse within a community garden.

¹⁶⁰ LHC CHER 2021, 588 Charlotte Street, 86.

Each of the buildings, through their shared design features, former function as agricultural buildings and close proximity to one another, supports the understanding of the farm complex and former hobby-farm use on the Rand Estate. The farm complex is also situated along the early service road. However, the setting and context for the farm complex has been diminished over the years. The original north-south service road for the estate through the Randwood entrance arch at Charlotte Street was closed in the 1940s with the sale of the lands containing the Gatehouse and entrance arch. In addition, the visible evidence of farming practices on 588 Charlotte Street has been lost.

According to the Shoalts' Building Condition Assessment for 588 Charlotte Street, buildings within the farm complex are all in fair to good condition. However, an Environmental Site Assessment was undertaken in 2018, which detected soil contamination beneath 2/3 of the residence structure, and beneath a portion of the one-storey outbuilding, to a depth of 4.5 metres below grade, and with an area of approximately 450 square metres. The Shoalts report outlines the challenges of excavating under the converted residence building to remove the soil contamination and concludes that soil removal beneath the residence, in-situ, would be virtually impossible.¹⁶¹ In my opinion, the demolition of the main residence (former stable and barn) is acceptable as the structure has been substantially altered from its original form in relation to the early estate hobby-farm and retention in-situ presents physical challenges with the need for substantial soil removal beneath its foundation.

Shoalts also outlines the challenges of soil removal beneath the one-storey outbuilding and recommends that the building be relocated to better facilitate soil removal. It is further noted that the "concrete floor and the exposed portion of the foundation are in poor condition and relocation of the building provides the opportunity to replace them with new construction appropriate to the building."¹⁶² The Applications propose to relocate the building to the community garden to serve as a shed for the garden use. In my opinion, relocation of the one-storey outbuilding to the community garden is an acceptable conservation approach as it would allow for adaptive reuse and the pouring of a new foundation, which would ultimately conserve the building for the long-term. However, this recommendation is dependent on the establishment of a community garden park area. The building should not be relocated unnecessarily, especially if the use and setting within a community garden cannot be facilitated.

It is not indicated whether soil contamination extends beneath the two smaller sheds. Both sheds are noted to be in fair condition.¹⁶³ Even with demolition of the former residence (stables and barn), the retention of the one-storey outbuilding, smaller sheds and Carriage House maintains the heritage value of the property as it relates to the rare and unique collection of buildings with similar design features that supported the estate hobby-farm.

¹⁶¹ Shoalts, Building Condition Assessment – 588 Charlotte Street, 5-6.

¹⁶² Shoalts, Building Condition Assessment – 588 Charlotte Street, 7.

¹⁶³ Shoalts, Building Condition Assessment – 588 Charlotte Street, 9-10.

In my opinion the smaller sheds as **heritage attributes** that support **heritage value** are best **conserved** in-situ and incorporated within the Subdivision. However, I acknowledge that their small size could make them difficult for adaptive reuse. Relocation of the structures could be considered if structurally feasible and if it would not result in the substantial loss of original materials. The Building Condition Assessment does not indicate whether the buildings could be easily relocated on the subject property. If relocation were feasible, the smaller sheds could also be considered for relocation within a community garden park area on the subject property. The setting within the community garden would enhance the understanding of the buildings as former agriculturally-related buildings. In addition, the buildings would serve a functional purpose as sheds for the community garden use, perhaps for annual rental to private property owners within the development for the storage of garden equipment. Relocating the sheds and one-storey outbuilding in close proximity to one another within the garden setting reinforces the understanding of the former farm complex.

If the sheds are not structurally suitable for relocation, it is my opinion that the sheds should be retained in-situ and sympathetically incorporated within the development.

Recommendation:

It is recommended that the proposed demolition of the main residence (former stables and barn) on 588 Charlotte Street be approved, and that, prior to issuance of a Demolition Permit, the applicant undertakes, at their own cost, a Documentation Report with photos and measured drawings, to the satisfaction of the Director of Community Development and Services.

It is recommended that any materials that can be salvaged from the main residence (former stables and barn) on 588 Charlotte Street, such as the cupola, weathervane, and early barn doors, be re-used within the development, to the satisfaction of the Director of Community and Development Services.

It is recommended that the proposal to relocate the one-storey outbuilding be approved, and prior to issuance of Building Permits for the relocation within a Community Garden Park on 588 Charlotte Street the following shall be provided; a Temporary Protection Plan prepared by an Ontario licensed P. Eng. detailing the specifications for its relocation, a Restoration Plan prepared by a member of CAHP with specialization in buildings for its rehabilitation and final proposed location within the park, at the applicant's cost, to the satisfaction of the Director of Community and Development Services.

It is recommended that the proposal to demolish the two smaller sheds on 588 Charlotte Street be refused.