

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: 134 Victoria Street – Notice of Intent to Demolish – Additional Information
(HER-43-2023)

DATE: 2024-04-03

REPORT #: CDS-24-055

PREPARED BY: Sumra Zia, Heritage Planner II

DEPARTMENT: Community & Development Services

RECOMMENDATION

It is respectfully recommended that:

1. The Municipal Heritage Committee approves the Notice of Intent to Demolish the historic dwelling/structure and the addition and the rear accessory building at 134 Victoria Street (**Appendix I**) received on October 25, 2023 and March 17, 2024;
2. The applicant signs a legal undertaking for the salvage of materials and hardware as a condition of demolition; and
3. The development of the new residence is carried out according to the elevation design submitted by the applicant (**Appendix II**).

BACKGROUND INFORMATION

On October 25, 2023, the Town received a Notice of Intent to Demolish (**Appendix V**) the rear addition of a dwelling at 134 Victoria Street (subject property), as well as a rear accessory building. The applicant submitted a report assessing the stability of the foundation, prepared by Nassar Engineering, dated October 15, 2023 (**Appendix VI**). The report concluded that the foundation for the circa 1835 portion of the dwelling (the addition) is in poor shape, “making the building unsafe to be occupied” and does not recommend remedial work.

The Staff presented Report CDS-23-240 (**Appendix IV**) before the Municipal Heritage Committee (MHC) on December 6, 2023. The amended recommendations approved by the MHC were:

- 1.1 The Municipal Heritage Committee acknowledges the Notice of Intent to Demolish, received on October 25, 2023, served on behalf of the property owner for the rear addition of the dwelling and an accessory building at 134 Victoria Street in Old Town; and

- 1.2 The Municipal Heritage Committee advises Council on any additional plans and information required to be submitted with the Notice of Intent to Demolish prior to the start of the 60-day timeline for demolition under Sections 27(9)(10) & (11) of the Ontario Heritage Act. The Committee requested the following additional information:
 - 1.2.1 A plan be provided to Staff for the conservation of the original structure.
- 1.3 That as part of a future building permit, an arborist report be required to ensure the protection of the existing trees.
- 1.4 That the applicant consider allowing Municipal Heritage Committee Members to perform a site visit to the property prior to the renovations.

Council received this information via the MHC minutes on December 12, 2023.

DISCUSSION

As a follow-up to the recommendations and the discussion by the MHC, the applicant has now submitted another structural engineering report for the entire structure (original and addition) by Shoalts Engineering (**Appendix III**). The report concludes that *“Given the numerous problems and advanced deterioration of much of the extant original heritage building fabric at 134 Victoria, it would be reasonable to demolish the building, salvage the usable heritage elements for reuse, and replace the structure with a new one replicating the size and style of the heritage dwelling.”*

Staff along with a few of the MHC members visited the site on March 12, 2024. The deteriorating condition of the residence was observed by members who were in attendance. The floors showed signs of warping as well as there were concerns about stability of the structure. Apart from the structural issues the house also had issues with clearance heights for ceilings on the main floor and building code issues with the narrow staircase.

The recommendations of two structural engineering reports indicate that the condition of the original dwelling and addition are in a state of advanced deterioration and recommend demolition.

The *Ontario Heritage Act* (OHA) has a clear deadline of 60-days for Council to make a decision regarding a notice of intention to demolish. The 60-day consideration period commenced with the submission of the additional information as requested by the MHC (March 17, 2024).

MHC has three options to consider and make recommendation to Council:

Option 1: Serve a Notice of Intention to Designate under Section 29 Part IV of the OHA. Based upon staff's review of the material submitted, this is not recommended. While the property has cultural heritage value or interest, the condition precludes effective conservation; any restoration or conservation project would effectively require rebuilding the house with new materials.

Option 2: Request additional information. If Council chooses this option, Council will need to explicitly state they do not feel the application is complete and that additional information is

required under Section 27(11). However, it is staff's opinion that the reports and studies related to cultural heritage provide sufficient detail.

Option 3: Support the demolition with recommended conditions. (*Recommended*)

With the Shoalts report, the applicant has also submitted finalized elevations for the proposed construction of a new dwelling at 134 Victoria Street (**Appendix II**). The applicant is interested and willing to replicate the building as closely as possible. The elevations of the new proposed development on site are sympathetic to the historic structure and are compatible with the existing streetscape. Since this is a listed property on the Town's municipal heritage register, there is no requirement for a heritage permit.

As next steps, the Staff are recommending that the applicant enter into a legal undertaking to salvage materials and hardware from the historic dwelling. Some of the materials recommended for salvage include wooden trims and frames, wooden doors, all reusable hardware, fireplace mantel, and exterior cladding. Staff recommend that the materials be incorporated into the new dwelling.

CONCLUSION

It is Staff's opinion that the additional documentation provided as a part of the notice of intention to demolish is complete. Staff are satisfied with the findings of 134 Victoria Street condition assessment by Nassar Engineering and Shoalts Engineering and recommend the salvage of materials as a condition of demolition through legal undertaking. Staff recommend that the request to demolish be approved.

ATTACHMENTS

- **Appendix I** – Demolition Permit March 17, 2024
- **Appendix II** – Proposed Elevation Design
- **Appendix III** – Structural Engineer Report by Mark Shoalts
- **Appendix IV** – 134 Victoria Street – Notice of Intent to Demolish – CDS-23-240
- **Appendix V** – Notice of Intent to Demolish October 25, 2023
- **Appendix VI** – Structural Engineer Report by Nassar Engineering