



Department of Community  
& Development Services  
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# The Town of Niagara-On-The-Lake

1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, Ontario  
L0S 1T0

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**Report:** CDS-18-047

**Committee Date:**

**Due in Council:**

August 13, 2018

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**Report To:** Lord Mayor and Council

**Subject:** Municipal Heritage Committee Minutes - August 8, 2018

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## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The August 8, 2018 Municipal Heritage Committee Minutes be received, attached as **Appendix A** to this report.
- 1.2 The following apply with respect to 144, 176 and 200 John Street East and 588 Charlotte Street:
  - 1.2.1 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 144 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
  - 1.2.2 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 144 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
  - 1.2.3 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 176 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
  - 1.2.4 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 176 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
  - 1.2.5 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate

property known municipally as 200 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;

- 1.2.6 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 200 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
- 1.2.7 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 588 Charlotte Street in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
- 1.2.8 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 588 Charlotte Street in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
- 1.2.9 That the Municipal Heritage Committee recommend to Council that demolition be refused for the residential dwelling, two sheds and the pool located at 588 Charlotte Street and that the associated Notice of Intention to Designate be amended to;
  - remove "Pet Cemetery" and
  - include the main structure and sheds;

This is to preserve structures until a detailed interior analysis can be completed, and the applicant can submit a revised HIA which contemplates demolition and impacts;
- 1.2.10 The Municipal Heritage Committee recommend to Council that the proposal to demolish the rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate at 588 Charlotte Street be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act;
- 1.2.11 That demolition be refused for the dwelling at 200 John Street East and the associated Notice of Intention to Designate be revised to include, under the property, the Guest House (former Calvin Rand summer house) and
- 1.2.12 The Municipal Heritage Committee recommend to Council that the proposal to demolish the accessory structure (carriage house/garage) at 200 John Street East be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act.

## **2. PURPOSE / PROPOSAL**

The purpose of this report is to afford Council an opportunity to consider the Minutes and recommendations of the Municipal Heritage Committee from their August 8, 2018 meeting.

## **3. BACKGROUND**

On June 11, 2018, Council resolved that a third-party designation be undertaken for 144, 176 and 200 John Street East and 588 Charlotte Street (the 'Rand Estate'). Council further resolved that Staff prepare and give Notice of Intention to Designate the Rand Estate.

On June 25, 2018 the owner of the Rand Estate submitted a request to Council for demolition of the existing residential dwelling, sheds and pool at 588 Charlotte Street and the existing residential dwelling at accessory structure at 200 John Street East.

A special meeting of the Municipal Heritage Committee (MHC) was convened on August 8, 2018 to consider designation of the Rand Estate properties for their Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

## **4. DISCUSSION / ANALYSIS**

As detailed in Staff report MHC-18-039 to the Municipal Heritage Committee, the Rand Estate properties have been evaluated by Letourneau Heritage Consulting (LHC) and are considered to be of Cultural Heritage Value or Interest. A copy of the Staff report is attached as **Appendix B**. The draft Notices of Intention to Designate prepared by LHC in accordance with requirements of the Ontario Heritage Act are attached as **Appendix C** to this report.

In considering the Staff report, the Municipal Heritage Committee elected to modify the Staff recommendations in the following manner:

### **Recommendation 1.2.9** (1.9 in the minutes & MHC staff report)

Committee revised the Staff recommendation in order to amend the Notice of Intention to Designate to:

- remove "Pet Cemetery"; and
- add "the main structure and sheds"

The Committee's rationale is that the retention of the main structure and sheds will ensure their preservation until a detailed interior analysis is completed. In addition, the applicant would have the opportunity to submit a revised Heritage Impact Assessment at the time of development to contemplate demolition and impacts.

Staff are unable to support the Committee's recommendation in this respect and is of the opinion that the recommendations of the qualified Heritage Planners should be accepted in whole.

**Recommendation 1.2.11** (1.11 in the minutes & MHC staff report)

Committee revised the Staff recommendation in order to:

- amend the Notice of Intention to Designate to add the “Guest House (Former Calvin Rand Summer House); and
- refuse the demolition of the dwelling at 200 John Street East.

As stated earlier, Staff do not support the Committee’s recommendation to amend the Notice of Intention to Designate.

In regard to demolition, LHC recommended approval of the demolition of some buildings and structures on the basis that have not been identified as heritage attributes. In review of the differing opinion offered by the Committee, LHC has advised that Council may choose which buildings and structures should be permitted to be demolished.

**5. STRATEGIC PLAN**

Not applicable.

**6. OPTIONS**

Should Council be concerned with the recommendations of the Municipal Heritage Committee differing from the recommendations of Letourneau Heritage Consulting, Staff recommend that consideration be given to the Staff recommendations as contained within report MHC-18-039.

**7. FINANCIAL IMPLICATIONS**

All costs associated with the preparation of the Notices of Intention to Designate, designation By-laws, advertising in accordance with requirements of the Ontario Heritage Act; and subsequent registration of said By-laws will be assumed by the Town.

**8. COMMUNICATIONS**

Notices of Intention to Designate will be issued and circulated as required by the Ontario Heritage Act.

**9. CONCLUSION**

Attached to this report are the Minutes and recommendations of the Municipal Heritage Committee dated August 8, 2018. Staff recommend approval of the MHC minutes and recommendations.

**Respectfully submitted,**



**Jesse Auspitz, MCIP, RPP  
Planner II**



**Eric Withers, MCIP, RPP  
Manager of Planning**



**Craig Larmour  
Director of Community  
& Development Services**



**Holly Dowd  
Chief Administrative Officer**

**ATTACHMENTS**



Appendix A - MHC Minutes Aug 8.18.pdf



Appendix B - MHC Report.pdf Appendix C.pdf



**WEB ATTACHMENTS**



CDS-18-047.pdf

**ATTACHMENTS FOR LINK**

CDS-18-047.pdf

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# MUNICIPAL HERITAGE COMMITTEE MEETING MINUTES

Wednesday August 08, 2018  
07:00 PM

## **PRESENT:**

Chair Janice Johnston, Clare Cameron, Doug Newman, Bob Watson, John Wiens

## **REGRETS:**

Jim Collard, Drew Chapman, David Hemmings, Rob MacKenzie

## **STAFF:**

Jesse Auspitz - Planner II

Tara Druzina - Community and Development Services Administrative Assistant

Craig Larmour - Director of Community and Development Services

## **OTHERS:**

Amy Barnes - Letourneau Heritage Consultants

### **1. Call to Order**

The Chair called the meeting to order at 7:00.

### **2. Announcements**

### **3. Presentations**

### **4. Adoption of Agenda**

Moved by Clare Cameron that the agenda be approved.

## **APPROVED.**

### **5. Conflict of Interest**

John Wiens declared a conflict of interest with any business relating to 144 & 176 John Street, as he owns and operates a restaurant.

### **6. Previous Minutes**

The Minutes from the previous meeting were deferred until the next regular committee meeting.

## **7. Correspondence**

There was no correspondence at this time.

## **8. Business**

### **8.1 MHC-18-039 - Notice of Intention to Designate - 144 John Street East, 176 John Street East, 200 John Street East & 588 Charlotte Street**

John Wiens previously declared a conflict of interest with any business relating to 144 & 176 John Street, as he owns and operates a restaurant. As such a conflict with recommendations 1.1-1.4 exists.

Amy Barnes, Letourneau Heritage Consultants, spoke to the findings regarding 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street.

Leah Wallace spoke on behalf of the owner and stated that they had received the staff report (which included the draft Notices of Intention to Designate) only 24 hours earlier, that they hadn't had a chance to formulate an opinion of such.

**Moved by Bob Watson that Recommendations 1.1 and 1.2 of Municipal Heritage Committee Report MHC-18-039 be approved as follows:**

- 1.1 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 144 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act.
- 1.2 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 144 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act.

**APPROVED.**

**Moved by Doug Newman that Recommendations 1.3 and 1.4 of Municipal Heritage Committee Report MHC-18-039 be approved as follows:**

- 1.3 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 176 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act.
- 1.4 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 176 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act.

**APPROVED.**

General discussion ensued regarding the consultant's findings and staff

recommendations 1.5 - 1.12 inclusive.

**Moved by Clare Cameron that Recommendations 1.5 and 1.6 of Municipal Heritage Committee Report MHC-18-039 be approved as follows:**

- 1.5 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 200 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act.
- 1.6 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 200 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act.

**APPROVED.**

**Moved by John Wiens that Recommendations 1.7 and 1.8 of Municipal Heritage Committee Report MHC-18-039 be approved as follows:**

- 1.7 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 588 Charlotte Street in accordance with subsections 29(3-4.1) of the Ontario Heritage Act.
- 1.8 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 588 Charlotte Street in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act.

**APPROVED.**

**Moved by Clare Cameron that an amendment to Recommendation 1.9 of Municipal Heritage Committee Report - MHC - 18-039 be approved as follows:**

- 1.9 *That the Municipal Heritage Committee recommend to Council that demolition be refused for the residential dwelling, two sheds and the pool located at 588 Charlotte Street and that the associated Notice of Intention to Designate be amended to;*

- remove "Pet Cemetery" and
- include the main structure and sheds;

*This is to preserve structures until a detailed interior analysis can be completed, and the applicant can submit a revised HIA which contemplates demolition and impacts.*

**APPROVED AS AMENDED**



**Moved by John Wiens the Recommendation 1.10 of Municipal Heritage Committee Report - MHC - 18-039 be approved as follows:**

- 1.10 The Municipal Heritage Committee recommend to Council that the proposal to demolish the rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate at 588 Charlotte Street be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act.

**APPROVED**

**Moved by Doug Newman that an amendment to Recommendations 1.11 of Municipal Heritage Committee Report - MHC - 18-039 be approved as follows:**

- 1.11 *That demolition be refused for the dwelling at 200 John Street East and the associated Notice of Intention to Designate be revised to include, under the property, the Guest House (former Calvin Rand summer house).*

**APPROVED AS AMENDED**

**Moved by John Wiens that Recommendation 1.12 of Municipal Heritage Committee Report - MHC - 18-039 be approved as follows:**

- 1.12 The Municipal Heritage Committee recommend to Council that the proposal to demolish the accessory structure (carriage house/garage) at 200 John Street East be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act.

**APPROVED**

## **9. New Business**

No new business at this time.

## **10. Next Meeting Date**

Tuesday August 14th, 2018

## **11. Adjournment**

**ADJOURNMENT: 08:15 PM**



# The Town of Niagara-On-The-Lake

Telephone (905) 468-4261  
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1593 Four Mike Creek Road  
P.O. Box 190  
Virgil, Ontario  
L0S 1T0

**Report: MHC-18-039 Committee Date: August 08, 2018**

**Report To: Committees of Council**  
**Subject: Notice of Intention to Designate - 144 John Street East, 176 John Street East, 200 John Street East & 588 Charlotte Street**

## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 144 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
- 1.2 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 144 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
- 1.3 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 176 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
- 1.4 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 176 John Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
- 1.5 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 200 John Street East in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
- 1.6 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 200 John

Street East in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;

- 1.7 The Municipal Heritage Committee recommend that Council provide, through the Clerk, Notice of Intention to Designate property known municipally as 588 Charlotte Street in accordance with subsections 29(3-4.1) of the Ontario Heritage Act;
- 1.8 The Municipal Heritage Committee recommend that, if no notice of objection is served within the 30-day period, Council pass a By-law designating 588 Charlotte Street in accordance with subsection 29(6)(a)(i) of the Ontario Heritage Act;
- 1.9 The Municipal Heritage Committee recommend to Council that permission be granted to demolish the residential dwelling, two sheds, and the pool located at 588 Charlotte Street in accordance with Section 34(2)(a)(i) of the Ontario Heritage Act;
- 1.10 The Municipal Heritage Committee recommend to Council that the proposal to demolish the rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond shaped windows associated with the original estate be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act; and
- 1.11 The Municipal Heritage Committee recommend to Council that permission be granted to demolish the residential dwelling at 200 John Street East be approved in accordance with Section 34(2)(a)(i) of the Ontario Heritage Act.
- 1.12 The Municipal Heritage Committee recommend to Council that the proposal to demolish the accessory structure (carriage house/garage) at 200 John Street East be refused in accordance with Section 34(2)(a)(ii) of the Ontario Heritage Act.

## **2. PURPOSE / PROPOSAL**

The purpose of this report is to request that the MHC recommend that Council designate the properties at 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street (the "Properties") for their Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act. Draft notices of intention to designate have been prepared and are attached as **Appendix A** to this report. The purpose of this report is to also provide a Staff recommendation in regard to an earlier written notice submitted by Maurizio Rogato, dated June 25, 2018 of intention to demolish buildings on the properties municipally addressed as 200 John Street East and 588 Charlotte Street.

## **3. BACKGROUND**

At the June 11, 2018 Council meeting, Council resolved that a third-party

designation be undertaken for the Rand Estate properties, as per the recommendation of the Municipal Heritage Committee. Council further resolved that Staff prepare and give Notice of Intention to Designate the Rand Estate properties.

A request for demolition had been emailed to Town Councilors on June 25, 2018 for the existing residential dwelling, sheds and pool at 588 Charlotte Street and the existing residential dwelling at accessory structure at 200 John Street East (see **Appendix B**).

#### **4. DISCUSSION / ANALYSIS**

##### **4.1 Ontario Heritage Act**

The Rand Estate properties are listed on the Town's Municipal Register, under Section 27 of the Ontario Heritage Act.

Section 27(3) of the Ontario Heritage Act provides as follows in regard to the demolition of a property listed on the Municipal Register:

***Restriction on demolition, etc.***

*27(3) If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.*

The following are relevant sections of the Ontario Heritage Act with respect to the proposal to designate the Rand Estate properties under Part IV of the Ontario Heritage Act:

Section 29 of the Ontario Heritage Act provides as follows:

***Designation by municipal by-law***

*29 (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,*

*(a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and*

*(b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1).*

***Notice required***

*(1.1) Subject to subsection (2), if the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause Notice of Intention to Designate the property to be given by the clerk of the municipality in accordance with subsection (3). 2005, c. 6, s. 17 (1).*

### **Consultation**

*(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property under subsection (1), consult with its municipal heritage committee.*

### **Notice of intention**

*(3) Notice of Intention to Designate under subsection (1) shall be,  
(a) served on the owner of the property and on the Trust; and  
(b) published in a newspaper having general circulation in the municipality.*

### **Contents of notice**

*(4) Notice of Intention to Designate property that is served on the owner of property and on the Trust under clause (3) (a) shall contain,  
(a) an adequate description of the property so that it may be readily ascertained;  
(b) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and  
(c) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality under clause (3) (b). 2005, c. 6, s. 17 (2).*

### **Same**

*(4.1) Notice of Intention to Designate property that is published in a newspaper of general circulation in a municipality under clause (3) (b) shall contain,  
(a) an adequate description of the property so that it may be readily ascertained;  
(b) a statement explaining the cultural heritage value or interest of the property;  
(c) a statement that further information respecting the proposed designation is available from the municipality; and  
(d) a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality under clause (3) (b). 2005, c. 6, s. 17 (2).*

Section 30(2) of the Ontario Heritage Act provides as follow:

#### ***Interim control of alteration, demolition or removal***

*Sections 33 and 34 of the Ontario Heritage Act apply with necessary modifications to property as of the day Notice of Intention to Designate the property is given under subsection 29 (3) as though the designation process were complete and the property had been designated under section 29.*

Sections 33 and 34 of the Ontario Heritage Act provide as follows:

#### ***Alteration of property***

**33 (1)***No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's*

*heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2002, c. 18, Sched. F, s. 2 (16); 2005, c. 6, s. 21 (1).*

#### ***Demolition or removal of structure***

**34 (1)** *No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal. 2002, c. 18, Sched. F, s. 2 (18); 2005, c. 6, s. 22 (1).*

#### **4.2 O. Reg 9/06: Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act**

O. Reg 9/06 provides as follows:

*(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:*

- 1. The property has design value or physical value because it,*
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
  - ii. displays a high degree of craftsmanship or artistic merit, or*
  - iii. demonstrates a high degree of technical or scientific achievement.*
- 2. The property has historical value or associative value because it,*
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
- 3. The property has contextual value because it,*
  - i. is important in defining, maintaining or supporting the character of an area,*
  - ii. is physically, functionally, visually or historically linked to its surroundings, or*
  - iii. is a landmark. O. Reg. 9/06, s. 1 (2).*

The Properties have been evaluated by Letourneau Heritage Consulting based on Provincial criteria. All of the Properties are considered to be of Cultural Heritage Value or Interest. Draft notices of intention to designate have been prepared in accordance with requirements of the Ontario Heritage Act. It is anticipated that the key heritage attributes will be further refined once notices of intention to designate have been served, and prior to the adoption of the by-laws.



#### 4.3 Request for Demolition

Staff note that a request for demolition had been emailed to Town Councilors on June 25, 2018 for the existing residential dwelling, sheds and pool at 588 Charlotte Street and the existing residential dwelling and accessory structure at 200 John Street East (see **Appendix B**). The Owner subsequently granted permission to Town Staff and Letourneau Heritage Consultants to conduct site visits to the properties municipally addressed as 588 Charlotte Street and 200 John Street East for the purposes of identifying key heritage attributes.

Letourneau Heritage Consultants has identified as key heritage attributes in the draft Notices of Intention to Designate an accessory rectangular outbuilding with hipped roof and overhanging eaves and large French doors with ornate diamond-shaped windows associated with the original estate at 588 Charlotte Street and an accessory structure (carriage house/garage) at 200 John Street East (see figure below). The remaining buildings identified in the request for demolition letter prepared by Maurizio Rogato, that are proposed to be demolished have not been identified as key heritage attributes. Staff recommend that permission be granted to demolish buildings that have not been identified as key heritage attributes in the Notice of Intention to Designate.



**Figure 1: Buildings identified in request to demolish & identified as key heritage attributes**

#### 5. STRATEGIC PLAN

Not applicable.

## 6. OPTIONS

Not applicable.

## 7. FINANCIAL IMPLICATIONS

There are costs associated with the following:

- 1) Advertising in accordance with requirements of the Ontario Heritage Act;
- 2) Registering a By-law against the property in accordance with Section 29(6)(b) of the Ontario Heritage Act

## 8. COMMUNICATIONS

The Municipal Heritage Committee will provide a recommendation to Council with respect to the Notices of Intention to Designate pursuant to Section 29(2) of the Ontario Heritage Act and with respect to the request to demolish as specified in Section 1 of this report. Should Council choose to proceed with designation notice will be served on the owner of the property and on the Trust; and published in a newspaper having general circulation in the municipality, in accordance with Section 29 of the Ontario Heritage Act.

## 9. CONCLUSION

Serving Notice of Intention to Designate the Properties at 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street is appropriate because the properties are considered to be of Cultural Heritage Value or Interest. A request has been received to demolish the existing residential dwelling, sheds and pool at 588 Charlotte Street and the existing residential dwelling at accessory structure at 200 John Street East. It is recommended that permission be granted to demolish the buildings that have not been identified as key heritage attributes in the draft notices of intention to designate.

Respectfully submitted,



**Jesse Auspitz, MCIP, RPP**  
**Planner II**



**Eric Withers, MCIP, RPP**  
**Manager of Planning**





Department of Community and Development Services  
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IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18

AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS **144 JOHN STREET EAST (LOT 144 RCP 692 NIAGARA; TOWN OF NIAGARA-ON-THE-LAKE)**, IN THE TOWN OF NIAGARA-ON-THE-LAKE IN THE PROVINCE OF ONTARIO

### **NOTICE OF INTENTION TO DESIGNATE**

TO: THE ONTARIO HERITAGE TRUST, 10 ADELAIDE STREET EAST,  
 TORONTO, ONTARIO, M5C 1J3

TAKE NOTICE that the Council of the Corporation of the Town of Niagara-on-the-Lake intends to designate the property, including the lands and building known municipally as **144 JOHN STREET EAST** as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

#### **Description of Property**

The property is located on a corner lot, where John Street East intersects with Charlotte Street; the property generally follows an L-shaped plan. The property has vehicle access from John Street East marked by large red brick pillars that frame the entrance. There are multiple built structures associated with the property including: the main residential building (Devonian House or Sheet House) built in 1922, and the Coach House which was built c. 1860s. There are many mature trees on the property which represent a variety of species.

#### **Statement of Cultural Heritage Value or Interest**

The property known as 144 John Street East has cultural heritage value or interest for its design and physical values, its historic/associative values and its contextual values.

The property has physical/design value for its 1920s, two and one-half storey main residence, known as the Sheet House or the Devonian House, which is a representative example of Colonial Revival House which was built and used as a summer home from c. 1920-1980. The property's c.1860 coach house is unique local example of a coach house with Gothic Revival details and the concrete, brick and stone wall located along John Street East and Charlotte Street is a rare local example of a surviving estate wall that delineated a local estate boundary.

The property has historical/associative value for its direct associations with Hon. Peter Russel and William Dickson who were early owners of the property. The property is also directly associated with George Rand I who purchased the property in 1919. The property is most associated with Evelyn Rand and Henry Sheets, who built the existing

house and used the property as a summer home until 1980. Evelyn Rand was a noted equestrian. In addition, the property was associated with the Devonian Group (now part of the Devonian Group of Charitable Foundations) and The Niagara Institute (now part of the Conference Board of Canada) which used the property for conference, seminars and as a place of teaching. Parts of the surviving landscape reflects the work and design of Howard and Lorrie A. Dunington-Grubb. The couple were pioneers in their field and well respected in the Canadian landscape architecture community.

The property has contextual value as it is important in defining, maintaining or supporting the character of an area. The large concrete, brick and stone walls that surround the property are important in defining the character of the John Street/Charlotte Street area. It also is physically, functionally, visually or historically linked to its surroundings. The property was original part of the larger estate known as Randwood, which was owned by the Rand family from 1919 until 1980. It forms part of a larger significant cultural heritage landscape that includes all the grounds of the original estate. The property is visually and historically linked to the surrounding properties. Lastly, the property is a local landmark.

### **Description of Key Heritage Attributes**

The cultural heritage value or interest associated with the property is represented in following heritage attributes:

The property (as a whole):

- The concrete and stone wall which is extents along John Street East and Charlotte Street
- The red brick pillars which mark the entrance to the property;
- The mature trees and plantings and boxwood hedge; and
- The surviving elements of the Dunington-Grubb landscape.

The Devonian House or Sheets House:

- The two and a half storey frame building;
- The gable roof and three attic dormers; and
- The two-storey open porch supported by wooden paired square post.

The Coach House:

- One and half storey massing;
- The steep gable roof with decorative bargeboard trim; and
- The early windows on the ground floor north elevation and the first and second floor east elevation and south elevations.

Further information respecting the proposed designation is available from Planning Staff. Any person may, not later than the **DATE** , send by registered mail or deliver to

the Clerk of the Town of Niagara-on-the-Lake notice of their objection to the proposed designation, together with a statement of the reasons for the objection and all relevant facts. If such a Notice of Objection is received the Council of the Corporation of the Town of Niagara-on-the-Lake shall refer the matter to the Conservation Review Board for a hearing.

Dated at the Town of Niagara-on-the-Lake the **DATE**.

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Peter Todd, Clerk



Department of Community and Development Services  
 1593 Four Mile Creek Road  
 P.O. Box 100, Virgil, ON L0S 1T0  
 905-468-3266 • Fax: 905-468-0301

[www.notl.org](http://www.notl.org)

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18

AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS **176 JOHN STREET EAST (LOT 144 RCP 692 NIAGARA; TOWN OF NIAGARA-ON-THE-LAKE)**, IN THE TOWN OF NIAGARA-ON-THE-LAKE IN THE PROVINCE OF ONTARIO

### **NOTICE OF INTENTION TO DESIGNATE**

TO: THE ONTARIO HERITAGE TRUST, 10 ADELAIDE STREET EAST,  
 TORONTO, ONTARIO, M5C 1J3

TAKE NOTICE that the Council of the Corporation of the Town of Niagara-on-the-Lake intends to designate the property, including the lands and building known municipally as **176 JOHN STREET EAST** as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

#### **Description of Property**

The property is located on John Street East and generally follows a rectangular property line. The property is accessed from John Street East through large red brick pillars gate which frame the entrance. There are multiple structures associated with the property including the main residence (Randwood), a wooden gazebo, and a modern brick pavilion. There are numerous landscaping features of note including the wooden and stone foot bridges, stone pathways, water fountain and landscaping features.

#### **Statement of Cultural Heritage Value or Interest**

The property known as 176 John Street East has cultural heritage value or interest for its design and physical values, its historical/associate values, and its contextual values.

It has physical/design value because of its main residence which is a representative example of an evolved summer residence that has evidence of multiple architectural styles, such as Second Empire style, Italianate and Neo-Classical features. It also have physical/design value for its concrete, brick and stone wall found along John Street East which is a rare local example of an intact large wall which delineates the original estate boundary.

The property has historical/associative values due to its many historical associations. The property has direct associations with Hon. Peter Russel and William Dickson who were early owners of the property. It is also direct associations with the Rand Family who originally kept the property as a summer home. George Rand I purchased the property in 1910 and began modifying the existing residence and building many new

structures on the estate grounds. The property remained in the Rand Family until 1976. In addition, the property is associated with the Devonian Group (now part of the Devonian Group of Charitable Foundations) and The Niagara Institute (now part of the Conference Board of Canada) which used the property for conference, seminars and as a place of teaching. The Niagara Institute was established by Calvin Rand in 1971 and they used the property from 1980 until 1993. Lastly, the property is associated with Canadian landscape architect team Howard Dunington and Lorrie Dunington-Grubb. The couple designed and worked on various areas and landscapes on the property. The couple were pioneers and well respected in the Canadian landscape architect community. The property also has historical/associative value as it demonstrates or reflects their work and ideas.

The property has contextual value as it is important in defining, maintaining or supporting the character of an area. The large concrete, brick and stone walls that front the property the property are important in defining the character of the John Street area. The view from the entrance gate on John Street East showing the long central axis, lily pond and main residence also is important in defining the character of the area. It is physically, functionally, visually or historically linked to its surroundings. The property was original part of the larger estate known as Randwood, which was owned by the Rand family from 1919 until 1980. It forms part of a larger significant cultural heritage landscape that includes all the grounds of the original estate. The property is visually and historically linked to the surrounding properties. The property is a local landmark.

### **Description of Key Heritage Attributes**

The cultural heritage value or interest associated with the property is represented in following heritage attributes:

The property:

- The long central axis from John Street East;
- The Victorian wooden gazebo;
- The metal entrance gate framed with red brick pillars;
- The surviving elements of the Dunington-Grubb landscape including the formal stone path, sunken lily pond with sculpture, arched stone bridges; and
- The concrete and stone wall which extends along John Street East.

Main residence:

- The three-storey brick building with Second Empire, Italianate and Neo-classical features with its form, scale, and massing; and
- The mansard roof and enclosed brick tower.

Further information respecting the proposed designation is available from Planning Staff. Any person may, not later than the **DATE** , send by registered mail or deliver to the Clerk of the Town of Niagara-on-the-Lake notice of their objection to the proposed designation, together with a statement of the reasons for the objection and all relevant

facts. If such a Notice of Objection is received the Council of the Corporation of the Town of Niagara-on-the-Lake shall refer the matter to the Conservation Review Board for a hearing.

Dated at the Town of Niagara-on-the-Lake the **DATE**.

---

Peter Todd, Clerk



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IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18

AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS **200 JOHN STREET EAST (LOT 144 RCP 692 NIAGARA EXCEPT PT 1 TO 9, 30R8436; TOWN OF NIAGARA-ON-THE-LAKE)**, IN THE TOWN OF NIAGARA-ON-THE-LAKE IN THE PROVINCE OF ONTARIO

### **NOTICE OF INTENTION TO DESIGNATE**

TO: THE ONTARIO HERITAGE TRUST, 10 ADELAIDE STREET EAST,  
 TORONTO, ONTARIO, M5C 1J3

TAKE NOTICE that the Council of the Corporation of the Town of Niagara-on-the-Lake intends to designate the property, including the lands and building known municipally as **200 JOHN STREET EAST** as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

#### **Description of Property**

The property is located on John Street East and found behind 176 John Street East. There are two entrances to the property. The main entrance is accessed from a long gravel driveway located on John Street East and the secondary entrance is a pedestrian entrance located at the rear of the property and accessed from the old rail line which is now part of Heritage Trail. Both entrances are marked with large red brick pillars; however, the one on John Street is believed to have been built at a later date. There are multiple built structures associated with the property which include the carriage house (aka the garage), the guest house, remnants of a greenhouse, the teahouse and pool, the pool pavilion, a wooden gazebo (Whistle stop), and the concreted and stone wall. There are many mature trees on the property.

#### **Statement of Cultural Heritage Value or Interest**

The property known as 200 John Street East has cultural heritage value or interest for its design and physical values, its historical/associate values, and its contextual values.

The property known as 200 John Street East has design and physical value because of its tea house and pool pavilion (c. 1928) which are a unique example of a design by Howard and Lorrie Dunington-Grubb. The pool is an early example of its kind, and may have been the first pool in Niagara-on-the-Lake. The extant wood gazebo (Whistle stop) is a unique and rare surviving example of a Whistle stop station used privately. The brick and stone wall found at the entrance of John Street East and at the rear of the property is a rare local example of a large wall which delineated an original estate boundary.

The property has historical/associative values due to its direct association with Hon. Peter Russel and William Dickson who were early owners of the property. It also has direct associations with the Rand family, who were a prominent family in Niagara-on-the-Lake. George Rand I purchased the property in 1910 and built the carriage house c. 1919, and commissioned the tea house and pool c. 1928. The tea house and pool have direct association with Howard and Lorrie Dunington-Grubb, who are well known and respected Canadian landscape architects. The property is most associated with Calvin Rand, son of George Rand II. Calvin Rand played a direct role in the establishment of The Shaw Festival, which has grown into an international attraction and a significant cultural feature of the community. Calvin Rand also founded the Niagara Institute in 1971. The property also reflects the ideas and work of Howard and Lorrie Dunington-Grubb. The couple designed and worked on various areas and landscapes on the property. The couple were pioneers and well respected in the Canadian landscape architect community.

The property has contextual value. The large concrete, brick and stone walls which surround part of the property is important in defining the character of the area. It is physically, functionally, visually or historically linked to its surroundings. The property was originally part of the larger estate known as Randwood, which was owned by the Rand family from 1919 until 1980. The property was used as part of a small-scale farming operation during the Rand ownership. It forms part of a larger significant cultural heritage landscape that includes all the grounds of the original estate. The property is visually and historically linked to the surrounding properties.

### **Description of Key Heritage Attributes**

The cultural heritage value or interest of the property is represented in following heritage attributes:

#### **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.



Further information respecting the proposed designation is available from Planning Staff. Any person may, not later than the **DATE** , send by registered mail or deliver to the Clerk of the Town of Niagara-on-the-Lake notice of their objection to the proposed designation, together with a statement of the reasons for the objection and all relevant facts. If such a Notice of Objection is received the Council of the Corporation of the Town of Niagara-on-the-Lake shall refer the matter to the Conservation Review Board for a hearing.

Dated at the Town of Niagara-on-the-Lake the **DATE**.

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Peter Todd, Clerk



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IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18

AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS **588 CHARLOTTE STREET (LOT 156 RCP 692 NIAGARA; PART LOT 145 RCP 692 NIAGARA PART 1 TO 9, 30R- 8436; S/T RO718339, S/T RO413742, T/W RO413742 (PT 13, 30R1792 EXCEPT PT 5, 30R8436); NIAGARA-ON-THE-LAKE)**, IN THE TOWN OF NIAGARA-ON-THE-LAKE IN THE PROVINCE OF ONTARIO

### **NOTICE OF INTENTION TO DESIGNATE**

TO: THE ONTARIO HERITAGE TRUST, 10 ADELAIDE STREET EAST,  
 TORONTO, ONTARIO, M5C 1J3

TAKE NOTICE that the Council of the Corporation of the Town of Niagara-on-the-Lake intends to designate the property, including the lands and building known municipally as **588 CHARLOTTE STREET** as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act, R.S.O. 1990, Chapter 0.18.

#### **Description of Property**

The property is located behind 176 John Street East and accessed from Charlotte Street where two large red brick pillars frame the gravel driveway. The property follows an irregular property line and a large brick, stone and concrete wall runs along the rear edge of the property. There are multiple built structures associated with the property including the main residence with additional wing, a detached outbuilding, two small sheds, and a wooden gazebo. There is a large in-ground pool at the rear of the main residence; a small purpose-built outbuilding is adjacent to the pool for pool equipment. There is a small pet cemetery enclosed in a white wooded fence located to the south of main residence. There are many mature trees associated with the property.

#### **Statement of Cultural Heritage Value or Interest**

The property known as 588 Charlotte Street has cultural heritage value or interest for its design and physical values, its historical/associate values, and its contextual values.

The property has design and physical value because of its concrete, brick and stone wall located along the rear of the property and Charlotte Street which is a rare local example of a large wall that delineates an original estate boundary. The property has historical/associative value due to its direct associations with Hon. Peter Russel and William Dickson who were early owners of the property, well as the Rand family, who were a prominent family in Niagara-on-the-Lake. George Rand I, purchased the property in 1910, and his son George Rand II built stables and outbuildings to support

a small scale farming operation. The property is also associated with Henry Sheets Jr (Evelyn Rand's son) who owned and lived on the property throughout the mid-20th century. The property has contextual value because of its large concrete, brick and stone walls which are important in defining the character of the area, including the streetscape on Charlotte Street. The property is visually and historically linked to the surrounding properties. The property was original part of the larger estate known as Randwood, which was owned by the Rand family from 1919 until 1980. The property was used as part of a small-scale farming operation during the Rand ownership. It forms part of a larger significant cultural heritage landscape that includes all the grounds of the original estate.

### **Description of Key Heritage Attributes**

The cultural heritage value or interest of the property is represented in following heritage attributes:

- The stone wall located along the rear of the property;
- The Pet Cemetery;
- The red brick pillars and stone wall located at the entrance on Charlotte Street; 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.

Further information respecting the proposed designation is available from Planning Staff. Any person may, not later than the **DATE** , send by registered mail or deliver to the Clerk of the Town of Niagara-on-the-Lake notice of their objection to the proposed designation, together with a statement of the reasons for the objection and all relevant facts. If such a Notice of Objection is received the Council of the Corporation of the Town of Niagara-on-the-Lake shall refer the matter to the Conservation Review Board for a hearing.

Dated at the Town of Niagara-on-the-Lake the **DATE**.

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Peter Todd, Clerk