



Regular Meeting Agenda
Brampton Heritage Board

The Corporation of the City of Brampton

Date: Tuesday, October 20, 2020
Time: 7:00 p.m.
Location: Council Chambers - 4th Floor, City Hall - Webex Electronic Meeting
Members: Peter Dymond (Co-Chair)
Douglas McLeod (Co-Chair)
Stephen Collie
Kathryn Fowlston
Palvinder Gill
Yugeshwar Singh Kaushal
Janet Millington
Peter Robertson
Vipul Shah
Basavaraj Toranagal
Ken Wilde
Paul Willoughby
Regional Councillor P. Vincente - Wards 1 and 5

NOTICE: In consideration of the current COVID-19 public health orders prohibiting large public gatherings and requiring physical distancing, in-person attendance at Council and Committee meetings will be limited to Members of Council and essential City staff.

As of September 16, 2020, limited public attendance at meetings will be permitted by preregistration only (subject to occupancy limits). It is strongly recommended that all persons continue to observe meetings online or participate remotely. To register to attend a meeting in person, please complete this [form](#).

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact: Terri Brenton, Legislative Coordinator, Telephone 905.874.2106, TTY 905.874.2130 or e-mail cityclerksoffice@brampton.ca

Note: Meeting information is also available in alternate formats upon request.

1. **Call to Order**

Note: The City Clerk will conduct a roll call at the start of the meeting.

2. **Approval of Agenda**

3. **Declarations of Interest under the Municipal Conflict of Interest Act**

4. **Previous Minutes**

4.1. Minutes – Brampton Heritage Board – August 18, 2020

The minutes were considered by the Planning and Development Committee on September 14, 2020, and the recommendations were approved by Council on September 16, 2020. The minutes are provided for the Board's information.

5. **Consent**

The following items listed with an caret (^) are considered to be routine and non-controversial by the Committee and will be approved at this time. There will be no separate discussion of any of these items unless a Committee Member requests it, in which case the item will not be consented to and will be considered in the normal sequence of the agenda.

(nil)

6. **Presentations\Delegations**

6.1. Delegations re: Request for Delisting the Heritage Property located at 12061 Hurontario Street (Snelgrove Baptist Church) – Ward 2:

Church of Archangel Michael and St. Tekla:

1. Rob El-Sayed

2. Nabih Youssef

- 6.2. Delegation from Mark Jachecki, property owner, re: Heritage Incentive Grant Increase for Window Replacement – 87 Elizabeth Street South – Ward 3

See Item 11.3

7. **Sub-Committees**

8. **Designation Program**

9. **Heritage Impact Assessment (HIA)**

10. **Correspondence**

- 10.1. Correspondence from Krista Hulshof, Vice President, Ontario Barn Preservation, re: Preservation of Barns in Ontario.

To be received

11. **Other/New Business**

- 11.1. Verbal Advisory from Paul Willoughby, Board Member, re: Brampton Riverwalk Project – Community Liaison Team

See attached e-mail from Alex Taranu, Senior Advisor, Architectural Design Services, Public Works and Engineering.

- 11.2. Staff Report re: Heritage Permit Application and Revised Designation Report for 23 Centre Street South – Ward 3

Heritage Permit Application for the Removal of the Kitchen Tail and Conservation of the Remainder of the Dwelling at 23 Centre Street South (Kilpatrick-Young House) and Demolition of Outbuildings on the Property and Revised Designation Report – 23 Centre Street South – Ward 3 (HE.x 23 Centre Street South)

Recommendation

- 11.3. Staff Report re: Designated Heritage Property Incentive Grant Increase and Update to the Designated Heritage Property incentive Grant By-Law and Application Kit

See Item 6.2

Recommendation

- 11.4. Staff Report re: City of Brampton's Comments Regarding the Proposed Regulation under the Ontario Heritage Act (Bill 108)

Recommendation

- 11.5. Staff Report re: Designation, Demolition and Reconstruction of the Heritage Property at 15 Bramalea Road – Ward 7

Note: To be distributed prior to the meeting

12. **Referred/Deferred Items**

13. **Information Items**

14. **Question Period**

15. **Public Question Period**

15 Minute Limit (regarding any decision made at this meeting)

During the meeting, the public may submit questions regarding decisions made at the meeting via email to the City Clerk at cityclerksoffice@brampton.ca, to be introduced during the Public Question Period section of the meeting.

16. **Closed Session**

17. **Adjournment**

Next Meeting: Tuesday, November 17, 2020 - 7:00 p.m.

Tuesday, August 18, 2020

Members Present via Electronic Meeting Participation:

Peter Dymond (Co-Chair)
Douglas McLeod (Co-Chair)
Kathryn Fowlston
Palvinder Gill
Janet Millington
Peter Robertson
Paul Willoughby
Regional Councillor Paul Vicente – Wards 1 and 5

Members Absent:

Stephen Collie (connectivity issues)
Vipul Shah (regrets)
Yugeshwar Singh Kaushal (regrets)
Basavaraj Toranagal (regrets)
Ken Wilde (regrets)

Staff Present via Electronic Meeting Participation:

Planning, Building and Economic Development:

Bob Bjerke, Director, Policy Planning
Jeffrey Humble, Manager, Land Use Policy
Pascal Doucet, Heritage Planner
Cassandra Jasinski, Heritage Planner
Harsh Padhya, Assistant Heritage Planner
Anamaria Martins, Assistant Heritage Planner

City Clerk's Office, Legislative Services:

Peter Fay, City Clerk
Charlotte Gravlev, Deputy City Clerk
Terri Brenton, Legislative Coordinator



**Minutes
Brampton Heritage Board**

Note: In consideration of the current COVID-19 public health orders prohibiting large public gatherings and requirements for physical distancing between persons, in-person attendance at this Board meeting was limited to Members and essential City staff only. Physical distancing was maintained in Council Chambers at all times during the meeting.

The meeting was called to order at 7:16 pm and adjourned at 8:08 pm.

1. Call to Order

As this meeting of the Brampton Heritage Board was conducted with electronic participation by Members, the City Clerk called the roll for attendance at the meeting, as follows:

Members present during roll call: Peter Dymond, Douglas McLeod, Kathryn Fowlston, Palvinder Gill, Janet Millington, Peter Robertson, Paul Willoughby, Regional Councillor Paul Vicente

Members absent during roll call: Stephen Collie, Vipul Shah, Yugeshwar Singh Kaushal, Basavaraj Toranagal, Ken Wilde

2. Approval of Agenda

The following motion was considered.

HB014-2020 That the agenda for the Brampton Heritage Board Meeting of August 18, 2020 be approved as published and circulated.

Carried

The following item, listed on the agenda for distribution prior to the meeting, was published on the City's website on August 17, 2020.

11.2. Staff Report re: Heritage Permit and Heritage Incentive Grant Applications – 23 Elliott Street South – Ward 3 (R 202/2020) (File HE.x).

The following was received by the City Clerk's Office after the agenda was published and related to published items on the agenda (Board approval was not required for addition of these items in accordance with Procedure By-law 160-2004, as amended).

6.1. Delegation from Lynne Genova, Brampton resident, re: Item 11.5 – Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Air Canada Flight 621 Crash Site – 72 Degrey Drive – Ward 8.

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Brampton Heritage Board**

- 6.2. Delegation from Mark Jachecki, owner, 87 Elizabeth Street South, re: Item 11.1 – Heritage Permit Application – Alterations to a Heritage Property and Application for a Heritage Incentive Grant – 87 Elizabeth Street South – Ward 3 (R 198/2020) (File HE.x).

3. **Declarations of Interest under the Municipal Conflict of Interest Act** – nil

4. **Previous Minutes**

4.1. **Minutes – Brampton Heritage Board –February 18, 2020**

The minutes were considered by the Planning and Development Committee on March 9, 2020, and the recommendations were approved by Council on March 11, 2020. The minutes were provided for the Board's information.

5. **Consent**

The following item was considered to be routine and non-controversial by the Board and was added to consent.

(10.1)

6. **Delegations/Presentations**

6.1. Delegation from Lynne Genova, Brampton resident, re: **Item 11.5 – Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Air Canada Flight 621 Crash Site – 72 Degrey Drive – Ward 8.**

Lynne Genova, Brampton resident, outlined her support for designation of the Air Canada Flight 621 crash site, and expressed her hope that the designation would be completed in 2020 which marks the 50th anniversary of this tragic event.

The following motion was considered.

HB015-2020	That the delegation from Lynne Genova, Brampton resident, re: Item 11.5 – Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Air Canada Flight 621 Crash Site – 72 Degrey Drive – Ward 8 , to the Brampton Heritage Board Meeting of August 18, 2020, be received.
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Carried

**Minutes
Brampton Heritage Board**

Item 11.5 was brought forward and dealt with at this time.

The following motion was considered.

- HB016-2020
1. That the report titled: **Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Air Canada Flight 621 Crash Site – 72 Degrey Drive – Ward 8 (R 206/2020)** (File HE.x), be received;
 2. That the designation of 72 Degrey Drive under Part IV, Section 29 of the Ontario Heritage Act (the “Act”) be approved;
 3. That staff be authorized to publish and serve the Notice of Intention to designate 72 Degrey Drive in accordance with the requirements of the Act;
 4. That, in the event that no objections to the designation are received, a by-law be passed to designate the subject property;
 5. That, in the event that any objections to the designation are received, staff be directed to refer the proposed designation to the Ontario Conservation Review Board; and,
 6. That staff be authorized to attend any hearing process held by the Conservation Review Board in support of Council’s decision to designate the subject property.

Carried

- 6.2. Delegation from Mark Jachecki, owner, 87 Elizabeth Street South, re: **Item 11.1 – Heritage Permit Application – Alterations to a Heritage Property and Application for a Heritage Incentive Grant – 87 Elizabeth Street South – Ward 3 (R 198/2020)** (File HE.x).

See Item 11.1

Mark Jachecki, owner, 87 Elizabeth Street South, outlined the work subject to his Heritage Permit and Heritage Incentive Grant applications. He highlighted the costs associated with this work and suggested that the City review the maximum grant amount with a view to increasing it to keep up with inflation and be more in line with other municipalities like Toronto and Mississauga.

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Mr. Jachecki also requested that, should the grant maximum be increased over the next two years, he be given the opportunity for an increased grant amount for this project.

The following motion was considered.

HB017-2020 That the delegation from Mark Jachecki, owner, 87 Elizabeth Street South, re: **Item 11.1 – Heritage Permit Application – Alterations to a Heritage Property and Application for a Heritage Incentive Grant – 87 Elizabeth Street South – Ward 3 (R 198/2020)** (File HE.x), to the Brampton Heritage Board Meeting of August 18, 2020, be received.

Carried

Board discussion took place with respect to the potential for increasing the current maximum grant amount.

In response to questions from the Board, staff outlined provisions of the existing Incentive Grant By-law, and indicated that consideration is being given to a review of the maximum grant amount for potential changes.

A motion was introduced to request that the Heritage Incentive Grant be increased to \$10,000 every two years, given inflation and the grant amounts provided by Toronto and Mississauga.

The motion was considered as follows.

HB018-2020 That the Heritage Incentive Grant be recommended by the Board for upgrade to \$10,000 per property every second year, having regard for inflationary pressures and the current threshold amounts in Toronto and Mississauga.

Carried

7. **Sub-Committees** – nil
8. **Designation Program** – nil
9. **Heritage Impact Assessments (HIA)** – nil
10. **Correspondence**

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- ^ 10.1. Correspondence from the City Clerk's Office, dated August 12, 2020, re: **Council Resolution C235-2020 (June 24, 2020) – Right-of-Way Widenings in the Village of Churchville Conservation District.**

HB019-2020 That the correspondence from the City Clerk's Office, dated August 12, 2020, re: **Council Resolution C235-2020 (June 24, 2020) – Right-of-Way Widenings in the Village of Churchville Conservation District**, to the Brampton Heritage Board Meeting of August 18, 2020, be received.

Carried

11. Other/New Business

- 11.1. Staff Report re: **Heritage Permit Application – Alterations to a Heritage Property and Application for a Heritage Incentive Grant – 87 Elizabeth Street South – Ward 3 (R 198/2020)** (File HE.x).

See Item 6.2 – Recommendations HB017-2020 and HB018-2020

Pascal Doucet, Heritage Planner, Planning, Building and Economic Development, provided an overview of the subject report.

The following motion was considered.

- HB020-2020 1. That the report titled: **Heritage Permit Application – Alterations to a Heritage Property and Application for a Heritage Incentive Grant – 87 Elizabeth Street South – Ward 3 (R 198/2020)** (File HE.x), to the Brampton Heritage Board Meeting of August 18, 2020, be received; and,
2. That the application for the proposed alterations made in accordance with section 33 of the Ontario Heritage Act to rehabilitate, replace and repair the existing windows as shown in the attachments to this report be approved subject to the following terms and conditions:
- a. That the Designated Heritage Property Incentive Grant application for 87 Elizabeth Street South for repairing and replacing the windows on the front and side elevations identified as heritage attributes with accurate replications matching the existing profile and appearance be approved in the amount of five thousand dollars (\$5,000);
- b. That the Owner notifies heritage planning staff from Planning, Building and Economic Development within

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sixty (60) days of completion of the work for the rehabilitation, replacement and repairs of the windows; and,

- c. That heritage planning staff from Planning, Building and Economic Development be directed to inspect the property at 87 Elizabeth Street South upon notification by the Owner of the completion of the work for the rehabilitation, replacement and repairs of the windows within sixty (60) days of the Owner's notification of the completion of the work.

Carried

11.2. Staff Report re: **Heritage Permit and Heritage Incentive Grant Applications – 23 Elliott Street South – Ward 3 (R 202/2020)** (File HE.x).

Anamaria Martins, Assistant Heritage Planner, Planning, Building and Economic Development, provided an overview of the subject report.

The following motion was considered.

- HB021-2020
1. That the report titled: **Heritage Permit and Heritage Incentive Grant Applications – 23 Elliott Street South – Ward 3 (R 202/2020)** (File HE.x), to the Brampton Heritage Board Meeting of August 18, 2020, be received;
 2. That the Heritage Permit Application for the restoration of the wooden front porch at 23 Elliott Street be approved, including the replacement of select wooden heritage attributes that have deteriorated over time, due to weathering, and the repainting of the entire Gothic-Revival style front porch; and,
 3. That the associated Designated Heritage Property Incentive Grant Application for 23 Elliott Street for the restoration work of its front porch be approved, to a maximum of five thousand dollars (\$5,000).

Carried

11.3. Staff Report re: **Heritage Permit Application for the Rehabilitation of the Bovaird House Kitchen Fireplace and Chimney – 563 Bovaird Drive East (Bovaird House) – Ward 1 (R 201/2020)** (File HE.x).

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Cassandra Jasinski, Heritage Planner, Planning, Building and Economic Development, provided an overview of the subject report, and responded to questions from the Board.

The following motion was considered.

- HB022-2020 1. That the report titled: **Heritage Permit Application for the Rehabilitation of the Bovaird House Kitchen Fireplace and Chimney – 563 Bovaird Drive East (Bovaird House) – Ward 1 (R 201/2020)** (File HE.x), to the Brampton Heritage Board Meeting of August 18, 2020, be received;
2. That the Heritage Permit Application for the rehabilitation of the Bovaird House kitchen fireplace and chimney be approved.

Carried

- 11.4. Staff Report re: **Construction of a New Dwelling and Alterations to a Heritage Property within the Village of Churchville Heritage Conservation District – 0 Churchville Road – Ward 6 (R 199/2020)** (File HE.x).

Pascal Doucet, Heritage Planner, Planning, Building and Economic Development, provided an overview of the subject report, and responded to questions from the Board regarding the front and side yard setbacks and minor variance requirements.

Board consideration of this matter included the size of the proposed dwelling relative to the lot size. Staff confirmed that, had the dwelling been proposed for a new lot rather than the existing one, it likely would not be supported.

The Board acknowledged that the proposed subject Heritage Permit Application represents an exception, given that the new dwelling is being constructed on an existing lot.

The following motion was considered.

- HB023-2020 1. That the report titled: **Construction of a New Dwelling and Alterations to a Heritage Property within the Village of Churchville Heritage Conservation District – 0 Churchville Road – Ward 6 (R 199/2020)** (File HE.x), to the Brampton Heritage Board Meeting of August 18, 2020, be received; and,
2. That the Heritage Permit Applications for the construction of a new dwelling and alterations to the vacant heritage

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property at 0 Churchville Road (adjacent to the northerly lot at 7843 Churchville Road) be approved in accordance with section 42 of the Ontario Heritage Act (the “Act”) and subject to the following terms and conditions:

- a. That construction of a new detached house with an attached garage and alterations to the vacant heritage property at 0 Churchville Road (adjacent to the northerly lot at 7843 Churchville Road) be carried out in accordance with the Site Plan Drawing and Elevation Drawings prepared by ATA Architects Inc., dated August 4, 2020 and as shown in the attachments to this report; and section 8.2 of the Heritage Impact Assessment prepared by Letourneau Consulting Inc., dated August 11, 2020 and as shown in the attachments to this report;
 - b. That there be no raise curb used for the driveway;
 - c. That any gas and hydro services meters and utilities not be visible from Churchville Road;
 - d. That prior to the issuance of any permit for the alteration of the heritage property or for the construction of any building or structure for all or any part of the vacant heritage property at 0 Churchville Road (adjacent to the northerly lot at 7843 Churchville Road), including a heritage permit or a building permit, the owner shall:
 - i. Provide full building permit drawings including a final Site Plan, a final Landscape Plan, floor plans and final elevation drawings;
 - e. That the Owner notifies heritage planning staff from Planning, Building and Economic Development within sixty (60) days of completion of the construction of the new detached house; and,
3. That heritage planning staff from Planning, Building and Economic Development be directed and authorized to inspect the vacant heritage property at 0 Churchville Road (adjacent to the northerly lot at 7843 Churchville Road) upon completion of the construction of the new detached house and at least once within six (6) months from the date of the Owner's notification of the completion of the work.

Carried

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- 11.5. Staff Report re: **Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – Air Canada Flight 621 Crash Site – 72 Degrey Drive – Ward 8 (R 206/2020)** (File HE.x).

Dealt with under Item 6.1 – Recommendation HB016-2020

See also Recommendation HB015-2020

12. **Referred/Deferred Items** – nil

13. **Information Items** – nil

14. **Question Period**

1. Kathryn Fowlston, Board Member, requested information on Council Resolution C235-2020 regarding right-of-way widenings in the Village of Churchville Conservation District, outlined in Item 10.1.

Pascal Doucet, Heritage Planning, Planning, Building and Economic Development, outlined the purpose of the resolution to provide exceptions in the District, given its unique character.

15. **Public Question Period**

Members of the public were given the opportunity to submit questions via e-mail to the City Clerk's Office regarding any decisions made at this meeting.

Peter Fay, City Clerk, confirmed that no questions were submitted regarding decisions made at this meeting.

16. **Closed Session** – nil

17. **Adjournment**

The following motion was considered.

- | | |
|------------|---|
| HB024-2020 | That the Brampton Heritage Board do now adjourn to meet again on a date to be determined. |
|------------|---|

Carried

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Brampton Heritage Board

Peter Dymond, Co-Chair

Doug McLeod, Co-Chair



Delegation Request

For Office Use Only:
Meeting Name:
Meeting Date:

Please complete this form for your request to delegate to Council or Committee on a matter where a decision of the Council may be required. Delegations at Council meetings are generally limited to agenda business published with the meeting agenda. Delegations at Committee meetings can relate to new business within the jurisdiction and authority of the City and/or Committee or agenda business published with the meeting agenda. **All delegations are limited to five (5) minutes.**

Attention: City Clerk's Office, City of Brampton, 2 Wellington Street West, Brampton ON L6Y 4R2

Email: cityclerksoffice@brampton.ca Telephone: (905) 874-2100 Fax: (905) 874-2119

Meeting: ☐ City Council ☐ Planning and Development Committee
☐ Committee of Council ☒ Other Committee:

Brampton Heritage Board

Meeting Date Requested: Tuesday, October 20/2020

Agenda Item (if applicable):

Name of Individual(s): Rob El-Sayed
Nabih Youssef

Position/Title:

Organization/Person
being represented:

Church of Archangel Michael and St. Tekla (Re: Snelgrove Baptist Church)

Full Address for Contact: 12091 Hurontario Street
Brampton, ON L6Z 4P8

Telephone:

Email:

Subject Matter to be Discussed:	Heritage property located at 12061 Hurontario Street (Snelgrove Baptist Church)
Action Requested:	Delisting from Heritage Registry

A formal presentation will accompany my delegation: ☒ Yes ☐ No

Presentation format: ☒ PowerPoint File (.ppt) ☐ Adobe File or equivalent (.pdf)
☐ Picture File (.jpg) ☐ Video File (.avi, .mpg) ☐ Other:

Additional printed information/materials will be distributed with my delegation: ☐ Yes ☐ No ☐ Attached

Note: Delegates are requested to provide to the City Clerk's Office **well in advance of the meeting date:**

- (i) 25 copies of all background material and/or presentations for publication with the meeting agenda and /or distribution at the meeting, and
- (ii) the electronic file of the presentation to ensure compatibility with corporate equipment.

Submit by Email

Once this completed form is received by the City Clerk's Office, you will be contacted to confirm your placement on the appropriate meeting agenda.

Personal information on this form is collected under authority of the Municipal Act, SO 2001, c.25 and/or the Planning Act, R.S.O. 1990, c.P.13 and will be used in the preparation of the applicable council/committee agenda and will be attached to the agenda and publicly available at the meeting and on the City's website. Questions about the collection of personal information should be directed to the Deputy City Clerk, Council and Administrative Services, 2 Wellington Street West, Brampton, Ontario, L6Y 4R2, tel. 905-874-2115.



Delegation Request

For Office Use Only:

Meeting Name:

Meeting Date:

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Email: cityclerksoffice@brampton.ca Telephone: (905) 874-2100 Fax: (905) 874-2119

Meeting: ☐ City Council ☐ Planning and Development Committee
☐ Committee of Council ☒ Other Committee:

[Brampton Heritage Board Meeting](#)

Meeting Date Requested: [October 20, 2020](#) Agenda Item (if applicable): [Grant Update for Heritage Property](#)

Name of Individual(s): [Mark Jachecki](#)

Position/Title:

[Home Owner](#)

Organization/Person
being represented:

Full Address for Contact: [87 Elizabeth Street S, Brampton ON](#)

Telephone:

Email:

Subject Matter
to be Discussed:

[The Heritage Grant for replacement windows of 87 Elizabeth St S \(currently in process\) to be acknowledged and considered retroactively for any new increase to the incentive grant.](#)

Action
Requested:

[Approve Heritage Incentive Grant Increase for 87 Elizabeth St S window replacement project.](#)

A formal presentation will accompany my delegation: ☐ Yes ☒ No

Presentation format: ☐ PowerPoint File (.ppt) ☐ Adobe File or equivalent (.pdf)
☐ Picture File (.jpg) ☐ Video File (.avi, .mpg)

☐ Other:

Additional printed information/materials will be distributed with my delegation: ☐ Yes ☒ No ☐ Attached

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PRESERVING ONTARIO'S HISTORY, ONE BARN AT A TIME

info@ontariobarnpreservation.com

May 28, 2020

Addressed to: Planning Department

To whom it may concern

Our not-for-profit organization was formed in 2019 with the goal of conserving barns of cultural heritage significance in Ontario. In order to fulfill this goal, we have been conducting research and analysis on a variety of topics, including Planning Policy frameworks which either help or hinder the conservation of barns.

It has come to our attention that many municipalities are demolishing heritage barns during the process of severance of surplus farm dwellings. The purpose of this letter is to provide you with a brief summary of our findings regarding how existing Planning Policies at the Municipal and Provincial levels impact these cultural heritage resources. We hope that this will help to provide insight on how these policies may be managed in the future so that the conservation of significant cultural heritage resources can work in cooperation with planning for new development.

Barns have potential to be identified as significant cultural heritage resources and may be worthy of long-term conservation. According to PPS, significant cultural heritage resources shall be conserved:

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

Under *Ontario Regulation 9/06*, cultural heritage resources demonstrate significance related to legislated criteria including design/physical value, historical/associative value and contextual value

Although they may not have the same functionality they once did, we believe our heritage barns are an important part of Ontario's cultural history and rural landscape.

- They serve as landmarks in the countryside
- They have the potential to be reused and repurposed, sometimes into agriculture-related uses as municipalities search for value-added opportunities for farmers
- They have historic value for research of vernacular architecture and cultural history of areas and communities in Ontario
- They are a testament to the early farmers and pioneers in our province
- They convey an important sentiment and image to our urban counterparts about the hardworking farm community
- They contribute to agritourism in both a functional and an aesthetic way. Some European countries fund maintenance of rural landscape features such as buildings, hedge rows and fences for the very purpose of world-wide tourism and cultural heritage protection
- They are useful for small livestock or other small farm operations

We have recognized a growing trend in Ontario, where barns are seen as good candidates for conservation and adaptive re-use. Barns can be made new again and communicate their history while serving a new purposes. Barns can be made into single detached residences, Craft breweries, agro-tourism related destinations, and more.

In an effort to recognize the significance, historic and cultural value of these buildings, Ontario Barn Preservation was formed March 30, 2019. This not-for-profit organization is reaching out to barn owners, local and county historical societies, authorities, and the general public, to recognize the value of these amazing buildings. Often these barns are close to their original condition when they were built between the early 1800s and the early 1900s.

We understand the planning and building code regulations that municipalities enforce. There are often conflicting priorities, resources required for enforcement, and provincial goals and protection to uphold. The following provides a review of key policies of Provincial Policy Statement (PPS 2014), OMAFRA and Ontario Building Code regulations which creates difficulties in the conservation of barns. We hope these solutions from other municipalities have implemented might be considered in your municipality.

POLICY ITEM 1: “New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.” –Provincial Policy Statement (PPS) 2.3.3.3

POLICY ANALYSIS

Barns that remain with a dwelling on a smaller severed residential lot are already in compliance with MDS setbacks since there would be no new odour conflict. If this landowner wants to house animals a Nutrient Management Plan/Strategy is required for anything over 5 Nutrient Units (NU, this is equivalent to 15+ beef feeders, OR 5+ medium-framed horses, 40+ meat goats, or 5+ beef cows), and are required to have a plan for manure removal either on their own property or in agreement with another land owner as per the OMAFRA Nutrient Management Plan/Strategy Guidelines. Any livestock count under 5NU does not require a Nutrient Management Plan. Although the capacity of these heritage barns is generally above 5 NU, in practice it is unlikely an owner would exceed this number because heritage barns are not usually that large and owners of this type of property are likely to only have a hobby-size operation.

On the other hand, barns that do not remain with a dwelling on a smaller severed residential lot, but remain on the larger retained agriculture lot often immediately become a violation of the MDS setbacks should that barn house livestock, or potentially house livestock. However unlikely this may be due to the nature and condition of the barn for livestock housing, it is a possibility. Many barns could house up to 30 Nutrient Units, or more, depending on the size of the barn. This capacity would require a separation distance from the house on the new severed lot much larger than existing to allow the barn to remain standing. Thus barns on the larger retained agriculture lot have limited options to avoid demolition.

POSSIBLE RESOLUTION:

The MDS guidelines state that a building must be “reasonable capable of housing animals” in order for MDS to be triggered. Therefore, a barn that is in a decrepit state is automatically exempted from MDS as it cannot house livestock. Thus the barn can be severed off from the dwelling without MDS implications.

However, some barns are not in a decrepit state and are the ones that are worth saving. If the barn is to remain on the retained agriculture lot, it needs to be prevented from being used as a livestock facility to be exempt from MDS. This can be done by removing water, stalls, electricity to the barn and make it “incapable of housing animals”.

Some municipalities have had the livestock restriction written into the special conditions of the zoning amendment exception. Two examples are

1. that the barn not be permitted to hold livestock. For example *“A livestock use shall be prohibited in any farm buildings existing on the date of passage of this by-law.”*
2. The amendment can also be used to only restrict the quantity of livestock in the barn as such as 1.2NU (animal nutrient units) per hectare *“Notwithstanding their General Rural (RU1) or Restricted Rural (RU2) zoning, those lots 4.0 hectares (9.9 ac.) in size or less shall be limited to no more than 1.25 nutrient units per hectare (0.5 nutrient units per acre). Minimum Distance Separation Guidelines shall apply.”*

The Ontario Building Code does not differentiate between agricultural buildings for livestock vs. implements storage, therefore a change of use of this type is not clearly defined as a possibility through the building code. A change of use permit could also be undertaken to change the occupancy of the building from agriculture to part 9. However, this solution is costly and prohibitive for most Owners.

We feel that the best case of survival for the barn is to include it with the severed residential lot. If the barn is to be severed with the residential lot we feel that the barn best use is for animals within compliance with the MDS requirements. Some municipalities use a minimum lot size required for livestock (but you have to be willing to sever that lot size where appropriate). We recommend that these smaller lots be permitted to house animals. These lots are ideal for starting farmers, CSA's, and value-added farm operations. The owners of these smaller lots are often in a position to invest in restoration of our heritage barns.

POLICY ITEM 2: A residence surplus to a farming operation as a result of farm consolidation, provided that:

“1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;” - PPS 2.3.4.1c

POLICY ANALYSIS

Provincial policy has limited the lot creation size to only accommodate the water and sewage to maintain large lots and maximum land remaining for agriculture uses.

POSSIBLE RESOLUTION

Many municipalities use a minimum and maximum lot size rather than the above strict guideline to determine the lot line and review each severance on a case by case basis.

The Ministry of Environment provides “reasonable use guidelines” on lot size for sewage systems. These guidelines recommend that a lot should have a “Reasonable Use Assessment” be done to ensure that the lot is adequately sized for septic systems. A rule of thumb that has been used is clay soil lots should be a minimum of 2 acres, and a lot with sandy soil be 1 acre.

However, we would recommend that this statement be reviewed at a provincial level and we would encourage you to contact the provincial policy department to review this statement.

POLICY ITEM 3: Designation of severed lot to be zoned “non-farm” and permitted uses as “non-farm” dwelling

POLICY ANALYSIS

Provincial policy does not dictate the residential lot be “non-farm”. In fact, the PPS states that

"Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations."

We would argue that the “non-farm” designation does create an incompatible use, encouraging non-farming residents, but it also limits the possible use of the small land for small scale farm operations within Prime Agriculture Zones.

POSSIBLE RESOLUTION:

Provide a zoning category for small lots that are sized to permit limited livestock, alternative and value-added agriculture operations. These can also be separate provisions within your existing rural or agricultural designations. For example Provisions for lots larger than 10 acres, and lots less than 10 acres.

POLICY ITEM 4: Change of Use for the building to not permit livestock.

POLICY ANALYSIS

A change of use to non-livestock building is a challenging proposition. The building code does not differentiate between livestock agriculture building and implement agriculture building. This change of use permit is quite simple and would not require any investment or structural upgrade by the owner.

If a change of use to a non-agriculture building is required, it would fall into part 9 of the building code (unless other uses are proposed). This upgrade would often require significant structural reinforcement and investment by the owner. Most owners would not be willing or in a position to invest this type of capital on a building that does not have function in a farm operation, nor for a residential property owner, also without a major purpose for the building other than storage, garage, or workshop.

This Change of Use requirement will most likely end with the demolition of the barn when required.

POSSIBLE RESOLUTION:

Change of use is only required to limit the use of the barn for livestock. This can be achieved by removing water and stalls from the building. The barn remains an existing agriculture building but unable to “reasonably house animals” (see issue 1 above for further details or options).

CONCLUSION

We hope that you will consider our review of Provincial and Municipal Planning Policy as it relates to any future Reviews of Official Plans, Comprehensive Zoning By-laws, and approaches to the conservation of built heritage resources related to agricultural use.

Too often we see these community raised historic structures in poor condition with loose boards flapping in the wind, roofs caved in, or just a mass of timbers and roofing decaying into the ground. On behalf of Ontario Barn Preservation, we encourage you to help find ways to prevent the further unnecessary demolition of our heritage barns especially in relation to surplus farm dwelling severances. It is our hope that barns of significant cultural heritage value are conserved for future generations.

Please don't hesitate to contact us if you have any questions, and we hope to hear from you in the future.

Regards,

Krista Hulshof, Vice President, architect,

Questions can be directed to Krista at 519-301-8408 or krista@veldarchitect.com

Brenton, Terri

From: Brenton, Terri
Sent: 2020/09/17 4:25 PM
To: Brenton, Terri; Taranu, Alex
Cc: Jasinski, Cassandra; Kassaris, Stavroula
Subject: FW: Riverwalk Urban Design Master Plan - Community Liaison request for interest

Good afternoon Board Members. Please see the e-mail below from Alex Taranu regarding a representative from the Board to take part in a preliminary discussion next week. If you are interested in this opportunity, please e-mail Alex directly at alex.taranu@brampton.ca with a copy to staff copied on this e-mail. I will add a discussion item on this matter for consideration at the next Board meeting. Thanks.

Terri

Terri Brenton
Legislative Coordinator, City Clerk's Office
Tel: 905.874.2106; Fax: 905.874.2119
TTY: 905.874.2130
e-mail: terri.brenton@brampton.ca

From: Taranu, Alex <Alex.Taranu@brampton.ca>
Sent: 2020/09/17 4:05 PM
To: Brenton, Terri <Terri.Brenton@brampton.ca>
Cc: Jasinski, Cassandra <Cassandra.Jasinski@brampton.ca>; Kassaris, Stavroula <Stavroula.Kassaris@brampton.ca>
Subject: Riverwalk Urban Design Master Plan - Community Liaison request for interest

The City of Brampton, in partnership with the Toronto Region Conservation Authority, is working on the Riverwalk project in downtown Brampton and City staff have initiated an Urban Design Master Plan for the area. Riverwalk has been discussed with the Brampton Heritage Board in the past and with the support of the heritage community we have organized events and tours, such as the Flood anniversary event.

The City staff leading the project are planning a more focused presentation to the Board in the near future.

Meanwhile, the City has organized an introductory Public information Session in early October (date to be finalized shortly). In preparation for that, the City is initiating a Community Liaison Team and we would love to have a heritage community representative for a preliminary discussion next week.

We kindly request that a Board member attend the preliminary discussion on a provisional basis for this meeting, and at the next formal Brampton Heritage Board meeting, the Board could formally nominate a representative.

Please contact Alex.Taranu@brampton.ca if you are interested in representing the Brampton Heritage Board at this meeting.

Date: 2020-10-06

Subject: Heritage Permit Application and Revised Designation Report for 23 Centre Street South

Secondary Title: Recommendation Report: Heritage Permit Application for the Removal of the Kitchen Tail and Conservation of the Remainder of the Dwelling at 23 Centre Street South (Kilpatrick-Young House) and Demolition of Outbuildings on the Property and Revised Designation Report – 23 Centre Street South - Ward 3 (HE.x 23 Centre Street South)

Contact: **Cassandra Jasinski, MA, CAHP, Heritage Planner,**
cassandra.jasinski@brampton.ca

Report Number: Planning, Building and Economic Development-2020-237

Recommendations:

1. That the report titled: Recommendation Report: Heritage Permit Application for the Removal of the Kitchen Tail and Conservation of the Remainder of the Dwelling at 23 Centre Street South (Kilpatrick-Young House) and Demolition of Outbuildings on the Property and Revised Designation Report – 23 Centre Street South - Ward 3 (HE.x 23 Centre Street South), to the Brampton Heritage Board meeting of October 20, 2020, be received;
2. That the Heritage Permit application for the removal of the kitchen tail and conservation of the remainder of the dwelling known as the Kilpatrick-Young House be approved in accordance with Section 33 of the *Ontario Heritage Act* (the “Act”) subject to the following terms and conditions:
 - a. That prior to the issuance of site plan approval and any heritage permit or building permit, including a demolition permit, for the works associated with this heritage permit, the Owner shall:
 - i. Provide a Heritage Conservation Plan, prepared by a qualified heritage consultant and to the satisfaction of the Brampton Heritage Board and the Director of Policy Planning, in support of a subsequent

heritage permit application for the conservation of the dwelling at 23 Centre Street South known as the Kilpatrick-Young House;

- ii. Provide measured drawings and photo documentation of the interior and exterior portion of the building to be removed to the satisfaction of the Director of Policy Planning and for submission to the Archives at the Peel Art Gallery Museum and Archives (PAMA);
 - iii. Provide financial securities as specified in the Heritage Conservation Plan plus an additional 30% contingency in a form and amount satisfactory to the Commissioner of Planning and Development Services to secure all work included in the Heritage Building Protection Plan and Heritage Conservation Plan; and,
 - iv. Enter into a Heritage Easement Agreement (the “HEA”) with respect to the conservation of the Kilpatrick-Young House with the City, with content satisfactory to the Commissioner of Planning and Development Services, and in a form satisfactory to the City Solicitor.
- b. That prior to the release of financial securities, the owner provide a letter, prepared and signed by a qualified heritage expert, certifying that all works as outlined in the approved Heritage Conservation Plan have been completed, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Director of Policy Planning, Planning and Development Services; and,
- c. That the owner notify Heritage Planning staff of the removal date for the kitchen tail so that Heritage staff can be in attendance.
- d. That until such time as the conservation work on the property at 23 Centre Street South can be completed, the owner ensure that the Property Standards By-law, as amended, is adhered to.
3. That the Heritage Impact Assessment (the “HIA”) prepared by AREA Architects, attached as Appendix B to this report, be received and that the recommendations/mitigation options contained therein be approved.
4. That the Notice of Intention to Designate 23 Centre Street South be withdrawn in order to facilitate for the issuance of a new Notice of Intention to Designate with a revised statement of cultural heritage value and heritage attributes.

5. That staff be authorized to publish and serve the Notice of Withdrawal to Designate the property at 23 Centre Street South in accordance with the requirements of the Act.
6. That the revised Designation Report for 23 Centre Street South, attached as Appendix D to this report, be approved.
7. That the designation of the property at 23 Centre Street South under Part IV, Section 29 of the Act be approved;
8. That staff be authorized to publish and serve the revised Notice of Intention to designate the property at 23 Centre Street South in accordance with the requirements of the Act;
9. That, in the event that no objections to the designation are received, a by-law be passed to designate the subject property;
10. That, in the event that any objections to the designation are received, staff be directed to refer the proposed designation to the Ontario Conservation Review Board; and,
11. That staff be authorized to attend any hearing process held by the Conservation Review Board in support of Council's decision to designate the subject property.

Overview:

- The property at 23 Centre Street South (the Kilpatrick-Young House) is in the process of being designated under Part IV of the *Ontario Heritage Act* (the "Act").
- In accordance with Sub-Section 30(2) and Section 33 of the Act, alterations to a property that is designated or has been issued a Notice of Intention to Designate that are likely to affect its heritage attributes require written consent from the Council of the municipality in the form of a Heritage Permit.
- A Heritage Permit application for 23 Centre Street South was submitted on September 11, 2020 for the removal of the kitchen tail of the dwelling known as the Kilpatrick-Young house, as well as the demolition of the outbuildings on the property.

- The property is not currently associated with a planning application but site plan approval will be required for the proposed works.
- This report recommends the approval of the Heritage Permit application for 23 Centre Street South subject to terms and conditions.
- A designation report for the property at 23 Centre Street South was originally completed in 2009. The Notice of Intention to designate based on the initial designation report was sent via registered mail on December 21, 2010.
- The heritage attributes identified in this designation report are inaccurate and require revision. A revised designation report has been drafted as a result.
- The subject property is confirmed to meet the provincial criteria for municipal designation prescribed by Ontario Regulation 9/06 under the categories of design/physical, historical/associative and contextual value.
- Heritage staff recommend that the original Notice of Intention to Designate be withdrawn and that the designation process proceed in accordance with the revised Designation Report attached as Appendix D to this report.

Background:

The property at 23 Centre Street South is in the process of designation under Part IV of the Act and contains a well-preserved example of an Ontario Gothic Cottage. A Notice of Intention to Designate the property was issued on December 22, 2010.

In accordance with Sub-Section 30(2) and Section 33 of the Act, alterations to a property that is designated or has been issued a Notice of Intention to Designate that are likely to affect its heritage attributes require written consent from the Council of the municipality in the form of a Heritage Permit.

Policy Framework

The Planning Act

The *Planning Act* guides development in the Province of Ontario and states that municipalities must have regard for matters of provincial interest. The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest is identified under paragraph 2(d) of the *Planning Act* as a matter of provincial interest.

Provincial Policy Statement (2014)

The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act. The *Planning Act* requires that all decisions affecting land use planning be consistent with the Provincial Policy Statement.

Policies 1.7.1 d) and 2.6.1 of the Provincial Policy Statement direct that:

“Long-term economic prosperity should be supported by: d) 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”

“Significant built heritage resources and significant cultural heritage landscapes shall be conserved”

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (2017) provides a framework for managing growth within the Greater Golden Horseshoe region. Policy 4.2.7.1 of the Growth Plan states that: *“Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”*

City of Brampton Official Plan

The City of Brampton Official Plan policies that are relevant in the context of this report and heritage permit application are:

4.10.1.8 Heritage resources will be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects.

4.10.1.9 Alteration, removal or demolition of heritage attributes on designated heritage properties will be avoided. Any proposal involving such works will require a heritage permit application to be submitted for the approval of the City.

Current Situation:

Heritage Permit:

AREA Architects submitted a complete Heritage Permit Application (Appendix A) on September 11, 2020 on behalf of the owners of 23 Centre Street South. In accordance with Section 33 of the Act, Council must respond to the application by December 10, 2020. AREA Architects submitted a Heritage Impact Assessment (HIA) in support of the application.

The application proposes the removal of the rear kitchen tail of the Kilpatrick-Young house and conservation of the remainder of the building.

As per to Section 4.10.1.8 of the City of Brampton Official Plan (OP) the protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as core principles for all conservation projects in accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

The *Standards and Guidelines for Conservation of Historic Places in Canada* outlines processes for the evaluation, protection and interventions required to maintain character-defining elements of cultural heritage resources. These guidelines include concepts such as minimal intervention and the conservation of the character-defining elements. In accordance with the *Standards and Guidelines for the Conservation of Historic Places in Canada* and the City of Brampton's Official Plan, interventions required to stabilize and, if necessary, protect the character-defining elements must occur to conserve the character defining elements of a cultural heritage resource. The proposed works in this heritage permit impact the kitchen tail of the Kilpatrick-Young House.

The kitchen tail proposed to be removed was originally included as a heritage attribute in the designation report. It is located to the rear of the building and does not retain the same level of integrity or detailing as the front, main portion of the building. While the exact date of construction for the kitchen tail is unknown, it was arguably constructed later than the original structure as indicated by a differentiation in the window detailing and the foundation material. The kitchen tail has been significantly altered and added to since its initial construction and is surrounded on two sides by incompatible 20th century expansions, which are also proposed to be removed. As detailed in the HIA submitted as part of the application, the property will retain its cultural heritage value if the kitchen tail is removed, as the kitchen tail is not identified as contributing to the significance of the property.

In addition, the conservation of the main portion of the building, with its three bay front façade wood detailing and gabled dormer, is of greater importance than the kitchen tail of the property. The property owners are committed to the rehabilitation and restoration of the main Ontario Gothic Cottage portion of the building, which is proposed to be adaptively re-used as a pharmacy or offices to support the adjacent medical building.

As the removal of the kitchen tail will not detract from the cultural heritage value of the property and in order to facilitate the conservation of the most significant portion of the building, Heritage staff recommend the approval of the heritage permit subject to terms

and conditions. The terms and conditions reflect the recognition that the overall conservation of the building requires further consideration in a subsequent heritage conservation plan which will set out the restoration and rehabilitation work to be undertaken on the property.

A Heritage Conservation Plan (HCP) was not provided as part of this Heritage Permit application but is required as the basis of a subsequent Heritage Permit application to be brought to the Brampton Heritage Board at a later date. As stated in the HIA, this HCP will be required as part of a site plan application.

Approval of this subsequent heritage permit site plan approval, heritage permit is required prior to site plan approval and any building permit, including a demolition permit other than those for the demolition of the outbuildings, which do not have any cultural heritage value.

Heritage staff recommend the approval of the heritage permit subject to the following conditions: That the Heritage Permit application for the removal of the kitchen tail of the dwelling known as the Kilpatrick-Young House be approved in accordance with Section 33 of the Act subject to the following terms and conditions:

- a. That prior to the issuance of site plan approval and any heritage permit or building permit, including a demolition permit, for the works associated with this heritage permit, the Owner shall:
 - i. Provide a Heritage Conservation Plan, prepared by a qualified heritage consultant and to the satisfaction of the Brampton Heritage Board and the Director of Policy Planning, in support of a subsequent heritage permit application for the conservation of the dwelling at 23 Centre Street South known as the Kilpatrick-Young House;
 - ii. Provide measured drawings and photo documentation of the interior and exterior portion of the building to be removed to the satisfaction of the Director of Policy Planning and for submission to the Archives at the Peel Art Gallery Museum and Archives (PAMA);
 - iii. Provide financial securities as specified in the Heritage Conservation Plan plus an additional 30% contingency in a form and amount satisfactory to the Commissioner of Planning and Development Services to secure all work included in the Heritage Building Protection Plan and Heritage Conservation Plan; and,

- iv. Enter into a Heritage Easement Agreement (the “HEA”) with respect to the conservation of the Kilpatrick-Young House with the City, with content satisfactory to the Commissioner of Planning and Development Services, and in a form satisfactory to the City Solicitor.
- b. That prior to the release of financial securities, the owner provide a letter, prepared and signed by a qualified heritage expert, certifying that all works as outlined in the approved Heritage Conservation Plan have been completed, and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Director of Policy Planning, Planning and Development Services; and,
- c. That the owner notify Heritage Planning staff of the removal date for the kitchen tail so that Heritage staff can be in attendance.
- d. That until such time as the conservation work on the property at 23 Centre Street South can be completed, the owner ensure that the Property Standards By-law, as amended, is adhered to.

Heritage Impact Assessment (HIA)

The HIA prepared by AREA Architects, submitted as part of the Heritage Permit application, confirmed that the subject property meets the criteria for designation under the Act for its Design/Physical, Historical/Associative, and Contextual Value.

The HIA also included a set of recommendations, many of which are reflected in the terms and conditions for the approval of the heritage permit. These recommendations include:

- a. The partial demolition of the rear one-story section of the house, later construction than the original house, should be permitted in order to allow for additional outdoor parking spaces.
- b. The Heritage Designation Report should be updated and amended to include corrections and account for the proposed partial demolition, rear parking and change of use.
- c. This HIA should form part of a Heritage Permit Application (HPA) for the demolition of the rear portion of the house. In conjunction with the partial demolition would be a Site Plan Approval (SPA) application to follow the HIA submission. But approval in principle of the HIA and the associated HPA for the demolition of the rear portion are needed before the client

undertakes the considerable engineering and other services to prepare the SPA application.

- d. Part of the SPA submission would be a set of Heritage Conservation Plan (HCP) drawings outlining in detail the methodology for the partial demolition, rehabilitation and restoration of the remaining front portion of the building.
- e. Following the SPA completion and execution of the associated agreements, a Building Permit Application (BPA) will be submitted to implement the change of use from residential to commercial. In conjunction with the BPA will be a second HPA. The BPA and HPA will allow for the proposed interior alterations and exterior restoration work outlined in the HCP.
- f. It is recommended that Council approve and, following which, that Heritage Planning and other staff undertake actions and permits to implement this partial demolition. After (and only with) the approval of the Heritage Conservation Plan and its proposed demolition of the rear wing, a Heritage Easement Agreement (HEA) would be entered into by the owner/applicant to ensure the conservation and protection of the subject property.

Revised Designation Report:

The property at 23 Centre Street South is in the process of designation under Part IV of the Act, meaning that the Notice of Intention to Designate has been served on the property owner. To complete proper due diligence and to maintain transparency with the Brampton Heritage Board, Council and the property owner, Heritage staff have revised the designation report, including the description of the property's heritage attributes.

Heritage staff have worked with the current property owner to address the inaccuracies in the original designation report (Appendix C) which are detailed in the HIA submitted as part of the Heritage Permit application. The revisions address the statement of cultural heritage value, heritage attributes, and the proposed removal of the kitchen tail of the building.

The subject property meets the provincial criteria for municipal designation prescribed by Ontario Regulation 9/06 under the categories of design/physical, historical/associative and contextual value. The revised designation report is attached as Appendix D.

The cultural heritage resource was initially identified as a Regency Cottage but, based on the *Canada Farmer's Journal* volume cited in the revised designation report, the style has been revised to Ontario Gothic Cottage. The cultural heritage resource exhibits several Gothic elements, including its prominent gabled dormer with pointed Gothic or lancet window.

Numerous alterations have been made to the building since its construction; however, these alterations do not detract from the cultural heritage value of the property. Some of these alterations include:

- A concrete front porch with metal railings;
- Cinder block chimney stack off south side elevation at rear of main house block;
- Enclosed porch on north side elevation clad in metal siding;
- 80% of the original pebbled stucco replaced with a similar stucco by 1970, some original stucco remaining on east façade of the building;
- Most of the horizontal trim boards replaced in the late 1970s and early 1980s;
- Twelve (12) decorative window shutters and wood storm windows installed in the mid-1970s.

The property is no longer identified as having historical associative value for its association with the Kilpatrick family, as Heritage staff determined they were not significant to the community. However, the property was determined to retain historical/associative value based on its location in the Railway Block neighbourhood and it is one of the last remaining historic creatures in the area. The information on the Kilpatrick family has been included as an appendix at the back of the designation report but will not be part of the attributes of the property.

Statement of Cultural Heritage Value:

Design/Physical Value

The property at 23 Centre Street exhibits design/physical value as a representative example of an Ontario Gothic Cottage. True examples of this particular style are rare in Brampton. Another similar example can be found at 102 Main Street South. The “Ontario Cottage” house form was featured in the February 1, 1864 edition of the Canada Farmer Journal. The typical features shown in this Journal of what has become known as the Ontario Gothic Cottage house include a hip (or side gable roof), low, one-and-a-half storey height, symmetrical three bay front façade, and central gabled dormer with a window above the main entrance door. Many Ontario Cottage houses have a lancet window above the front entrance and other decorative wood features such as bargeboard, which are trademarks of Gothic Revival architecture, hence the Ontario Gothic Cottage style attributed to these dwellings.

The house at 23 Centre Street includes many of the key architectural features associated with the Ontario Gothic Cottage. Its main rectangular portion has a symmetrically proportioned, three bay front (east) façade, is one-and-a-half storeys in height, and has

a hipped roof. It also, as with many of the examples in Ontario, has a central gabled dormer with lancet window above the front entrance framed by decorative vergeboard. The windows have segmented arched openings and 2-over-2 wood sashes.

The house is clad in stucco. Although the current stucco on the house is all original and much of it has been replaced over time, as far as can be determined, stucco has been the principle cladding material for the house since its construction. As such, its rough cast construction is part of its representative value.

Certain features of the building exhibit a high degree of craftsmanship including the moulded, segmentally arched window surrounds with eared architraves. This decoration is also applied to the front (east) entrance doorway. Other surviving wood elements include vertical wood cornerboards and horizontal trim boards, and wood window sills. The property does not demonstrate a high degree of scientific or technical achievement as it is was built using construction methods common during the 19th century.

Historical/Associative Value

The property at 23 Centre Street South has historic/associative value as it yields or has the potential to yield information that contributes to an understanding of a community or culture. The property is part of BR-5, registered in 1854, in the Railway Block neighbourhood, one of the earliest subdivisions in Brampton, and is one of the few remaining historic structures in the area of Centre Street south and Queen Street. The construction of the house is associated with the increase in Brampton's population after it was declared the County seat of Peel and the railway boom which brought increased industry to Brampton.

Contextual Value

The property has contextual value as it was part of one of Brampton's early residential subdivision known as the "Railway Block". This neighborhood grew when the town was entering a residential building boom following the arrival of the railway, the emergence of the local flower industry, the choice of Brampton as the seat of Peel County, and the incorporation of Brampton from a Town into a City. This property defines and supports the character of what was a prosperous, working class neighborhood.

Contextually, the surrounding area has changed considerably since the "Railway Block" plan of subdivision was developed, particularly along Centre Street. Nevertheless, the parcel helps to illustrate the characteristics of a typical mid-Victorian building lot in Brampton – noted by narrow lots and shallow front yard setbacks which were intended to encourage closer interaction between its working and middle class residents and passers-by.

Description of Heritage Attributes:

- Representative example of Ontario Gothic Cottage style of architecture;
- One-and-a half storey height;
- Well-proportioned symmetrical massing;
- Three bay front (east) fenestration;
- Wood frame construction clad in stucco;
- Medium pitch hipped roof;
- Steeply pitched gabled dormer with pointed Gothic window over the front (east) entrance;
- Decorative vergeboard of east central gable dormer;
- Original window openings;
- Two-over-two wood sash windows;
- Moulded segmentally arched door and window trims with eared architraves;
- Moulded wood window sills;
- Front door opening with single-leaf front door, fixed transom, and moulded eared surround;
- Vertical wood corner boards and horizontal trim boards
- Association with the evolution of "Railway Block" neighbourhood, one of Brampton's earliest neighborhoods;
- Association with the construction boom in Brampton following introduction of railway and local flower industry in the mid 1850s;
- Contribution to the understanding of original character of "Railway Block" as a cohesive mid-Victorian residential neighbourhood;

Heritage staff recommend that the Brampton Heritage Board endorse and Council approve the designation of 23 Centre Street South under Part IV of the Act based on the revised designation report dated May 2020.

Corporate Implications:

Financial Implications:

Upon designation, the property will become eligible for the City of Brampton's Designation Heritage Property Incentive Grant program. A property owner can apply for the grant once every two years.

Other Implications:

None.

Term of Council Priorities:

This report meets the Term of Council Priorities by building on Brampton's commitment to sustainability by adaptively re-using existing building stock and contributing to sustainable growth.

Conclusion:

Heritage staff have reviewed the Heritage Permit application for the removal of the kitchen tail of the Kilpatrick-Young House at 23 Centre Street South. It is recommended that the Heritage Permit be approved subject to the terms and conditions recommended by Heritage staff. This report further recommends that the HIA attached as Appendix B to this report be received and the recommendations/mitigation options contained therein be approved. The original Notice of Intention to Designate is recommended to be withdrawn in order to facilitate the designation of the property under Part IV of the Act with a revised designation report.

Authored by:

Reviewed by:

[Author/Principal Writer]

[Manager/Director]

Approved by:

Submitted by:

[Commissioner/Department Head]

[Chief Administrative Officer]

Attachments:

Appendix A – 23 Centre Street South Heritage Permit Application
Appendix B – 23 Centre Street South Heritage Impact Assessment
Appendix C – 23 Centre Street South Designation Report 2009
Appendix D – 23 Centre Street South Designation Report 2020

PART TWO - HERITAGE PERMIT APPLICATION:

HERITAGE PERMIT APPLICATION FORM

In accordance with the Ontario Heritage Act a heritage permit must be issued by City Council for all proposals to erect, remove or alter the exterior of buildings, structures or other features described as heritage attributes within the scope of a heritage designation by-law.

City staff and the Brampton Heritage Board review all applications and then submit them to City Council for approval.

City Council has the authority under the Ontario Heritage Act to approve any heritage application either with or without conditions or to refuse the permit application entirely.

Please provide the following information (type or print)

A. REGISTERED OWNER

NAME OF REGISTERED OWNER(S) DONA HILL (OWNER OF 1743603 Ontario. Inc.)

TELEPHONE NO. HOME

BUSINESS: (905)455 3010 EXT.227**FAX:** (905) 455 6072

E-MAIL ADDRESS: dona@hillgroupofcompanies.com

MAILING ADDRESS: 31 CENTRE STREET SOUTH, BRAMPTON ON L6W 2X7

B. AGENT

(Note: Full name & address of agent acting on behalf of applicant; e.g. architect, consultant, contractor, etc)

NAME OF AGENT(S) DAVID ECKLER, AREA, Architects Rasch Eckler Associates Ltd.

TELEPHONE NO. HOME ()

BUSINESS: (416)696 1969 EXT.225**FAX:** (416)696 1966

E-MAIL ADDRESS: deckler@areaarchitects.ca

MAILING ADDRESS: 15 LOLA ROAD, TORONTO ON M5P 1E5

COPY ALL COMMUNICATIONS TO AREA ARCHITECTS

Note: Unless otherwise requested, all communications will be sent to the registered owner of the property.

C. LOCATION / LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOTS(S) / BLOCK(S) LT 81 & PT LT 80 Railway BLK PL BR5 as in RO719612; S/T Debts in RO719612 & BR48083 Brampton

CONCESSION NO.

REGISTERED PLAN NO.

PART(S) NO.(S)

REFERENCE PLAN NO.

ROLL NUMBER: 10-02-0-006-04200-0000

PIN (PROPERTY IDENTIFICATION NO.) 140350025

D. OVERALL PROJECT DESCRIPTION / SUMMARY OF PROPOSAL

23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO (KILPATRICK-YOUNG HOUSE)

Currently the subject property occupies a 6,869 sq. ft. (638 sq.m.) lot, located in the “Railway” Block subdivision of Brampton. The front portion of the structure is a unique example of the Ontario Gothic Cottage Style dwelling from the nineteenth century in the downtown area. The adjacent Cardio-Pulmonary Services facility, which is an associated ownership to 23 Centre St. S., has significant issues with lack of parking for patient use. The proposed development aims to rehabilitate, reinvest and preserve the front portion of the structure in order to restore and repurpose it for commercial office space. The rear portion is proposed to be demolished and the remaining lands will be used for parking for the Brampton Cardio Pulmonary Services facility which is located immediately across from the Osler hospital. The outbuildings on the site are also proposed to be demolished.

To allow for additional parking space, it is proposed that the rear one-storey section of the house be demolished. By demolishing the rear-west section, it will allow the original Gothic Cottage Style dwelling to be returned to its original 19th century vision and would also provide sufficient space on the lot to provide for 12 additional parking spaces.

The proposed repurpose of the Kilpatrick-Young house would be for office use and this is within the Zoning By-law’s Permitted Uses. The property therefore does not need to be rezoned to accommodate for the planned use of office space for the medical cardio testing facility.

List of Supporting Drawings & Documents:

AH1.1 Location Plan and existing Site Plan (documenting existing house, surrounding context and streetviews)

AH1.2 Survey Drawing

AH1.3 Proposed Site Plan (showing portion of house to be retained and to be demolished) Photos of the house showing portion of house to be retained and to be demolished.

AH1.4 North Elevation of the Subject Property

AH1.5 South Elevation of the Subject Property

E. DESCRIPTION OF WORKS

(Please briefly describe the proposed works as they fit within one or more of the categories below; note the specific features that would be affected. Use separate sheets as required; attach appropriate supporting documentation; point form is acceptable):

Rehabilitation and/or Preventative Conservation Measures (e.g. repointing masonry; note which heritage attributes and features would be impacted and where, materials to be used, specifications and techniques):

Wood Refinishing*	- Vertical wood corner-boards, horizontal trim boards, vergeboards, shutters, architraves etc.;
	- repair, patch & fill
	- selective replacement & dutchman repair with in-kind materials;
	- strip, clean, sand, repaint re-finishing.
Pebble Dash Stucco *	- re-stucco the entire exterior in order to have a homogeneous finish.
Chimney*	- Restore existing chimney and flue in finish
Roof Accessories*	- Refurbish or provide new roof accessories compatible with exterior finish.
Porch Railing*	- Restore porch railing

The proposed conservation work is intended to comply with generally-accepted heritage standards of best practices: - Parks Canada's Standards and Guidelines for the Conservation of Historic Places

*To be prescribed in more detail in the Heritage Conservation Plan drawings.

Major Alterations, Additions and/or New Construction (note which attributes to be impacted, location of work, materials to be used, specifications and techniques):

The heritage house will go through the following forms of building alterations details of which would be incorporated in the future Heritage Conservation Plan submission:

- (a) Demolition of the rear addition and the outbuildings on the site.
- (b) * modifications to interior layout, to improve the character, arrangement, and hierarchy of spaces;
- (c) * removal and replacement of interior fixtures, including but not limited to cabinetry, millwork, interior partitions, and plumbing fixtures to incorporate current market demands, involving fire-rating requirements, low-VOC wall finishes, high water-saving features, etc.;
- (d) * building of new exterior components for entrances, such as ramps, for barrier-free access;
- (e) * alterations to the landscape features around the heritage building, walkways, fences, driveways, gardens, and sheds may be altered to conform to the property's proposed lot configurations and roads;
- (f) * full water and sanitary servicing, to be provided as part of the reuse of the property since the house is currently on well and septic system.

*All these will be part of a future Site Plan Application and Building Permit for renovations.

Restoration (i.e. replicating or revealing lost elements and features; note which attributes to be impacted and where, materials to be used, specifications and techniques):

Roof Replacement* - 2-layer roof shingles with shadow line to replicate cedar shakes.

Window Replacement* - The existing older windows for the most part are deteriorated however before applying to have them removed and replaced, a more thorough research should be conducted as a part of the Heritage Conservation Drawings.

The potential incorporation of new reproduction windows on a heritage structure will emulate the profile of the historic 2-over-2 sashes. All existing double-glazed windows will also be replaced as they are non-original and have no associated heritage value. All original and non-original single-glazed windows will also be replaced to remediate their deteriorated state.

Door Restoration* - Paneled, single leaf front door to be restored to its original state.

*To be prescribed in more detail in the Heritage Conservation Plan drawings.

F. SCOPE OF WORK IMPACTING HERITAGE PROPERTY

(Check all that apply)

NEW CONSTRUCTION IS PROPOSED ☐

DEMOLISH ☒

ALTER ☐

EXPAND ☐

RELOCATE ☐

Demolition of Rear addition portion and the outbuildings on the site.

G. SITE STATISTICS (For addition and construction of new structures)

LOT DIMENSIONS FRONTAGE _____ DEPTH _____

LOT AREA _____ m²

EXISTING BUILDING COVERAGE _____ %

BUILDING HEIGHT EXISTING _____ m

PROPOSED _____ m

BUILDING WIDTH EXISTING _____ m

PROPOSED _____ m

ZONING DESIGNATION _____

OTHER APPROVALS REQUIRED: (Check off only if required)

MINOR VARIANCE (COA) _____

SITE PLAN APPROVAL _____ ✓

(To follow approval of demolition permit of the rear addition.)

BUILDING PERMIT _____

CONSERVATION AUTHORITY _____

SIGN BYLAW APPROVAL _____

(Note: IF YES, other approvals should be scheduled after the Heritage Permit has been approved by City Council)

H. CHECKLIST OF REQUIRED INFORMATION SUBMITTED

(Check all that apply)

- ☒ REGISTERED SURVEY
- ☒ SITE PLAN (showing all buildings and vegetation on the property)
- ☐ EXISTING PLANS & ELEVATIONS - AS BUILT
- ☐ PROPOSED PLANS & ELEVATIONS
- ☒ PHOTOGRAPHS
- ☐ MATERIAL SAMPLES, BROCHURES, ETC
- ☐ CONSTRUCTION SPECIFICATION DETAILS

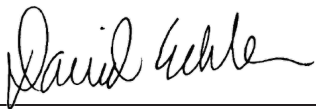
I. AUTHORIZATION / DECLARATION

I HEREBY DECLARE THAT THE STATEMENTS MADE HEREIN ARE, TO THE BEST OF MY BELIEF AND KNOWLEDGE, A TRUE AND COMPLETE PRESENTATION OF THE PROPOSED APPLICATION.

I UNDERSTAND THAT THIS HERITAGE PERMIT DOES NOT CONSTITUTE A BUILDING PERMIT PURSUANT TO THE ONTARIO BUILDING CODE.

I ALSO HEREBY AGREE TO ALLOW THE APPROPRIATE STAFF OF THE CITY OF BRAMPTON TO ENTER THE SUBJECT PROPERTY IN ORDER TO FULLY ASSESS THE SCOPE AND MERITS OF THE APPLICATION.

(Property entry, if required, will be organized with the applicant or agent prior to entry)



Signature of Applicant or Authorized Agent

September 10th 2020

Date of Submission

Heritage Permit applications are submitted to the Planning, Design and Development Department, 3rd Floor Counter, Brampton City Hall,

The personal information on this form is collected under the authority of the *Ontario Heritage Act*, RSO 1990. The information will be used to process the Heritage Permit Application. Questions about the collection of personal information should be directed to the Heritage Coordinator, 2 Wellington Street West, Brampton, Ontario L6Y 4R2, 905-874-3825.

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO
HERITAGE PERMIT APPLICATION



LIST OF DRAWINGS | DWG. NO.

AS EXISTING - SITE PLAN AND PHOTOGRAPHIC DOCUMENTATION	AH1.1
SURVEY PLAN	AH1.2
PROPOSED SITE PLAN AND DEMOLITION NOTES	AH1.3
NORTH ELEVATION OF SUBJECT PROPERTY	AH1.4
SOUTH ELEVATION OF SUBJECT PROPERTY	AH1.5

REVISIONS
ALL PREVIOUS ISSUES
FINAL DATE BELOW SUPERSEDES

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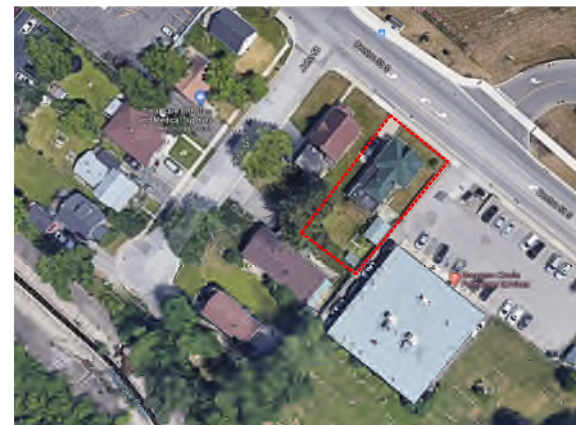
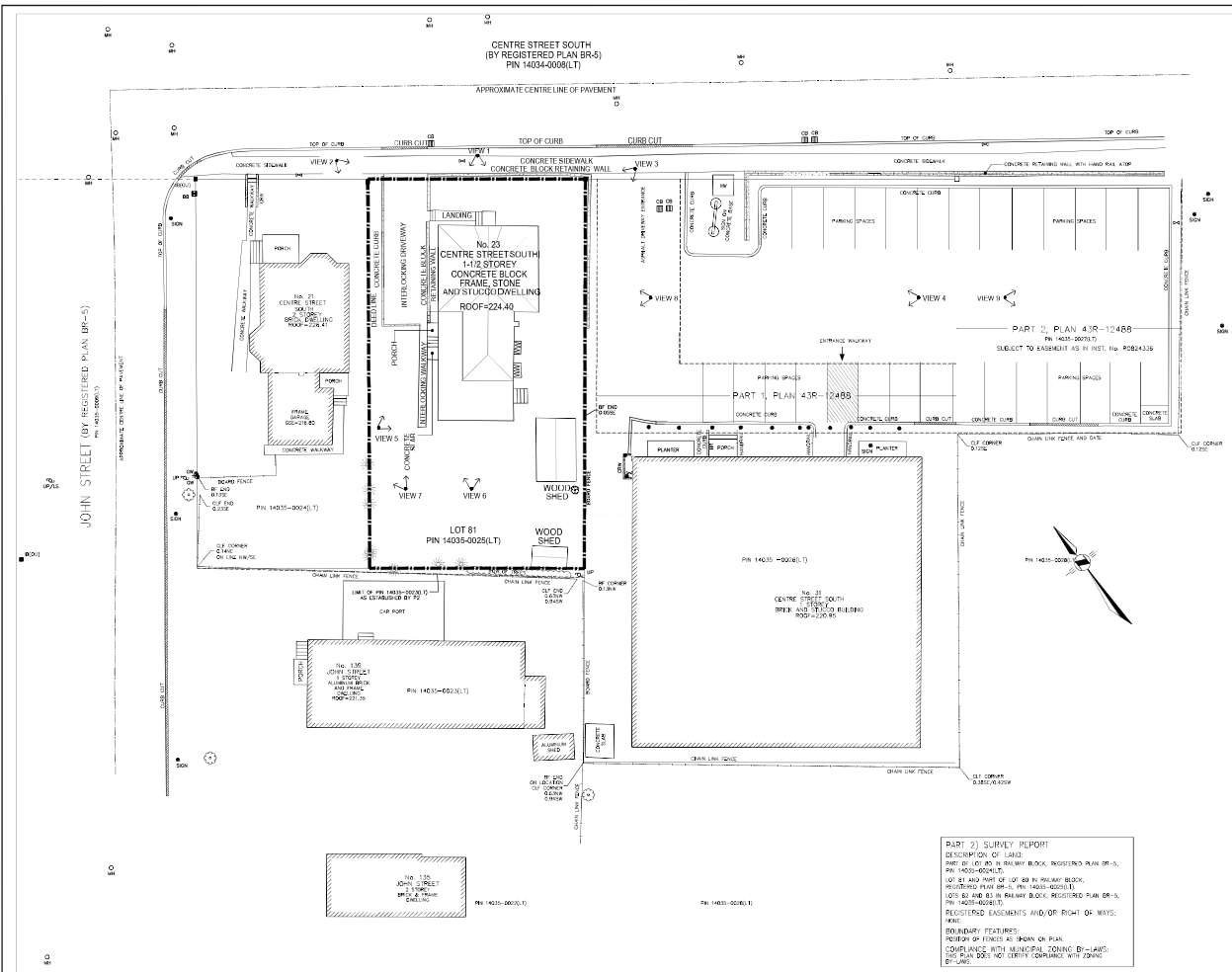
AREA

ARCHITECTS RASH EOLER ASSOCIATES LTD.
15 LOLA ROAD
TORONTO, ONTARIO, M5E 1P5
TEL: (416) 696 - 1969
FAX: (416) 696 - 1966

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO

HERITAGE PERMIT APPLICATION

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LOCATION PLAN AND SURROUNDING CONTEXT (GOOGLE MAPS 2020)
SCALE 1:100



NEIGHBOURING PROPERTY AT 21 CENTRE STREET SOUTH (VIEW 7)



WEST ELEVATION SHOWING ENCLOSED PORCH CLAD IN METAL SIDING (VIEW 8)

EXISTING SITE PLAN AND SURROUNDING CONTEXT
SCALE 1:200

PART 2] SURVEY REPORT
DESCRIPTION OF LAND:
PART 2] LOT 81 IN RAILWAY BLOCK, REGISTERED PLAN BR-5,
PIN 14034-0008(LT).
LOT 81 AND PART OF LOT 82 IN RAILWAY BLOCK,
REGISTERED PLAN BR-5, PIN 14034-0008(LT).
LOTS 82 AND 83 IN RAILWAY BLOCK, REGISTERED PLAN BR-5,
PIN 14034-0008(LT).
REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS:
NONE.
BOUNDARY FEATURES:
POSITION OF FENCES AS SHOWN ON PLAN.
COMPLIANCE WITH MUNICIPAL ZONING BY-LAW:
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING
REQUIREMENTS.

REVISIONS				
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AREA
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15 LOLA ROAD
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FAX: (416) 696-1966

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO

LOCATION PLAN
SITE PLAN (EXISTING)
PHOTOGRAPHIC DOCUMENTATION

REVISION	0
SCALE	As noted
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PROJECT NO.	17-1811
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DRAWING NO.	



EAST ELEVATION - FRONT FACADE (VIEW 1)



NORTH-EAST PERSPECTIVE FROM CENTRE STREET SOUTH (VIEW 2)



SOUTH-EAST PERSPECTIVE FROM CENTRE STREET SOUTH (VIEW 3)

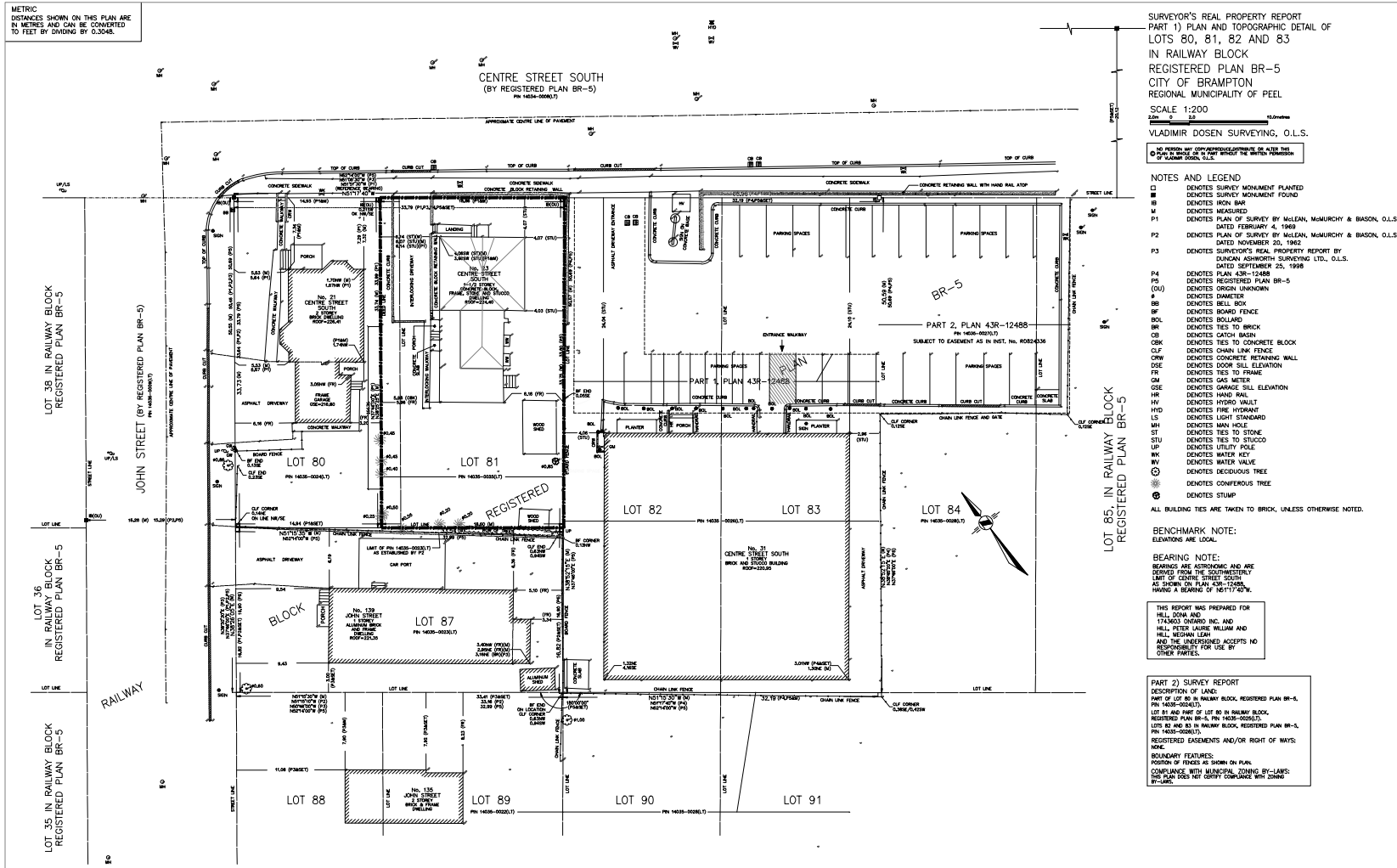


SOUTH ELEVATION AS SEEN FROM 31 CENTRE STREET SOUTH (VIEW 4)



ST. MARY'S CATHOLIC CEMETERY AS SEEN FROM 31 CENTRE STREET SOUTH (VIEW 9)

METRIC
DISTANCES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048.



SURVEYOR'S REAL PROPERTY REPORT
PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
LOTS 80, 81, 82 AND 83
IN RAILWAY BLOCK
REGISTERED PLAN BR-5
CITY OF BRAMPTON
REGIONAL MUNICIPALITY OF PEE
SCALE 1:200
VLADIMIR DOSEN SURVEYING, O.L.S.

NO PART OF THIS REPORT OR ANY OF THE
CONTENTS HEREIN SHALL BE USED FOR ANY
OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION
OF VLADIMIR DOSEN, O.L.S.

- NOTES AND LEGEND
- Q1 DENOTES SURVEY MONUMENT PLANTED
 - Q2 DENOTES SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - M DENOTES MEASURED
 - P1 DENOTES PLAN OF SURVEY BY MALEAN, MAURURCHY & BRASON, O.L.S., DATED FEBRUARY 4, 1969
 - P2 DENOTES PLAN OF SURVEY BY MALEAN, MAURURCHY & BRASON, O.L.S., DATED NOVEMBER 20, 1962
 - P3 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY DUNCAN AGNEWORTH SURVEYING LTD., O.L.S., DATED SEPTEMBER 25, 1998
 - P4 DENOTES PLAN 43R-12488
 - P5 DENOTES REGISTERED PLAN BR-5
 - CU DENOTES CURB UNDEGROUND
 - D DENOTES DIAMETER
 - SB DENOTES SELL BOX
 - BF DENOTES BOARD FENCE
 - SOL DENOTES SOLID
 - BR DENOTES TIES TO BRICK
 - CB DENOTES CATCH BASIN
 - CLF DENOTES CHAIN LINK FENCE
 - CON DENOTES CONCRETE RETAINING WALL
 - DSE DENOTES DOOR SILL ELEVATION
 - FR DENOTES TIES TO FRAME
 - GM DENOTES GAS METER
 - GSE DENOTES GARAGE SILL ELEVATION
 - HR DENOTES HAND RAIL
 - HV DENOTES HYDRO VAULT
 - HT DENOTES FIRE HYDRANT
 - HS DENOTES LIGHT STANDARD
 - MA DENOTES MAN HOLE
 - ST DENOTES TIES TO STONE
 - STU DENOTES TIES TO STUCCO
 - UP DENOTES UTILITY POLE
 - WK DENOTES WATER KEY
 - WV DENOTES WATER VALVE
 - W DENOTES DECIDUOUS TREE
 - W DENOTES CONIFEROUS TREE
 - S DENOTES STUMP

ALL BUILDING TIES ARE NOTED TO BRICK, UNLESS OTHERWISE NOTED.

BENCHMARK NOTE:
ELEVATIONS ARE LOCAL.

BEARING NOTE:
BEARINGS ARE AZIMUTHIC AND ARE
DERIVED FROM THE SOUTHWESTERN
LIMIT OF CENTRE STREET SOUTH
AS SHOWN ON PLAN 43R-12488
HAVING A BEARING OF N61°17'40\"

THIS REPORT WAS PREPARED FOR
HILL, JOHN AND
1743603 ONTARIO INC. AND
HILL, PETER LAURE WILLIAM AND
HILL, MEGHAN LEAH
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY
OTHER PARTIES.

PART 2) SURVEY REPORT
DESCRIPTION OF LAND:
PART OF LOT 80 IN RAILWAY BLOCK, REGISTERED PLAN BR-5,
PIN 14038-0006(1).
LOT 81 AND PART OF LOT 80 IN RAILWAY BLOCK,
REGISTERED PLAN BR-5, PIN 14038-0006(1).
LOT 82 AND PART OF LOT 80 IN RAILWAY BLOCK, REGISTERED PLAN BR-5,
PIN 14038-0006(1).
REGISTERED EASEMENTS AND/OR RIGHT OF WAY:
NONE.
BOUNDARY FEATURES:
POSITION OF FINES AS SHOWN ON PLAN
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
THIS PLAN DOES NOT CONVEY COMPLIANCE WITH ZONING
BY-LAWS.

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ISSUES

AREA

Architects RASH ECKLER ASSOCIATES LTD.

15 LOLA ROAD
TORONTO, ONTARIO, M5E 1P5
TEL. (416) 696 - 1969
FAX. (416) 696 - 1966

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO

SURVEY PLAN
(VLADIMIR DOSEN SURVEYING)

REVISION	0
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1 EXISTING SITE SURVEY PLAN
SCALE 1:200



HISTORIC PORTION TO
BE RETAINED

LATER ADDITION TO BE DEMOLISHED

1
AH1.4

NORTH ELEVATION OF SUBJECT PROPERTY (VIEW 5)

N.T.S

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FAX. (416) 696 - 1966

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO

HERITAGE PERMIT APPLICATION

PROPERTY PHOTOS

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DATE	July 27th, 2020
PROJECT NO.	17-1811

AH-1.4

DRAWING NO.



LATER ADDITION TO BE DEMOLISHED

HISTORIC PORTION TO BE RETAINED

1
AH1.5

SOUTH ELEVATION OF SUBJECT PROPERTY (VIEW 8)
N.T.S

REVISIONS

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FINAL DATE BELOW SUPERSEDES

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2020 08 20	1	HERITAGE PERMIT APPLICATION	KK
DATE	NO.	DESCRIPTION	BY

ISSUES

AREA

ARCHITECTS RASHO ECKLER ASSOCIATES LTD.

15 LOLA ROAD
TORONTO, ONTARIO, M5E 1P5
TEL. (416) 696 - 1969
FAX. (416) 696 - 1966

KILPATRICK-YOUNG HOUSE
23 CENTRE STREET SOUTH, BRAMPTON, ONTARIO

HERITAGE PERMIT APPLICATION

PROPERTY PHOTOS

REVISION	0
SCALE	As noted
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CHECKED	DE
DATE	July 27th, 2020
PROJECT NO.	17-1811

AH-1.5

DRAWING NO.



23 Centre St. S, Brampton, Ontario

Kilpatrick-Young House

Issued: August 2019

Revision 1: February 2020

Revision 2: September 2020

HERITAGE IMPACT ASSESSMENT

Prepared for:

Dona Hill

1743603 Ontario Inc.

c/o 31 Centre Street South

Brampton ON L6W 2X7

Prepared by:

David Eckler, BES, B.Arch., OAA, MRAIC



AREA, Architects Rasch Eckler Associates Ltd.
15 Lola Road, Toronto ON M5P 1E5

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1.0 INTRODUCTION TO THE REPORT

1.1 EXECUTIVE SUMMARY

The scope of this Heritage Impact Assessment (HIA) report involves the evaluation of the existing heritage property and the impact on it from the proposed development on and around the subject property. The results of the background historic and archival research and the site visit review revealed that the demolition of the rear will have no adverse impact on the heritage attributes of the building, and that the demolition of a later addition will allow the important historic front portion of the structure to be rehabilitated and restored to its original architectural state, allow an adaptive reuse of the building and alleviate the parking issue for the adjacent cardio clinic.

The following mitigation options were considered and assessed for their impacts:

OPTION	DESCRIPTION	PARKING SPACES	COMMENTS	FEASIBILITY
1	Demolition of rear wing for additional parking	12	Rear (west) wing does not contain the heritage attributes. Parking provided will alleviate the parking shortage for adjacent medical facility.	Feasible
2	Retention of rear wing (or a portion thereof), direct-access parking spaces	3-4	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. Parking provided is insufficient for adjacent medical facility.	Unfeasible
3	Retention of rear wing (or a portion thereof), side-access parking spaces	0	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. No parking provided because layout does not meet the minimum parking design standards.	Unfeasible

From the assessment of various mitigation options to accommodate parking in the rear, only Option 1 represents a feasible and heritage-sensitive strategy for this site alteration. This conservation approach ensures prioritization of the original front house component as well as the preservation of the overall site context. The proposed development adopts an approach of minimal intervention and advocates alterations that are compatible with the heritage building.

The HIA proposes and requests that the BHB recommend in principle and that Council approve the following courses of actions:

- a. The partial demolition of the rear one-story section of the house, later construction than the original house, should be permitted in order to allow for additional outdoor parking spaces.
- b. The Heritage Designation Report should be updated and amended to include corrections and account for the proposed partial demolition, rear parking and change of use.
- c. This HIA should form part of a Heritage Permit Application (HPA) for the demolition of the rear portion of the house. In conjunction with the partial demolition would be a Site Plan Approval (SPA) application to follow the HIA submission. But approval in principle of the HIA and the associated HPA for the demolition of the rear portion are needed before the client undertakes the considerable engineering and other services to prepare the SPA application.
- d. Part of the SPA submission would be a set of Heritage Conservation Plan (HCP) drawings outlining in detail the methodology for the partial demolition, rehabilitation and restoration of the remaining front portion of the building.
- e. Following the SPA completion and execution of the associated agreements, a Building Permit Application (BPA) will be submitted to implement the change of use from residential to commercial. In conjunction with the BPA will be a second HPA. The BPA and HPA will allow for the proposed interior alterations and exterior restoration work outlined in the HCP.
- f. It is recommended that Council approve and, following which, that Heritage Planning and other staff undertake actions and permits to implement this partial demolition. After (and only with) the approval of the Heritage Conservation Plan and its proposed demolition of the rear wing, a Heritage Easement Agreement (HEA) would be entered into by the owner/applicant to ensure the conservation and protection of the subject property.

1.2 PROJECT BACKGROUND

AREA, Architects Rasch Eckler Associates Ltd. (AREA) has been assigned the task of preparing this Heritage Impact Assessment (HIA) report for the property situated on 23 Centre St. S. by Dona Hill (the owner) of 1743603 Ontario. Inc., which is the corporate property owner, listed on title. This report serves as an assessment of the potential impacts on the heritage attributes of the property that could result from the change of use and demolition of the rear one-story wing to create additional parking spaces.

The subject property is located in an area that is referred to as the Queen Street Corridor. Its current use is defined as single family residential and it is currently a vacant property. It is designated as a Central Area and Growth Centre by the Official Plan, and further defined as a commercial and mixed-use area through the Secondary Plan. The reason for the delay in registering the heritage designation appears to be due to a letter from the then-owner, Patrick Young, to the Regional Councillor, which identified certain errors in the Heritage Designation Report (HDR). The immediate area of this property is bordered in the southwest direction by the railroad corridor, St. Mary's Roman Catholic Cemetery to the south, Centre St. S. to the east, the Etobicoke Creek to the west, and Queen St. E. to the north.

The subject property has been identified as worthy of designation under Part IV of the Ontario Heritage Act (OHA). The City of Brampton has issued a Notice of Intention to Designate (Appendix II) the property situated at 23 Centre St. South as a property with cultural heritage significance. This property, which was built in 1876, meets three criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value, and contextual value in O.Reg.9/06. The property, while listed on the Municipal Register of Cultural Heritage Resources is also subject to a 'Designation in process'. The Notice of Intention to Designate was approved by Council, however the final heritage designation was not implemented and the Designation By-Law (DBL) has not been registered on title.

For the purposes of this report, the property orientation will be considered to be facing east with its frontage on Centre Street South, which will be considered as running north-south.

The HIA seeks to evaluate the heritage value of, and the development impacts on a cultural heritage resource. This HIA is being submitted in compliance with the requirements of the Ontario Heritage Act (OHA), the Provincial Policy Statement ('PPS') and by Council through the Official Plan ('OP'). The HIA also references technical drawings and documents associated with the subject property, other provincial and municipal heritage standards and guidelines, as well as archive documents from various sources. These references include but are not limited to:

- a. Heritage Report: Reasons for Heritage Designation Kilpatrick-Young House (HDR), 23 Centre St. S., Jim Leonard, December 2009 (Appendix II);
- b. Letter from Previous Owner, Patrick Young, January 7, 2011 (Appendix III);

- c. Ontario Heritage Act, R.S.O. 1990, with amendments up to 2014 ('OHA');
- d. Provincial Policy Statement of the Planning Act, with revisions up to 2014 ('PPS');
- e. Municipal Register of Cultural Heritage Resources, 'Listed' Heritage Properties;
- f. City of Brampton's Cultural Heritage Impact Assessment, Terms of Reference ('HIA-ToR'); and
- g. City of Brampton Official Plan ('OP'), 2006 (with November 2013 consolidation).

On June 11, 2018, the initial site investigation was conducted by *AREA* staff to inspect the overall condition of the property along with acquiring photo documentation of the primary structure. The site photographs, contained and cited in this report, were taken by *AREA*, unless indicated otherwise. Archival and historical research was also undertaken based on pre-existing background information, Cultural Heritage Reports, Land Registry Records, historical and aerial maps, and other published materials that relate to the subject property.

2.0 INTRODUCTION TO THE SUBJECT PROPERTY

2.1 LOCATION OF SUBJECT PROPERTY

Municipal Address	23 Centre St. South, Brampton, Ontario
Legal Description	LT 81 & PT LT 80 Railway BLK PL BR5 as in RO719612; S/T Debts in RO719612 & BR48083 Brampton (Appendix V)
Square Area & Street Frontage	The area of the building is 1,562 sq. Ft (145 sq.m.), while the actual site area is 6,869 sq. ft. (638 sq.m.) The frontage of this parcel of land is approximately 62 feet (18.9 m).
Location & Boundaries	<p>This property is located in the Queen Street Corridor and is part of the "Railway Block" subdivision (Figure 4)</p> <p>The property is bounded by 21 Centre St. S. to the north, Centre St. S. to the east, 31 Centre St. S. to the south, and 139 John St. to the west (Figures 2 & 3).</p>
Official Plan Designation	The subject land is designated as both a "Central Area" and an "Urban Growth Centre". In the Secondary Plan it is designated as a Commercial, Mixed Use Area in the Queen Street Corridor (Area 36, Figure 1)
Zoning By-Law	The site is zoned as "Service Commercial" (SC) by Zoning By-Law 270-2004. The residential property is currently non-conforming as this specific use is not permitted by the SC zoning (See Table 3).

2.1.1 LOCATION WITHIN CITY OF BRAMPTON

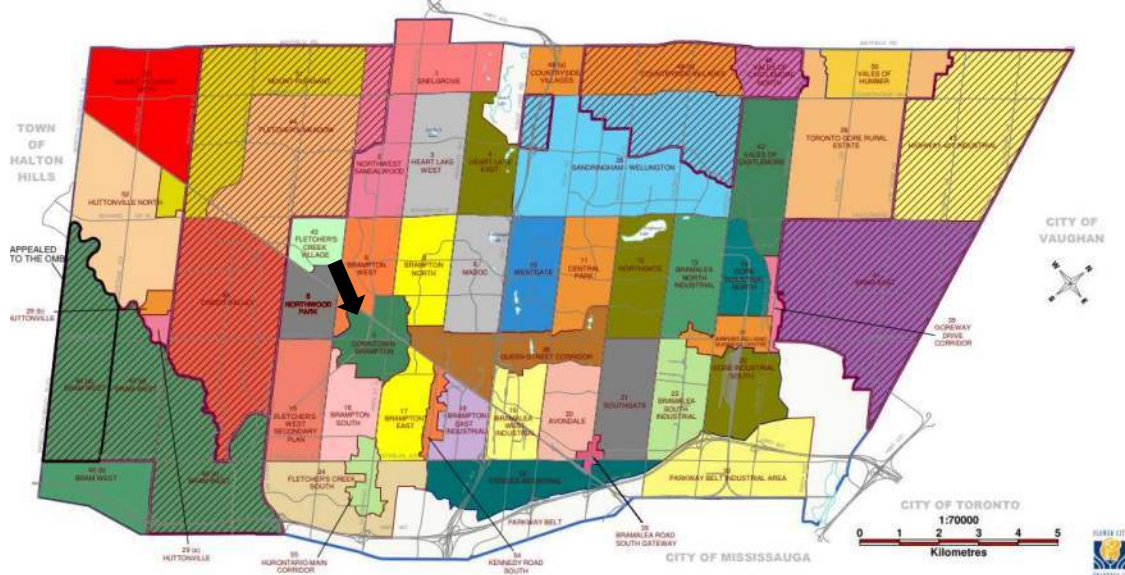
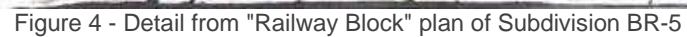
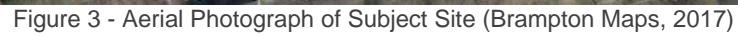


Figure 1 - Approximate Location of Subject Property in Queen Street Corridor, Brampton OP map



Figure 2 - Aerial Photograph of Subject Site (Brampton maps, 1994)



2.2 CONTEXT OF SUBJECT PROPERTY

2.2.1 ADJACENT PROPERTIES AND LAND USES

The subject property is surrounded (Figure 5) to the south by St. Mary's Catholic Cemetery (Figure 6) located at 39 Centre St. S. and the Brampton Cardio Pulmonary Services (Figure 7) at 31 Centre St. S. The latter building immediately adjacent to the subject property is owned by Peter and Meghan Hill, the children of Dr. Laurie and Dona Hill and is rented by Centre Street South Rentals which is associated with the Hill family and Dr. Laurie Hill, Dona's husband, is the cardiologist associated with this clinic. Across the street on 20 Lynch Street is the William Osler Health System (Figure 8) which is a community hospital that serves both Brampton and North Etobicoke.



Figure 5 - Properties surrounding 23 Centre St South



Figure 7 - St. Mary's Cemetery-39
Centre St. S. (Source: www.flickr.com)



Figure 6 - Brampton Cardio Pulmonary
Services-31, Centre St. S., AREA, 2018



Figure 8 - William Osler Health System-20 Lynch Street

(Source: www.entuitive.com)

2.2.2 ST. MARY'S CATHOLIC CEMETERY

Brampton's Catholic population dates back to the 1830-40s when travelling priests occasionally visited the City of Brampton. John Lynch was the first settler of Catholic faith in the Brampton area and held services within his home before the construction of the church. In the year of 1863, Lynch sold an acre and a half of his property for the purpose of building both a Catholic Church and a burial ground. On February 12, 1865 a wood frame building with the name of Guardian Angels was built on the property however was later destroyed in a fire on July 18, 1878.

In the early 1960s, more than thirty tombstones were taken from the Guardian Angels Burial Ground (St. Mary's Cemetery) on Centre Street and laid as a consecrated foundation under the altar of the St. Mary's Church.¹ The 1950's Etobicoke River diversion project has been documented as impacting the cemetery but it is not clear what damage and repair or replacement of the tombstone may have occurred as a result. The cemetery is a testament to the early Irish settlers of Brampton as many families such as O'Hara, Ingoldsby, Kenny, and Tighe have their tombs there.²

¹ Commemorative book and Pictorial Directory. St. Mary's Church "Mother Church of Brampton" 1909-2009

² Halton Peel Branch. Ontario Genealogical Society. St. Mary's Roman Catholic Cemetery-Brampton.

2.3 SITE CONDITIONS AND PROPERTY FEATURES

A site visit on June 11, 2018 was conducted by *AREA* staff to photograph the property, measure the floorplan, to document its overall conditions and to collect data relevant for completing a heritage evaluation.

The subject property occupies Lot 81 in the “Railway Block” plan of subdivision (Figure 4), surveyed in March 1854 and registered on May 9, 1854. Lot 81 is generally rectangular in shape. The parcel has a frontage of approximately 62 linear feet. The topography of the land on which the site is situated is relatively flat and has a rectangular configuration. The main structure is a one-and-a half storey residential house that faces Centre Street South. The structure has a T-shaped layout and consists of a main square shaped one and a half storey wing and an additional smaller rear one-storey wing.

The overall exterior appearance is of a circa 1870’s cottage (Figures 36 to 41). Ontario Gothic Cottage Style is expressed through a moderately pitched cottage or hip roof. A three-bay fenestration on a centre hall plan with a gabled dormer dominates the front façade of the house. The house is of wood-frame construction and is clad primarily in white pebble-dash stucco. A pitch cottage or a hip style is the general roof composition, which is clad in asphalt shingles. The original window types have segmental arched openings and incorporate 2/2 wood sashes with eared moulded surrounds that are painted green. These historic windows are found in and define the original front portion of the building and all have shutters except for the east-facing door. The rear wing forming the north façade of the house has an enclosed porch and is clad with metal siding. The window style of the rear wing differs greatly to that of the front wing as they are rectangular—without arches at the heads—and do not have sills or shutters. The south side elevation exhibits a gable-roof dormer.

The subject property incorporates a small front lawn that is framed with a concrete retaining wall and a sidewalk that leads to the front entrance. Along the north property line are mature conifers along with a concrete driveway adjacent to the north elevation.

Results of the field review and archival research were then utilized to describe the existing conditions of the property. The following sections provide a general description of the dwelling and its condition.

3.0 ASSESSMENT OF EXISTING CONDITIONS

3.1 GENERAL CONDITIONS

Through a site review conducted on June 11, 2018, AREA staff made several observations on the general condition of the house. Portions of the house appear to be in poor condition and are in need of general maintenance. The property has been maintained through periodic interventions and still retains its structural stability. Much of the physical deterioration on the site affects the overall exterior and interior aesthetic and are not structural issues that pose structural harm to the building. However, the repairs, replacement and, retrofit work has, in most cases, removed and replaced the original components, e.g. windows, stucco, siding, foundations, soffits, roofing, etc.

The building can be considered in two portions—the front east original house and the rear west addition. The front portion comprises two rooms on either side of a centre hall which appear to have had the following functions:

- Living Room or Parlour at the north-east corner (Figure 9); and
- Dining Room at the south-east corner (Figure 10).

The historic front house portion incorporates a small and low second floor attic accessed by a stair and which contains a dormer window featured in the front elevation (Figures 14, 15).

The rear addition is composed of a series of alterations (Figure 35) which appear to have been built at various times from the early twentieth century to post -WW II and comprise of:

- Summer Kitchen (Figure 11);
- Pantry or later kitchen extended from the Summer Kitchen (Figure 11); and
- Family Room as a later addition behind (west of) the summer kitchen (Figures 12 & 13).

Only the front (east) portion of the structure represents the original circa 1876 historic house. Of the agglomerated assembly, only the front east portion most appropriately represents the Kilpatrick-Young House, which warrants conservation.

In summary, the notable house features are primarily exterior and related to the front portion, exhibiting either original materials or direct associations with the nineteenth-century Ontario Gothic Cottage, which include:

- One-and-a-half storey scale;
- Gable roof with pointed gable dormer with a decorative bargeboard on front façade;
- Projecting eaves;
- Frame construction;
- Symmetrical, three-bay front façade with central entrance;
- Centred, plain front entrance featuring segmentally arched decorative casing, transom and single panelled door; and

- Use of a pointed arch, emphasizing Gothic Design.

Overall, the Kilpatrick-Young House is structurally stable. However, the building exhibits deterioration both on the exterior and interior components. These include peeling/flaking paint, sporadic holes within the wall assemblies, cracks in the foundation, and damaged floor finishes. If these deterioration issues are neglected it could potentially cause more extensive damage with more expensive remediation or the possibility of property standards by-law infractions.

INTERIOR PHOTOGRAPHS



Figure 9 – North-East Corner Living Room of Original Structure



Figure 10 - South-East Corner Dining Room of Original Kitchen Area



Figure 11 - Summer Kitchen in Rear (West) Addition



Figure 12 - Staircase that Leads to Basement from Non-Original Addition



Figure 13 - Family Room in Non-Original Addition behind (west of) Summer Kitchen



Figure 14 - Attic of Original Structure



Figure 15 - Original Attic with Dormer Window



Figure 16 - North Portion of Addition

3.2 INTERIOR CONDITIONS

The observed interior deficiencies and deteriorations include:

- peeling paint (Figure 17);
- holes in the wall assemblies related to plumbing or heating systems (Figures 18 & 19);
- cracks in plaster throughout (Figure 19);
- discolored floor finishes (Figure 21);
- marks and cracks on hardwood and tiles (Figures 19, 20, 22);
- cracked and deteriorated window frames and window sills (Figure 23);
- cracks on wood doors and frames (Figures 24 & 25).

These are deterioration issues that would require either repair or replacement. However, this report will not discuss them in depth as they do not affect the overall heritage character of the house and are not listed as heritage attributes in the HDR (Appendix II).

INTERIOR CONDITION PHOTOGRAPHS:



Figure 17 - Peeling Paint Finishes on Ceiling



Figure 18 - Visible Hole in Wall Assembly from former (stove) pipe



Figure 19 - Exposed Wood Framing & Deteriorated Wall Finishes



Figure 20 - Hairline Cracks on Interior Walls



Figure 21 - Discoloration on Hardwood Flooring



Figure 22 - Deteriorated Floor Tiles



Figure 23 - Chipped & Decayed Window Sills & Frames



Figure 24 - Cracks & Peeling on Wood Door Frame



Figure 25 -Cracks in Interior Door

3.3 EXTERIOR CONDITIONS

3.3.1 EXTERIOR WALLS

As can be seen at several locations (Figures 26, 27, 30 & 31) there are numerous visible cracks within the exterior stucco cladding and/or the substrate of the house. The cracks may, in some cases, entail damage in the substrate of wood framing or masonry and reflect structural issues such as differential settlement. The wood framing can be and will need to be rectified and reinforced as part of the rehabilitation work to be outlined in the subsequent HCP drawings.

No matter the cause, the cracks can become a pathway for water and moisture to seep into the wall assembly. When water penetrates behind the stucco, it causes the stucco to soften and break off, which is seen in several locations (Figures 26 & 29). It can be seen in these images that part of the substructure is exposed due to cracked or missing stucco cladding. If water or moisture is trapped within the walls it can manifest into issues such as mould, wood decay, masonry movement, or plaster bulge.

Patrick Young suggested that the damage to the exterior walls could have resulted from heavy pounding that occurred in 1986-87 during the grade separation that came with the construction of the railway underpass. Other reasons could include shrinkage caused by freeze-thaw cycles, or water seepage due to stucco being a porous material.

The existing stucco is not original as will be explained below. Remediating this issue can be done through patch repair which includes widening the crack, applying compatible caulking, and then allowing it to cure for at least 24 hours. However, if there are numerous damage locations, patches may generate further cracking at their edges in the future. It would be more prudent to re-stucco the entire exterior in order to have a homogeneous finish.

3.3.2 EXTERIOR FINISHES AND WINDOWS

Paint has been applied to the exterior pebble-dash stucco cladding, window and door frames, window and door sills and wood trim. Portions of the white paint finish were peeling off the exterior walls at the edges and on the windows (Figures 27, 30, 33). This peeling and fading of the paint is also seen in the shutter boards, window frames and sills (Figures 28, 29 & 30).

This type of deterioration could be the result of incompatible surfaces, condensation, water infiltration, deferred maintenance and age. When moisture penetrates through the paint coating the layers separate and detach from the walls surface. Water penetration can result from roof, flashing or gutter leakage and causes bulging, cracking, and ultimately peeling between the paint coating and the surface. Water infiltration into the surface causes the paint and stucco to bubble, flake and peel.

To remediate this deterioration all loose paint must be scraped off and the surface must be smoothed and cleaned to adequately prepare it for repainting. It is also proposed that the windows and doors of the house be replaced with reproductions since many are not original (see

subsection 5.4). The existing older windows for the most part are deteriorated. However before applying to have them removed and replaced, a more thorough examination should be conducted as a part of the Heritage Conservation Plan (HCP). No matter how the windows are determined to be treated, it is quite possible to retain their distinctive exterior frames and, if determined to be necessary, replace only the sashes. The segmental arched wood windows (Figure 30) are consistent around the front house portion: on the east elevation, a pair of windows symmetrically placed (Figure 36); on the north elevation, a single window (Figure 37); on the south elevation (Figure 36), a pair of windows symmetrically placed (Figure 39). It should be noted that, at this period of construction c. 1870s, these windows would have been factory produced. Almost identical segmental arched windows were documented by an AREA associate – by fully disassembling the components – from the contemporary Briarly Cottage (c. 1870), 4937 Dundas St. W., Etobicoke, which is now demolished³. All of the window components, even those internal, were factory-planed on all sides. The wood windows' casing frame incorporates surrounds with distinctive moulded ears at the top corners and a keystone ornament in the middle of the frame head. This frame features should and can be conserved no matter what window treatment is determined through the subsequent HCP.

The HCP's consideration of the windows will need to take into account the structure's new use which requires contemporary standards of thermal resistance and continuity of the air vapour barrier (AVB). For instance, insulation on top of a continuous AVB to current construction standards will be applied to the interior wall assembly. This systems of continuous AVB involves tying in the AVB around the window and overlapping with a "Blueskin" waterproofing membrane (WPM) wrapping behind the frame in the wall opening. Clearly such a continuous AVB system cannot be achieved with the existing in-situ windows since the Blueskin must wrap behind the window frames within the wall assembly. The upgrading of the thermal insulation of the overall building envelope makes the continuity of the AVB imperative. When the building envelope R-value increases substantially then any breaks of continuity of the AVB becomes the concentration points for condensation and moisture which cause long-term deterioration and failure of window components which have not been upgraded. In summary, there are significant building science reasons for reproduction windows to replace the existing fenestration.

Although many conservation standards would prescribe repairing the existing windows, their poor condition and the building envelope upgrades may entail that they be replaced by reproductions with in-kind material (wood) and profiles to match the originals. Further determination of the treatment for the windows will be provided in the subsequent HCP.

³ Briarly Cottage Window Drawings, Bruce Corley, 2018

EXTERIOR CONDITION PHOTOGRAPHS:



Figure 26 - Cracks in Exterior Wall



Figure 27- Hairline Cracks & Chipped Paint on Exterior Wall



Figure 28 - Peeling Paint on Window Sill & Exterior Shutters



Figure 29 - Peeling Paint on Window Frame



Figure 30 - Deterioration on Exterior Wall & Arched Windows with Cracks



Figure 31 - Exposed Foundation Wall



Figure 32 - Detached Window Cover for Basement Window



Figure 33 - Paint peeled of Pebble-Stucco Wall

3.3.3 ALTERATIONS TO THE HOUSE

Although the Kilpatrick-Young House seems to retain the majority of its original form, there have been alterations made to it over the past century to maintain the property. These alterations are mentioned both in Jim Leonard's Heritage Designation Report along with the letter issued by Mr. Young to the Regional Councillor.

The alterations noted by Jim Leonard are as follows:

- a metal screen door which obscures the original paneled main door (Figure 36);
- a concrete front porch with metal railings (Figures 33 & 36);
- enclosed porches installed on both the north elevation and the rear that are clad with metal siding (Figures 37, 38, 39, 40 & 41);
- metal flashing that covers the fascia and soffits (Figure 33, 36, 38, 39); and
- a concrete block chimney on the rear south side of the main house (Figure 41).

According to the letter submitted by Patrick Young there were several alterations to the house that were not mentioned by Jim Leonard's report. Young states that around the 1970's approximately 80% of the existing pebble stucco had to be replaced due to its extremely deteriorated state. For the replacement an updated cement-based version of the stucco was used and was textured to mimic the pebble look. The driveway was topped in 1987 with "concrete based paving stones" and not gravel as suggested by the HDR. The twelve decorative window shutters around the house along with seven of the ten wooden framed storm windows are non-original and were constructed and installed by Young himself in the mid 1970's.

3.4 REAR ADDITIONS TO ORIGINAL FRONT HOUSE

The rear one-storey "ell" extension is presumed to have been constructed after the original house due to the difference in material and construction style. The exact construction date of the ell is unknown however the earliest fire insurance plan found in the Peel Archives dates to 1924 in which the addition can be seen (Figure 42). The "summer kitchen" portion appears to be a later (than 1870) addition probably from the late nineteenth century or early twentieth century, but is older than the accreted extensions wrapping around it, which are post-WWII, and primarily from the 1970's. Metal siding is used for the exterior wall cladding on the remainder of the exterior walls of the rear addition which is post-war in construction (Figures 38, 40 & 41).

The south wall of this ell is clad in stucco for about two-thirds of its length (Figure 39). This stucco portion of the ell comprises approximately 25% of the perimeter wall of the addition which is the only remaining exterior portion of the earlier portion of the rear wing. This portion of the addition appears to be the first to be constructed on the original front house component.

The rear extension was constructed as a series of additions. The building portions on the property are illustrated in a site plan diagram (Figure 35), which indicates the sequence of the house's construction. The stucco façade represents the "First Addition" in this diagram but, in comparing it to the 1924 map (Figure 42), it appears to have been made up of two portions. So, this First

Addition itself may have been constructed in two stages. This First Addition component could also have been a replacement of an earlier extension which would have been commonplace for a summer kitchen. In any event, the rear wing's smaller size and different height indicate that it would have been a secondary, later add-on to the original front portion rectangle making the house into a T-shape.



Figure 34 – Typical Cottage Floor Plan, Windrush Cottage, St. Marys, Ontario (Drawing by Lee Ho Yin) ⁴

A typical Ontario Gothic Cottage in St. Marys (Figure 34) demonstrates a symmetrical floor plan without any rear addition (or a summer kitchen) in its original incarnation. “A central hall frequently divides the structure from left to right, and in the simplest cottage there are usually four rooms, two on either side of a central hall. Sometimes, a cottage may have a central hall surrounded by rooms – two on either side and one at the back, making a total of five rooms.”⁵ Among those five rooms, in this example, is a kitchen at the rear within the rectangular footprint of the original cottage structure. In the illustrated St. Marys example (Figure 34), the rear ell is labelled a “Later Addition” and is represented in dash lines. So, this Gothic Cottage style has some precedents wherein the kitchen began within the front house and subsequently may have transferred into a later rear ell addition (hence the term “summer kitchen”) which appears to be the case for the subject residence.

There are, of course, models and samples for this house style in which the rear tail extension may have been constructed concurrently with the front portion. But based upon the conditions of this house, it appears to have been built in the sequence of the Original House with its rectangular

⁴ Distefano, Lynne D. (2001). The Ontario Cottage: The Globalization of a British Form in the Nineteenth Century

⁵ Distefano, Lynne D. (2001). The Ontario Cottage: The Globalization of a British Form in the Nineteenth Century

footprint at the front and subsequently a series of additions at the rear (Figure 35). The construction sequence would suggest that the kitchen could have been relocated from being contained in the front portion, as shown in the St. Marys example (Figure 34), to the First Addition whenever it was built, which could have been as little as a few years or as much as a few decades after the Original House component.

Although the period of its construction cannot be determined, the First Addition is conjectured to have been built after and later than the original front portion. As discussed, the five segmental arched wood windows (Figure 30) are consistent around the front house portion. The rear addition's stucco façade portion contains two rectangular windows with different orientations (Figure 41) and certainly unlike those in the front. The window with its long side oriented horizontally would not be dated any earlier than the twentieth century inter-war period. The other window with its long side oriented vertically (Figure 29) has similar proportions to the front block's arched window but is clearly different due to its flat head. However, despite its similarity in size, this rear addition's window does not contain any of the distinctive features of the front portion's five identical windows. Most conspicuously absent from this window in the addition is the arched head with its distinctive detailing. These differences between the windows of the front versus this window in the stucco addition, i.e. the shape, could not simply be minor alteration during the on-site construction process but instead intrinsic to the window fabrication. As a reasonable assumption, therefore, the five identical windows of the front house would have been procured at the time of the earlier Original House (1876) and separate from the simpler square-headed window in the rear addition. The difference in such building components again suggests that the front portion was built before and added onto by the subsequent First Addition which could have been as little as a few years or as much as a few decades after the Original House component.

This sequence of construction can also be observed in the basement construction. The foundations of the rectangular Original House, were originally constructed out of fieldstone, based on Mr. Young's letter, and which remains only in a very small vestigial section. In the current conditions, most of the foundation of the front portion of the house have been excavated and underpinned with concrete blocks primarily and bricks secondarily (Figure 43). The rear section of the house, which comprises the addition, sits on a brick foundation including common wall which is shared with the front portion (Figures 44 & 45). The use of brick for the rear foundations, instead of stone, suggests that the rear wing was added later than the 1870s front portion. Not that brick foundations would be uncommon for nineteenth century Ontario houses. But it is simply the difference in foundations materials between the front and rear portions which indicates that they have different construction dates – the front preceding the rear. The date of the rear foundations is not established from any documentary evidence. These different foundations, once again, demonstrate that the front portion was built before and added onto by the subsequent First Addition, whenever it was built.

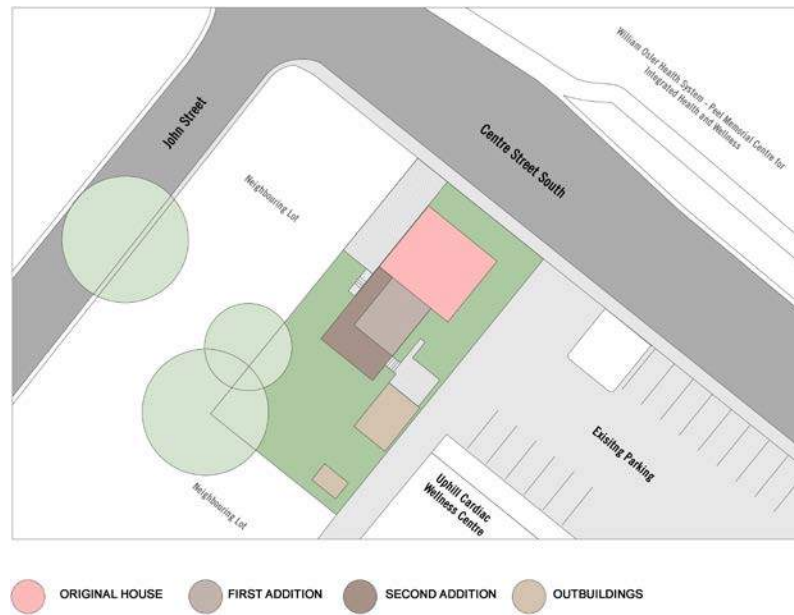


Figure 35 – Additions & Alterations to the original house, AREA

ELEVATIONS IN PHOTOGRAPHS:



Figure 36 - Street Facing East Elevation showing eaves with metal



Figure 37 - North & East Facades



Figure 38 - "EII" Addition as seen on North Elevation clad in metal siding



Figure 39 - South Elevation showing the later "EII" addition



Figure 40 - West Elevation showing enclosed porch clad in metal siding



Figure 41 - South Elevation showing "Ell" Addition with metal siding & concrete block chimney



Figure 42 - Fire Insurance Plan, 1924 (Lot line annotated by AREA to show the subject property)



Figure 43 - Partially Excavated Foundation facing north



Figure 44 - Partially Painted Brick Foundation Wall facing west



Figure 45 - Missing Brick Features in Foundation Wall facing north

4.0 HERITAGE EVALUATION OF PROPERTY

4.1 HERITAGE DESIGNATION STATUS

The subject property has received a Notice of Intent to Designate (Appendix II), which was passed by Council. The Council approved a Heritage Designation Report and the steps of the designation process. The original Heritage Designation Report (HDR) was written by Jim Leonard in 2009 and was submitted to the Brampton Heritage Board (BHB), which was then approved by Council on December 21, 2010. The Notice of Intention to Designate ('NID', Appendix IV) was issued to Patrick Young (previous property owner) on December 22, 2010, following which Mr. Young sent a letter to the Regional Councillor on January 7, 2011 (Appendix III) pointing out certain errors in the report. In 2012, the draft Designation By-Law was prepared, however the ratification of it was deferred several times.

4.2 ARCHITECTURAL STYLE

The main heritage attribute of the house is its representation of a well-preserved wood-framed Ontario Gothic Cottage Style structure. The style of architecture blends British and Gothic elements together. "Since many of the early settlers in Ontario were from the United Kingdom, it is not surprising that their buildings often contain details found in English Gothic and medieval architecture"⁶. Typically, Ontario Gothic Cottages are one or one-and-a-half storeys and integrate ornamental woodwork in the Gothic style⁷. In Ontario, the Gothic style is commonly seen in cottages such as in 23 Centre Street South. The geometry of the house is rectangular and displays a "three-bay fenestrations on a centre hall plan with a central, gabled dormer with a Gothic window opening inside it".



Figure 46 - Ontario Gothic Cottage Style Home located at 102 Main Street South, Brampton

⁶ Ontario Architecture, (2000-2016), Building Styles-Gothic Revival (1750-1900). Retrieved from <http://www.ontarioarchitecture.com/gothicrevival.html>

⁷ Ontario Heritage Trust. (2017, March 27). Places of Worship Database.

Another association of the house with the Ontario Gothic style is its pitched hip roof and ornate trim on the gable-dormer. The HDR (Appendix II) and the NID (Appendix IV) incorrectly identify the style as “Regency Ontario Cottage” which would have to be amended and reissued. This style is rare and has few examples in Brampton. One of those rare examples of an Ontario Gothic Cottage Style home can be found at 102 Main Street South (Figure 46).

4.3 HISTORY OF PROPERTY OWNERSHIP

Lot 81 in the “Railway Block” plan was surveyed in March 1854 and later registered on May 9, 1854 (Figure 4). The subject property was constructed on the site in circa 1876⁸ and has only had 5 owners since.

From a review of the Land Registry Documents (see Table 1) retrieved from the Ontario Land Registry (OLR), the property was originally owned by John Lynch who sold it off to a labourer Benjamin Kilpatrick and his wife Mary Jane McLean on 7th February, 1876. Benjamin along with his wife and son Daniel stayed in the house until 1937. On 1st March 1937, the ownership was then transferred to Charles Eugene O’Hara. On August 1st 1963, Mary Young bought the property from the estate of Charles E. O’Hara, who later transferred the registry to her son Patrick Young on January 18th, 1985.

TABLE 1: LIST OF REGISTERED OWNERS, LOT 81, CONCESSION BR-5, 1854 TO 2018 (APPENDIX: VI)

Date	From	To
9 th May, 1854		John Lynch
7 th February 1876	John Lynch	Benjamin Kilpatrick Jr.
1 st March 1937	Mary A.J. Kilpatrick Extrx. of Benjamin Kilpatrick Est.	Charles Eugene O’Hara
11 th December 1951	Treasurer’s Consent	Charles Eugene O’Hara Estate
1 st August 1963	Florence L.Core et al Exrs. Mary M. O’Hara Est.	Mary B.Young
18 th January 1985	Estate of Young, Mary	Patrick Young
11 th July 1985	Estate of Young, Mary	Patrick Young
2018	Patrick Young	Dona Hill

According to Jim Leonard’s report, the house was constructed for Benjamin Kilpatrick Jr. who occupied the house with his wife Mary and their family from construction until 1937. This timeline for the sequence of ownership corresponds with the OLR records. However, the letter from Patrick Young serves as a contradiction to this timeline as it states that the Young family occupied the house in 1941 as opposed to 1963. It also states that Charles O’Hara never occupied the property

⁸ Leonard, J. (2009). Heritage Report: Reasons for Heritage Designation "Kilpatrick-Young House-23 Centre Street South"

and instead rented it to a family named Eweles. A possible explanation for this discrepancy is that the Young family lived in the house as renters from 1941 to 1963. Mr. Young may be relaying the anecdotal information from his mother about their family's residing in the house since 1941 although some of the time they were tenants. This explanation is plausible since Mr. O'Hara only leased out (and never resided in) the house, as asserted by Mr. Young. Following this logic, the Eweles family would have been the tenants previous to the Youngs from 1937 to 1941.

The last owners of the house prior to Dona Hill's purchase were Mary Young and subsequently her son, Patrick Young. Hence the name as Kilpatrick-Young House has been given to the property in the HDR since it identifies the first and penultimate owners who occupied the house for the longest periods. Between the ownerships of the Kilpatricks and the Youngs, Charles Eugene O'Hara then acquired the property, but apparently leased it out until his estate sold it in 1963. The HDR (Appendix III) incorrectly states that Mr. O'Hara resided in the house with his family until 1963 and it would have to be amended and reissued. In 2018, Dona Hill purchased the property from Patrick Young, who was the preceding owner prior to the sale to 1743603 Ontario Inc.

4.4 CHARACTER-DEFINING ELEMENTS

From the collected information and archival research, there is no noted architect or builder identified for the house at 23 Centre St. S. However, it is a good example of a mid-19th century cottage residence within the downtown Brampton area. It has been identified to be of the Ontario Gothic Cottage Style and incorporates character-defining elements (CDE) primarily on the exterior facades.

The character defining elements are crucial to the historical integrity of the house and must be preserved in the conservation process. A character defining element is defined by the Standards and Guidelines for the Conservation of Historic Places in Canada ('SGCHPC', Parks Canada, 2010) as "materials, form, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place...". Thus, character-defining elements give value to the cultural heritage resource and provide a basis on which it should be conserved. The associated CDE of this property, which coincide with the heritage attributes listed in the HDR (Appendix II), are as follows:

- a) Example of Gothic Cottage style of architecture;
- b) one and a half storey height that is associated with the Ontario Cottage form;
- c) Well proportioned symmetrical massing;
- d) wood frame construction clad in stucco;
- e) horizontal trim boards along with vertical wood corner boards;
- f) three-bay front fenestration
- g) dormer gabled window located over front entrance;
- h) decorative vergeboard on front dormer;

- i) window openings which are decorated with moulded trims and sills, and have segmented arches with eared architraves;
- j) 2/2 wood sash windows with eared wood window surrounds and sills;
- k) paneled, single-leaf front door, door opening, fixed transom, and moulded eared surround;
- l) medium pitch roof with hip or cottage profile;
- m) gabled roof dormer located on south façade.

The above attributes have been adopted and adapted from the HDR with some edits, combining and excising of some of the elements which are not relevant. However, several attributes on the HDR should not be among the building's CDE as explained below:

- The rear one-storey wing which is also referenced in the "T-Shaped plan", represents later alterations and additions through the twentieth century.
- The stucco cladding is not original as described in Mr. Young's letter. However, any replacement of the house's finish should emulate the original pebble-dash stucco finish. But it would be inappropriate to include the descriptor "pebble-dash" in the heritage attributes because the original house finish is no longer extant.
- The former, original stone foundation was replaced by concrete block and brick masonry and only a small vestige of the original rubble foundation remains, about 5% as noted in Mr. Young's letter.
- Several of the windows have been replaced and are not original. The older window sashes are deteriorated and would not provide continuity of the thermal insulation system in the wall assembly. The windows and their treatment will be reviewed in more detail as part of the subsequent HCP phase (see subsection 3.3.2).
- The storm windows and wood shutters were installed in the 1970s by the previous owner, Mr. Young, as attested in his letter.

The above-noted proposed changes to the CDE for this property should be reflected in revised Reasons for Designation as part of the process for the proposed property redevelopment. As discussed above, other corrections to the HDR and/or the Designation Notice would relate to the house's style and the O'Hara family's tenure.

4.5 HERITAGE EVALUATION SUMMARY

As part of its heritage services, AREA conducted more research and archival investigations, as well as site and building assessments for the subject property. In the Ministry of Culture's Ontario Heritage Tool Kit, "Heritage Property Evaluation", Section 4: Municipal Criteria, Ontario Regulation 9/06 advises that "existing evaluation models may have to be revised to take into account the mandatory criteria set out in the regulation." The evaluation chart below elaborates on the criteria of the provincial regulation O.Reg. 9/06 and assesses the property based on the existing conditions and background research described in previous sections of this report. In compliance with the City of Brampton's HIA-ToR, and based on this HIA's research and investigative information, the heritage value of the subject property, 23 Centre Street South, the Kilpatrick-Young House, has been determined using the following Heritage Evaluation Summary Table.

TABLE 2: EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST SUMMARY

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST	ASSESSMENT (YES/NO)	RATIONALE
1. Design or physical value:		
a) Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	Yes	<p>The Kilpatrick-Young House is a good representation of a mid-nineteenth century wood frame house designed in the Ontario Gothic Cottage Style.</p> <p>The house's distinctive architectural elements are a testament to this cottage form building and have been preserved to this day. There are few examples of the Ontario Cottage style within the downtown area making the subject property rare and unique.</p>

b) Displays a high degree of craftsmanship or artistic merit	Yes	<p>The decorative elements used for the Kilpatrick-Young House exemplify craftsmanship, but in a limited number of components.</p> <p>The exterior components of the house exhibit interactions between both Regency and Gothic style detailing. Decorative embellishments are used in the centre dormer vergeboard of the front façade and on the frames of the windows and door.</p>
c) Demonstrates a high degree of technical or scientific achievement.	No	<p>Adherence to the prevalent Ontario Cottage style does not represent a technical or scientific achievement.</p> <p>The construction of the house conforms with commonplace construction techniques of its time.</p>
2. Historical or associative value:		
a) Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	No	<p>The historical associations of the Kilpatrick-Young house are limited to its direct link with the Kilpatrick, O'Hara and Young families.</p> <p>These families consist of some of the early European settlers in the area of Brampton. With this being said, this property does not have a significant association with any theme, event, belief, person, activity, organization, or institution.</p>
b) Yields, or has potential to yield, information that contributes to an understanding of a community or culture	Yes	<p>Situated in the "Railway Block" neighborhood, the house relates to this areas evolution and is associated with the construction boom that occurred after the railway was introduced in the mid 1850s.</p>

		Being built in one of the earliest subdivisions in Brampton, the house provides a glimpse of how the City developed during that time.
c) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	No	<p>No architect, builder or designer is associated with the construction of the original house.</p> <p>The house is an example of an Ontario Gothic Ontario Cottage which, by definition, is a vernacular style without a specific designer.</p>
3. Contextual value:		
a) Is important in defining, maintaining, or supporting the character of an area	Yes	<p>The Kilpatrick-Young House portrays the features of a typical Victorian building lot in the City of Brampton.</p> <p>This is displayed through shallow front yard setbacks and narrow lot sizes, which reflects an early type of subdivision plan.</p>
b) Is physically, functionally, visually, or historically linked to its surroundings	No	<p>The visual and physical relationship between the property and the surrounding streetscape has changed since its original development.</p> <p>The heritage character of the surrounding area has greatly declined due to the development of the hospital along with commercial infill. With this house being a rare mid-19th century dwelling in downtown Brampton, it can provide a bridge between the present and the previous architectural character of the community.</p>
c) Is a landmark	No	The property is not known to serve as a landmark as it does not have a locational value,

		<p>considering it is not located on a corner or on an axis, in fact the area has changed considerably around it.</p> <p>The surrounding area has significantly changed since the period of the “Railway Block” subdivision plan in the 1850’s. This house no longer has a relationship to the St. Mary’s Cemetery or the railway, which were previous contextual landmarks.</p>
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4.6 ASSESSMENT OF HERITAGE VALUE

The subject property meets 2/3 of architectural criteria. The Kilpatrick-Young House shows direct association with the Ontario Gothic Cottage style of architecture in Brampton. The overall materials, ornamental gable, and window surrounds exemplify craftsmanship of the period. However, the existing assembly and materials of the original house — front portion not rear portion — do not display an innovative approach or any scientific achievement.

The subject property meets 1/3 of historical criteria. The subject property is not directly associated with any theme, person, or activity that has a significant impact on the community. It also does not have an associated architect, artist etc. who is significant to the surrounding community. However, the property does yield, or has the potential to yield information that contributes to an understanding of a community or culture.

The Kilpatrick-Young House has a direct association with the Kilpatrick, O’Hara and Young families. Its location within the “Railway Block” neighborhood brings to light the evolution of the area after the construction boom that occurred after the railway was introduced in the mid-1850s.

The subject property meets 1/3 of contextual criteria. The subject property maintains a distinctive presence along Centre Street as a well-preserved Victorian building and provides a glimpse to how the area may have looked in that period. The heritage value of the surrounding area has declined due to commercial infrastructure and the development of the railway. However, the stylistic approach of this house helps to retain some of the historic background of this area and connects the community with Brampton’s past.

5.0 PROPOSED DEVELOPMENT:

5.1 DESCRIPTION OF PROPOSED DEVELOPMENT – OPTION 1 LAYOUT

Currently the subject property occupies a 6,869 sq. ft. (638 sq.m.) lot, located in the “Railway” Block subdivision of Brampton, and is a unique Ontario Gothic Cottage Style dwelling from the nineteenth century in the downtown area. The adjacent Cardio-Pulmonary Services facility, which is an associated ownership to 23 Centre St. S., has significant issues with lack of parking for patient use. The proposed development aims to convert the residential house into commercial office space and create additional parking to serve the Brampton Cardio Pulmonary Services facility, 31 Centre Street South, adjacent to the subject property. The conversion in use — residential to commercial — is allowed under the current Zoning By-Law (ZBL) but requires Building Permit Approval for the Ontario Building Code (OBC) change in occupancy. Site Plan Approval under section 41 of the Planning Act is also required for this adaptive reuse.

To allow for additional parking space, it is proposed that the rear one-storey section of the house be demolished. By demolishing the rear-west section, it would allow for an additional 12 parking spaces that can be used by patients and employees of the Cardio-Pulmonary Services facility. A site plan drawing (Figure 47) has been prepared showing the proposed demolition of the rear wing and the additional parking spaces that replace it.

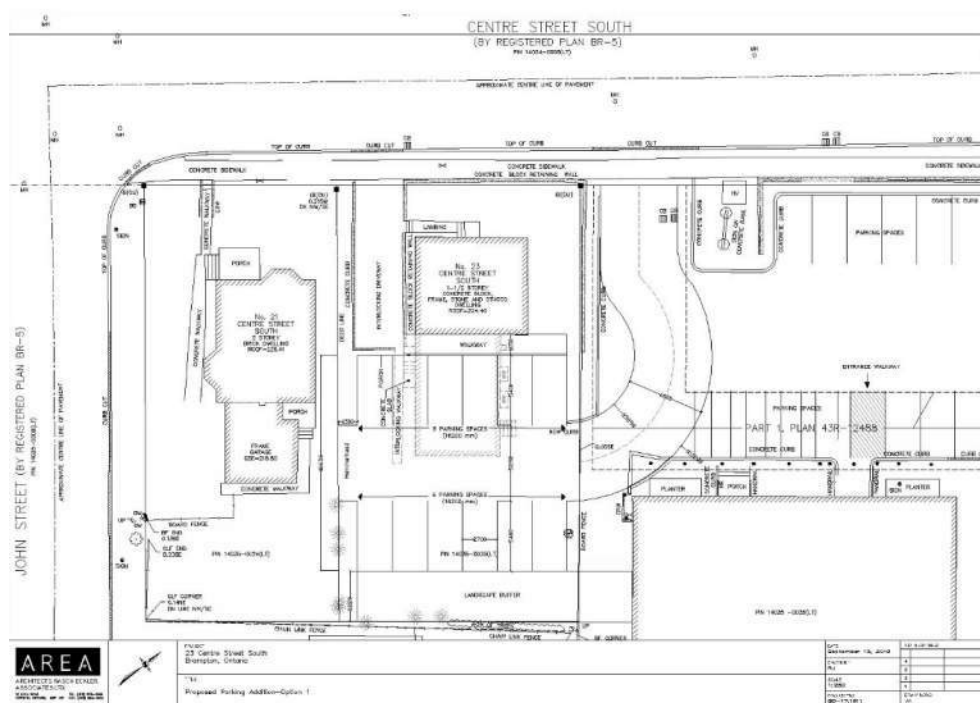


Figure 47 - Option 1: Site Plan Drawing with proposed demolition of rear wing and additional parking

12 Car Parking

5.2 CHANGES IN LAND USE

Block Plan BR5 of the Official Plan, and the Queen Street Corridor Secondary Plan Area (SPA 36) designates “Service Commercial” (SC) and “Commercial/Mixed Use” for the land use of the subject property. It was most recently used for residential purposes, which was existing legal non-conforming with respect to the zoning regulations for the property.

The proposed repurpose of the Kilpatrick-Young house would be for office use and thus is within the Zoning By-law’s Permitted Uses as seen in Table 3. The property therefore does not need to be rezoned to accommodate for the planned use of office space for the medical cardio testing facility.

TABLE 3: PERMITTED USES FOR SERVICE COMMERCIAL ZONING

Commercial Uses	Other Uses
A personal service shop	A lodging house
An animal hospital	A day nursery
An office	A place of worship
A custom workshop	A type 2 group home
A dining room restaurant, a convenience restaurant, a take-out restaurant	
A parking lot	
A tavern	
A Garden centre sales establishment	
A health or fitness centre	
A community club	
A bank, trust company & finance company	
A service shop	
A laundromat	
A retail establishment having no outside storage	
A printing or copying establishment	
A dry cleaning and laundry distribution station	

5.3 IMPACT OF PROPOSED DEVELOPMENT

The “Summer Kitchen” is arguably a later addition to the original front house portion and was not constructed at the same time as the original 1876 cottage. The cultural heritage value of the property mainly stems from the attributes linking it to the Ontario Gothic Cottage style of architecture, which excludes the rear wing. The rear wing was constructed using different materials and style than the remainder of the house. Demolishing this section of the house would not have an adverse impact on the architectural value of the house, as the main character defining elements would remain intact.

Of the existing structure, the front house portion has the most physical authenticity and historical significance to the 1870's one-and-a-half storey Ontario Gothic Cottage Style, with the original east façade still intact. The streetscape defined by the property will not be altered as the front (east) façade, which is being retained, is the main visible component of the house. Prioritizing the preservation of the original façade that articulates a three-dimensional character ensures that the public face of the building is maintained.

The proposed development incorporates the Kilpatrick-Young House in-situ and permits for the residential property to be retained. No physical alterations except for preventative maintenance and conservation is suggested for the main structure (excluding rear wing) which will allow for the character defining elements (CDE) to be preserved, rehabilitated, and restored and be maintained into the future. By preserving the property's CDEs the house's heritage value will remain authentic.

Currently the Kilpatrick-Young House is vacant and will remain so until all proposed restorations and alterations on the property are completed. As this project moves forward, a Heritage Building Protection Plan (HBPP) and a Vacant Heritage Building Strategy (VHBS) will be prepared to provide guidelines for the protection of the Cultural Heritage Resource (CHR) and to reduce risks associated with the property's short or long-term vacancy. For future development applications, the preparation of an HBPP or a VHBS would then be required to include components such as, the description the CHR's materials and assemblies, and its preventive maintenance, stabilization, and security plan based on an assessment of its existing building conditions.

5.4 ALTERATIONS TO THE KILPATRICK-YOUNG HOUSE

To move forward in the repurposing of this structure certain renovations and additions may be proposed to satisfy the needs of the new spatial use. The forms of alterations listed below are anticipated by this HIA, but are general in their description and do not necessarily comprehensively represent the complete intentions of the owner. They are listed below so that potential future changes to the Cultural Heritage Resource (CHR) can be anticipated and prepared for by both owner and City staff. Once the final spatial requirements are determined for the CHR, and the proposed restoration and/or alterations are determined, the forthcoming Heritage Conservation Plan (HCP) drawings will demonstrate compliance with widely-accepted conservation standards and principles. The following list comprises the most common forms of building alterations involving heritage structures which would be incorporated in the future submission:

- (a) **modifications to interior layout**, to improve the character, arrangement, and hierarchy of spaces;
- (b) **removal and replacement of interior fixtures**, including but not limited to cabinetry, millwork, interior partitions, and plumbing fixtures to incorporate current market demands, involving fire-

rating requirements, low-VOC wall finishes, high water-saving features, smart security systems, etc.;

(c) **upgrades to the building envelope's thermal insulating properties**, by installing new wall and floor insulation, and/or replacing existing non-original or deteriorated windows. The incorporation of new reproduction windows on a heritage structure, if such is determined in the HCP, will emulate the historic 2-over-2 sashes. While historic windows were traditionally built with wood frames and components, it is possible to replicate their profile in new reproduction sashes with in-kind materials of wood, to accommodate double glazing. All existing double-glazed windows and non-original single-glazed windows will be replaced as they are non-historic and have no associated heritage value. Any remaining original windows will be examined in more detail as part of the subsequent HCP process to determine their condition and treatment (see subsection 3.3.2).

(d) **repairs and in-kind replacement of exterior cladding components**, should they be deemed damaged or deteriorated;

(e) **building of new exterior components for entrances**, such as ramps, for barrier-free access;

(f) **alterations to the landscape features around the heritage building**, walkways, fences, driveways, gardens, and sheds may be altered to conform to the property's proposed lot configurations and roads;

(g) **full water and sanitary servicing**, to be provided as part of the reuse of the property since the house is currently on well and septic system.

6.0 CONSIDERED ALTERNATIVES & MITIGATION STRATEGIES

This HIA assesses alternative development options and mitigation measures in order to evaluate the impact on the cultural heritage resource under study. The following alternative development approaches were evaluated and assessed:

6.1 POTENTIAL MITIGATION OPTIONS

A. Retention of Rear Wing (or Portion Thereof) – Option 2 Parking Layout

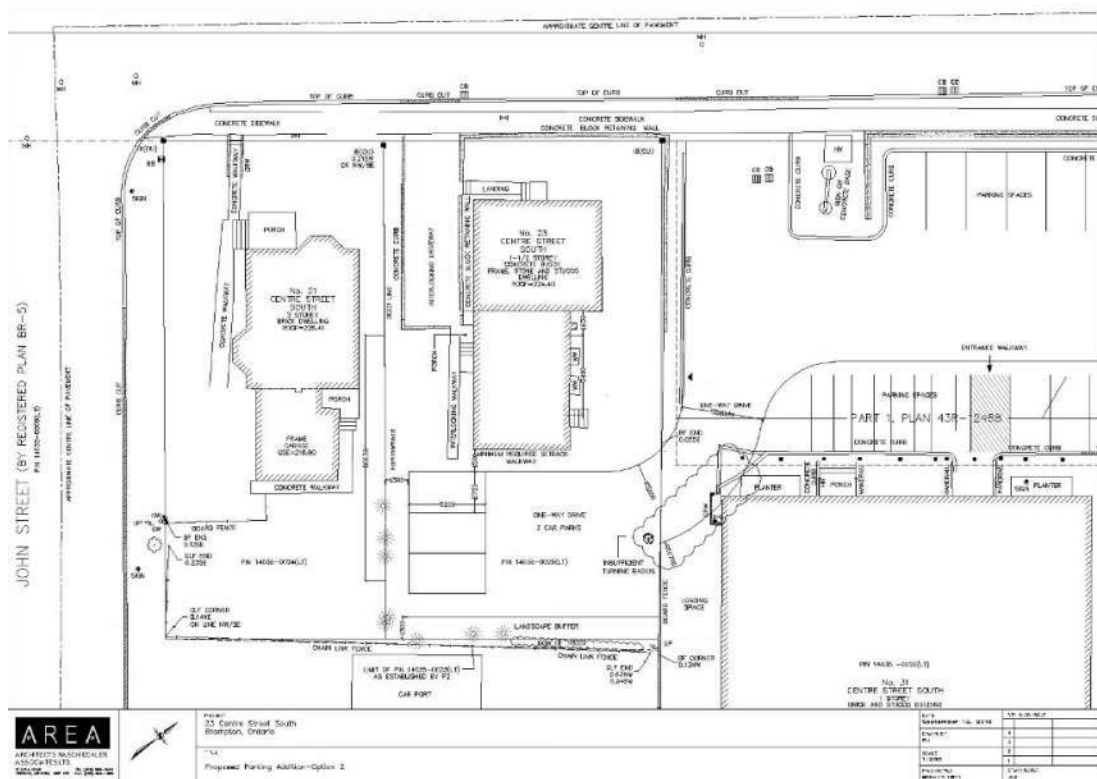


Figure 48 - Option 2: Site Plan Drawing showing proposed additional parking direct-access retaining the rear wing
3 car parking

This alternative development option proposes the development of a parking lot at the rear (west) end of the lot (Figure 48), while retaining the rear wing of the CHR. Conforming to the development guidelines for parking lots of commercial spaces, this arrangement allows for only 3 car parking spaces, which don't provide sufficient parking for the Brampton Cardio Pulmonary Services.

A variation of this option would entail the retention the stucco-clad section of the rear addition which was reviewed (but not illustrated here). In the case of partial demolition of the rear addition, the number of parking spaces potentially increases from three to four that still does not fulfil the medical facility's parking needs.

B. Complete retention of Rear Wing (or Portion Thereof) – Option 3 Parking Layout

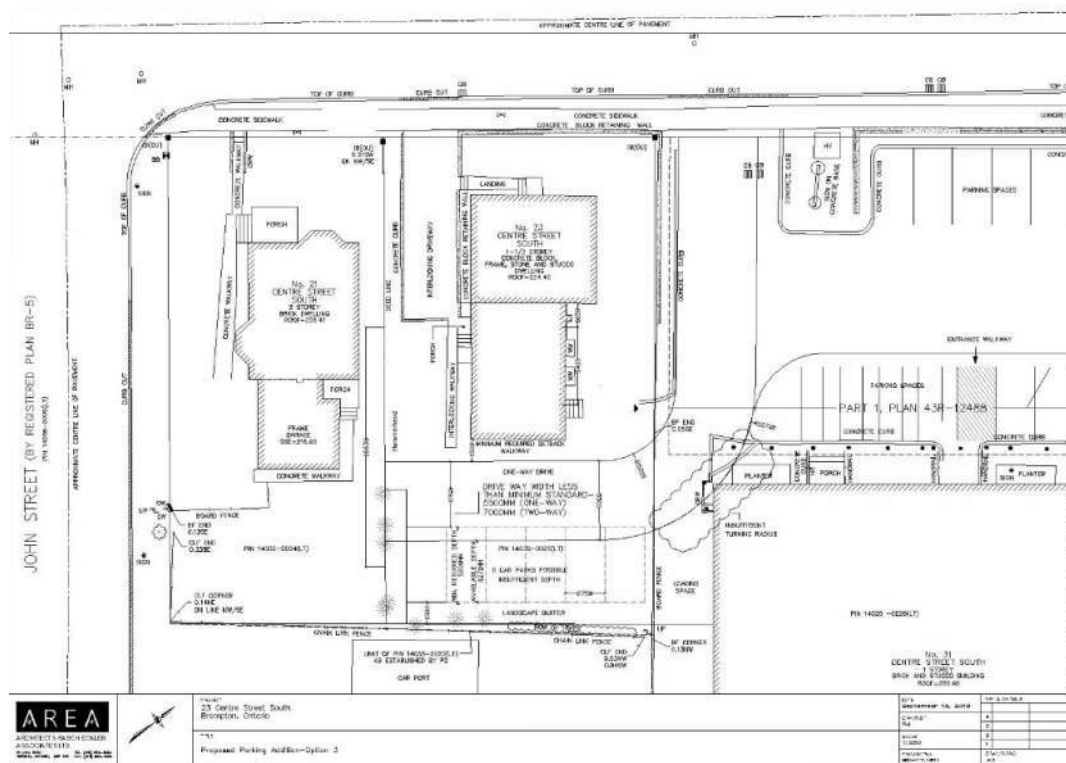


Figure 49 - Option 3: Site Plan Drawing showing proposed additional parking side-access retaining the rear wing

0 car parking

This development alternative proposes single row perpendicular parking at the rear (west) end of the lot (Figure 49) while retaining the rear wing of the CHR. This design uses a one-way drive aisle but does not meet the minimum parking design standards due to both insufficient depth and vehicle turning radius and hence cannot be implemented.

A variation of this option would entail the retention the stucco-clad section of the rear addition which was reviewed (but not illustrated here). In the case of partial demolition of the rear addition, the number of parking spaces potentially increases to six that still do not fulfil the medical facility's parking needs.

6.2 IMPACT ASSESSMENT

The following section identifies and assesses the proposed removal of the rear addition from the site, with an assessment of the impacts, negative direct or indirect, on the cultural heritage value of the property. Factors to be considered in the evaluation are, the scale or severity of impact, and whether temporary, permanent, reversible or irreversible.

Direct Impacts include:

- Removal of a non-heritage building portion
- Land disturbance that may adversely affect the property
- Changing of landscape
- Modest intensification of use at the property

Positive Impacts may be:

- Adaptive reuse that is compatible
- Interpretation and commemoration
- Changes that are in line with the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, MTCS Eight Guiding Principles in the Conservation of Built Heritage Properties.

The following table outlines the category of proposed alterations, the heritage values and/or character-defining elements and the *potential* impacts and then ranks the severity of the impacts if mitigation measures are not successful.

NONE	The proposed undertaking has no impact on heritage value/character-defining element(s).
LOW	The undertaking has minimal impact on heritage value/character-defining element(s).
MEDIUM	The undertaking affects/disturbs heritage value/character-defining element(s) and may require moderate repair as a mitigation measure.
HIGH	The undertaking replaces/removes heritage value/character-defining element(s). The undertaking requires mitigation to lessen the impact.

The heritage evaluation (Section 4) of and development impacts (Section 5) on the subject CHR called for the assessment of different mitigation options (6.1). The following alternatives have been assessed with regards to the proposed development:

TABLE 4: ASSESSMENT OF OPTIONS FOR PROPERTY ALTERATIONS

PROPOSED ALTERATION	VALUES AND/OR CDEs AFFECTED	POTENTIAL REUSE VIABILITY	SEVERITY OF IMPACTS	HERITAGE CONSERVATION ARGUMENTS
1. Removal of the rear addition	<i>No values identified</i>	A potential improvement to the property as a whole, in terms of	None	1. Front historic portion of house retained on the property. This hierarchical approach ensures prioritization of the front original

		house rehabilitation and added parking spaces (12 car parking) for the proposed office use. The parking amount is feasible for the property owner to offset the considerable work and cost for the property's restoration and adaptive reuse.		cottage as well as the preservation of the overall site context. 2. The proposed development adopts an approach of minimal intervention and advocates alterations that are compatible with the heritage building. 3. This conservation strategy promotes the adaptation of the building in a manner that was in keeping with the overall character of the site. 4. The proposed redevelopment would support the site with adaptive reuse, ongoing sustainability and, hence, long-term stewardship by the owners.
2. Retention of the rear wing (or a portion thereof) - Option 2 Parking Layout (6.1A)	<i>No values identified</i>	A potential improvement to the property as a whole, in terms of house rehabilitation and added parking spaces (3-4 car parking) for the proposed office use. But the low parking amount is not feasible for property owner.	None	This conservation strategy involves considerable repairs to portions of the house with none or very little heritage value affected and with the incorporation of only 3-4 additional parking spaces. The proposed parking count is not viable when compared to the development costs of building restoration and adaptive reuse and constructing an above-ground parking lot.
3. Retention of the rear wing (or a portion thereof) - Option 2 Parking Layout (6.1B)	<i>No values identified</i>	A potential improvement to the property as a whole, in terms of house rehabilitation. But the low or no parking amount is not feasible for property owner.	None	This conservation strategy involves considerable repairs to portions of the house with none or very little heritage value affected and with none or only 6 additional parking spaces. The lack of or low number of legal parking spaces does not meet the needs of the Brampton Cardio Pulmonary Services Centre. The lack or low amount of parking count is not viable when compared to the development costs of building restoration and adaptive reuse and constructing an above-ground parking lot.

6.3 COMPARISON OF MITIGATION OPTIONS

1. Removal of the Rear Addition | Option 1 is feasible because it allows for sufficient parking to support the expense of conserving the original (front) house:

- a. Cost-benefit of concentrating the rehabilitation work on the front heritage-significant portion;
- b. Adaptability for future needs, vehicles and usability of both the original heritage house and the adjacent medical facility.

2. Retention of Rear Wing (or a portion thereof) | Option 2 Parking Layout (6.1A) is not feasible because of the deteriorated conditions of the subject CHR (Section 3) both from the interior and exterior. This would entail considerable reconstruction and/or repair of the structure of the rear (west) wing, which does not contain the heritage attributes. It would be cost-inefficient to expend repair work and costs on a structure with no or little heritage value. This layout would also result in the addition of only 3 or 4 car parking spaces, which would not satisfy the parking needs of the Brampton Cardio Pulmonary Services Centre.

This mitigation strategy will not be a feasible development as:

- a. The proposed parking count is not viable when compared to the development costs of building restoration and adaptive reuse and constructing an above-ground parking lot.
- b. The parking spaces do not meet the needed off-street parking demand.
- c. The proposed layout is not flexible enough to adapt to vehicle dimensions and movement templates and is possible only with a one-way drive aisle.

3. Retention of Rear Wing (or a portion thereof) | Option 3 Parking Layout (6.1B) is not feasible because it does not provide any parking for the Brampton Cardio Pulmonary Services Centre.

- a. The available house lot depth is not sufficient to fulfil the minimum parking by-laws and architectural design guidelines for the off-street parking.
- b. The lack of any legal parking spaces does not meet the requirements of the Brampton Cardio Pulmonary Services Centre.

6.4 EVALUATION OF LAYOUT OPTIONS

The layout Options 2 and 3 are not recommended because they are not financially viable for the property owner in comparison to the modest amount of extra parking they would provide. Options 2 and 3 have also been assessed for partial rear demolition. As it would be difficult to separate the older portion of the house from the contemporary alterations, this HIA does not recommend adopting either of those options. Also, the retention of just the stucco portion of the rear wing would not be any different than retaining the entire wing as it does not allow for a sufficient increase in the number of parking spaces.

Option 1 is the only feasible alternative for the owner in order to focus the building conservation efforts on the Original House component which is the only portion which contains the heritage attributes (CDEs). The various alternative development options are evaluated in the Table 4 below:

TABLE 5: COMPARISON OF MITIGATION OPTIONS

OPTION	DESCRIPTION	PARKING SPACES	COMMENTS	FEASIBILITY
1	Demolition of rear wing for additional parking	12	Rear (west) wing does not contain the heritage attributes. Parking provided will alleviate the parking shortage for adjacent medical facility.	Feasible
2	Retention of rear wing (or portion thereof), direct-access parking spaces	3-4	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. Parking provided is insufficient for adjacent medical facility.	Unfeasible
3	Retention of rear wing (or portion thereof), side-access parking spaces	0	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. No parking provided because layout does not meet the minimum parking design standards.	Unfeasible

This HIA thus recommends Option 1, which proposes the demolition of the rear wing and provides 12 parking spaces for the adjacent medical facility.

7.0 HERITAGE PLANNING PROCESS

7.1 HERITAGE BUILDING PROTECTION PLAN FOR VACANT HERITAGE BUILDING

At various stages of the development, the Kilpatrick-Young House will be subject to vacancy at an interim period as future planning applications are being processed, and as the required site grading work commences. Pursuant to OPA 2006-057 and Section 34 (10.2 & 10.3) of the Ontario Planning Act, the City of Brampton requires the submission of a Heritage Building Protection Plan (HBPP) as part of a complete land use planning application and is to be fully executed within 3 months following its approval. The HBPP could be submitted as part of the submission of a Conservation Plan, subject to the review of Brampton Heritage Board (BHB), City Heritage Staff, and Council. The required components of the HBPP include:

- (a) Description of all buildings and structures;
- (b) Baseline documentation report;
- (c) Preventive maintenance and stabilization plan;
- (d) Security plan for vacant buildings and structures and
- (e) Proof of insurance.

As part of the HBPP, a building inspection and preventative maintenance program must be prepared and conducted for the subject CHR. The maintenance program must comply with the requirements of Guidelines for Securing Vacant Heritage Buildings, the Minimum Maintenance (Property Standards) By-Law, and the Ontario Fire Code. In addition, the HBPP requires the submission of Financial Securities, which are not to be released by the City until the approved Conservation Plan is satisfactorily implemented.

7.2 PREPARATION OF A CONSERVATION PLAN

Once the City serves the Notice of Intention to Designate in accordance with the OHA, a Heritage Permit Application (HPA) will then be required for the restoration and/or alteration of the CHR. A complete Conservation Plan will then be required by the City as a condition of approval for any HPA or other planning application, a SPA in this case, and the conservation work must be completed in accordance with the SPA conditions.

A Heritage Conservation Plan outlines the implementation of a conservation strategy. It may be presented in the form of a document and/or a set of drawings that would supplement a full planning application. The recommendations of the plan include descriptions of “repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures” (Ministry of Culture, 2006). The Conservation Plan may comprise components that include, but are not limited to:

1. Drawings and “Outline” Specifications for restoration,

2. Building Material Inventory, which may include photos and/or samples of components (i.e., lumber components, millwork, etc.) to be used for documentation and archival purposes,
3. Cost Estimate, and
4. Other requirements to fulfill other planning requirements, such as the HBPP or the VHBS.

The Conservation Plan will be based on the requirements of Section 8 of the City of Brampton's HIA Terms of Reference, which outline the following scope (numbering added by *AREA* for reference):

- a. Preliminary recommendations for adaptive reuse;
- b. Critical short-term maintenance required to stabilize the heritage and building fabric and prevent deterioration;
- c. Measures to ensure interim protection of heritage resources during phases of construction or related development;
- d. Security requirements;
- e. Restoration and replication measures required to return the property to a higher level of cultural heritage value or interest integrity, as required;
- f. Appropriate conservation principles and practices, and qualifications of contractors and trades people that should be applied;
- g. Longer term maintenance and conservation work intended to preserve existing heritage fabric and attributes;
- h. 'As found' drawings, plans, specifications sufficient to describe all works outlined in the Conservation Plan;
- i. An implementation strategy outlining consecutive phases or milestones;
- j. Cost estimates for the various components of the plan to be used to determine sufficient monetary amounts for letters of credits or other financial securities as may be required to secure all work included in the Conservation Plan; and
- k. Compliance with recognized Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards.

These and other submissions for various applications will require the City's heritage approval through the Heritage Planning staff, the Brampton Heritage Board, and ultimately Council. Therefore, at milestones in the development process, the City will have the opportunity to review and approve the heritage aspects of this project.

7.3 REVISION TO REASONS FOR DESIGNATION

There are some discrepancies that have been noted on the heritage assessment written by Jim Leonard. A letter written by Patrick Young, who was the former owner of the house prior to Dona Hill identifies contradictions with the HDR related to the timeline of ownership and when certain renovations occurred. It is suggested that the Heritage Designation Report written by Jim Leonard in 2009 be revised and updated as per the statements of Patrick Young. The HDR and reasons for Designation should also be amended with respect to the building's style and CDE, which were not original or have little or no heritage value (see sub-sections 4.3 & 4.4).

8.0 CONCLUSION

Based on the results of archival research, a field review, and heritage evaluation, the property at 23 Centre Street South in the City of Brampton, meets the criteria for designation under Part IV of the Ontario Heritage Act. Its heritage significance revolves around its design, associative, and contextual-related value. The preservation of the resource on site is recommended.

This HIA report proposes the partial demolition of the property located at 23 Centre St. South to allow for additional parking spaces, and for the change of its use. The original front portion of the house should be rehabilitated and restored to preserve its existing heritage attributes.

The results of the background historic and archival research and the site visit review revealed that the demolition of the rear will have no adverse impact on the heritage attributes of the building, and that the demolition of a later rear addition will allow the important historic front portion of the structure to be rehabilitated and restored to its original architectural state, allow an adaptive reuse of the building and alleviate the parking issue for the adjacent cardio clinic.

The implementation of a feasible adaptive re-use strategy will ultimately make the property a stable, well-maintained and properly stewarded heritage resource. The following mitigation options were considered and assessed for their impacts:

OPTION	DESCRIPTION	PARKING SPACES	COMMENTS	FEASIBILITY
1	Demolition of rear wing for additional parking	12	Rear (west) wing does not contain the heritage attributes. Parking provided will alleviate the parking shortage for adjacent medical facility.	Feasible
2	Retention of rear wing (or portion thereof), direct-access parking spaces	3-4	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. Parking provided is insufficient for adjacent medical facility.	Unfeasible
3	Retention of rear wing (or portion thereof), side-access parking spaces	0	Rear (west) wing retention will entail cost-inefficient work on addition structure with no or little heritage value. No parking provided because layout does not meet the minimum parking design standards.	Unfeasible

From the assessment of various mitigation options to accommodate parking in the rear, only Option 1 represents a feasible and heritage-sensitive strategy for this site alteration. This conservation approach ensures prioritization of the original front house component as well as the preservation of the overall site context. The proposed development adopts an approach of minimal intervention and advocates alterations that are compatible with the heritage building.

The HIA proposes and requests that the BHB recommend in principle and that Council approve the following courses of actions:

- a. The partial demolition of the rear one-story section of the house, later construction than the original house, should be permitted in order to allow for additional outdoor parking spaces.
- b. The Heritage Designation Report should be updated and amended to include corrections and account for the proposed partial demolition, rear parking and change of use.
- c. This HIA should form part of a Heritage Permit Application (HPA) for the demolition of the rear portion of the house. In conjunction with the partial demolition would be a Site Plan Approval (SPA) application to follow the HIA submission. But approval in principle of the HIA and the associated HPA for the demolition of the rear portion are needed before the client undertakes the considerable engineering and other services to prepare the SPA application.
- d. Part of the SPA submission would be a set of Heritage Conservation Plan (HCP) drawings outlining in detail the methodology for the partial demolition, rehabilitation and restoration of the remaining front portion of the building.
- e. Following the SPA completion and execution of the associated agreements, a Building Permit Application (BPA) will be submitted to implement the change of use from residential to commercial. In conjunction with the BPA will be a second HPA. The BPA and HPA will allow for the proposed interior alterations and exterior restoration work outlined in the HCP.
- f. It is recommended that Council approve and, following which, that Heritage Planning and other staff undertake actions and permits to implement this partial demolition. After (and only with) the approval of the Heritage Conservation Plan and its proposed demolition of the rear wing, a Heritage Easement Agreement (HEA) would be entered into by the owner/applicant to ensure the conservation and protection of the subject property.

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10.0 APPENDICES:

APPENDIX I: Site Photographs, Contact Sheet

APPENDIX II: Original Designation Report

APPENDIX III: Letter from Previous Owner Patrick Young

APPENDIX IV: Notice of Intention to Designate

APPENDIX V: Ontario Electronic Property Index Map, Ontario Land Registry Access – Peel County

APPENDIX VI: Land Registry Record for Lot 81, Concession Br-5

APPENDIX VII: Qualifications of AREA and Resumes

APPENDIX I: SITE PHOTOGRAPHS, CONTACT SHEET



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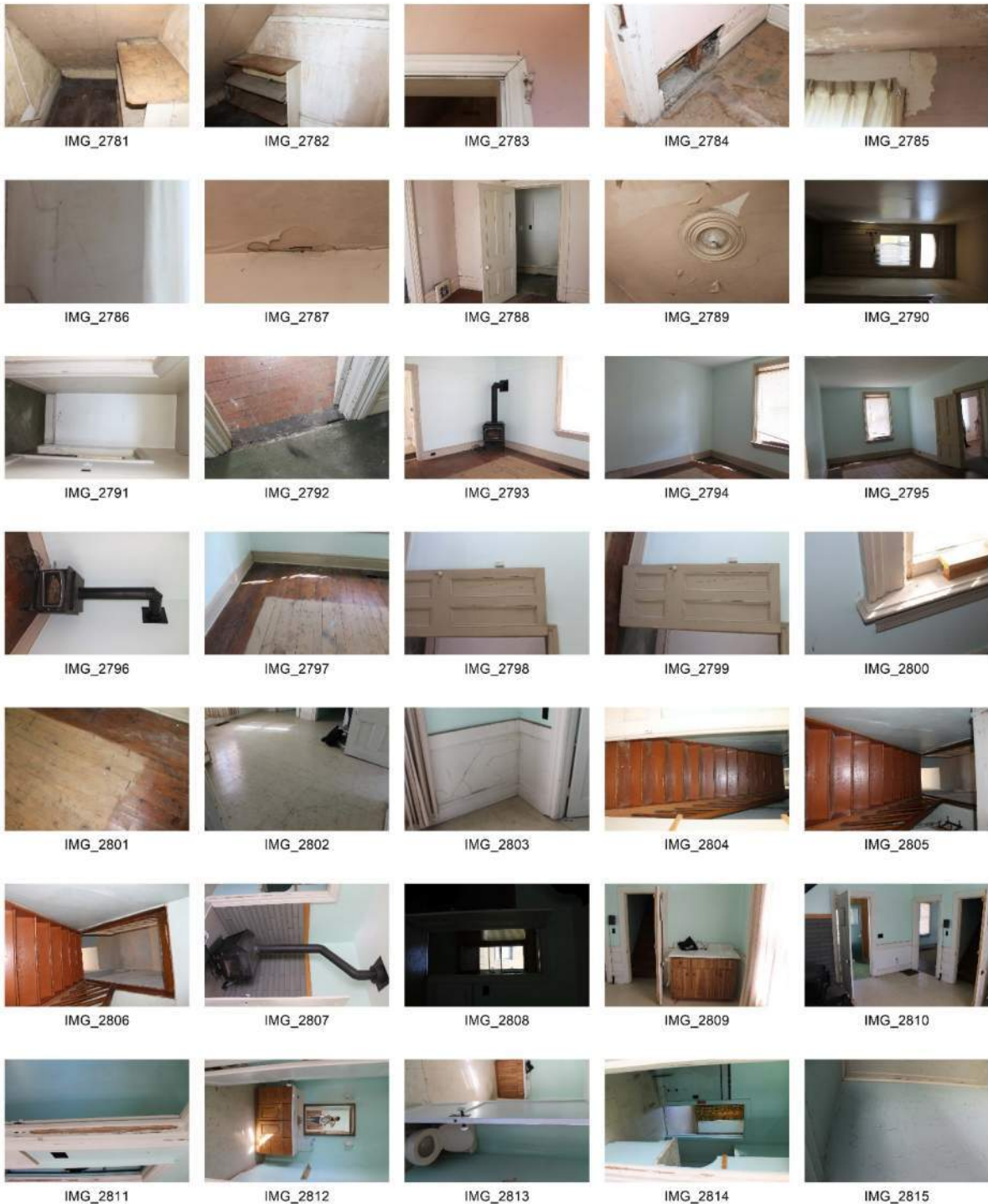
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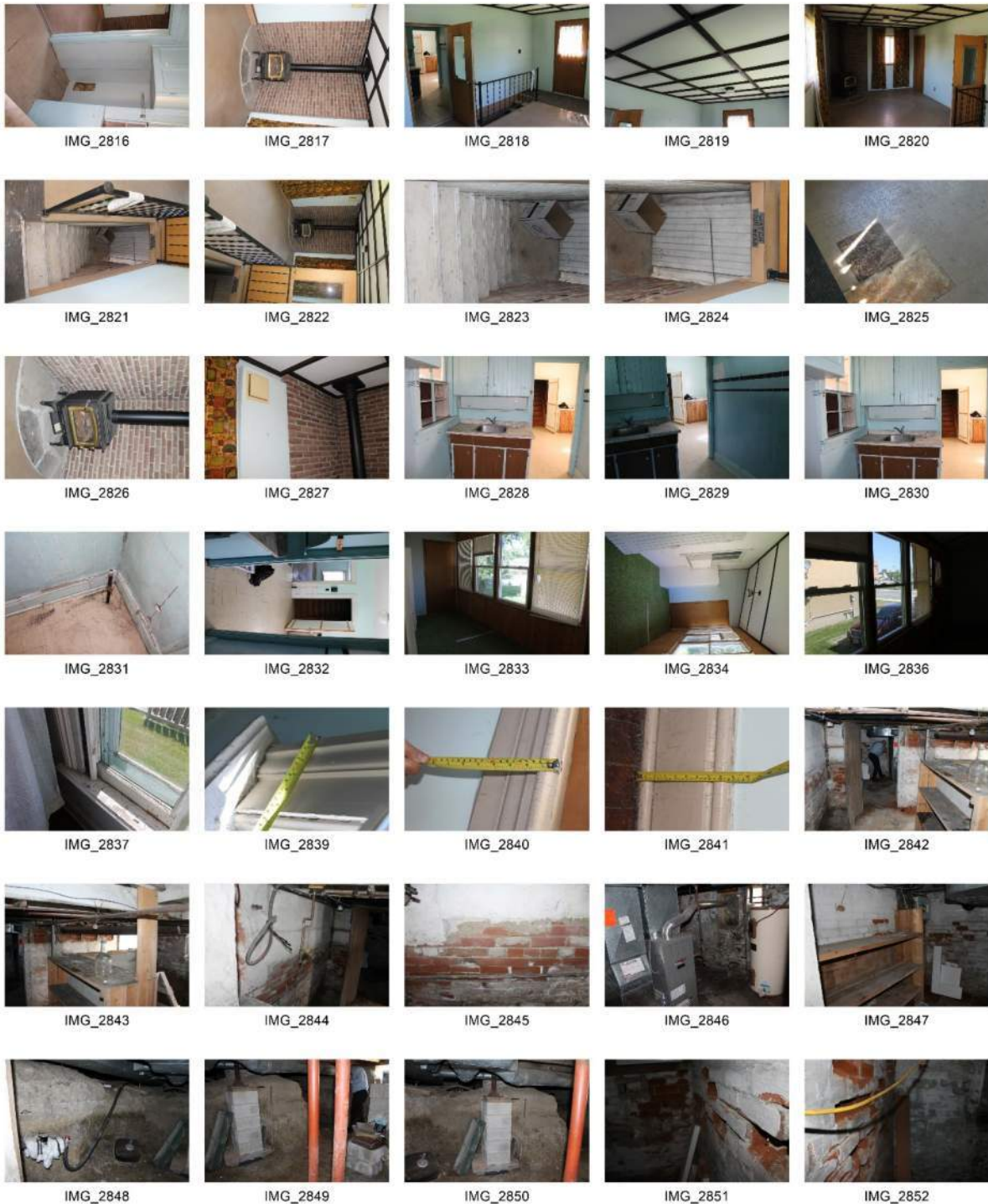


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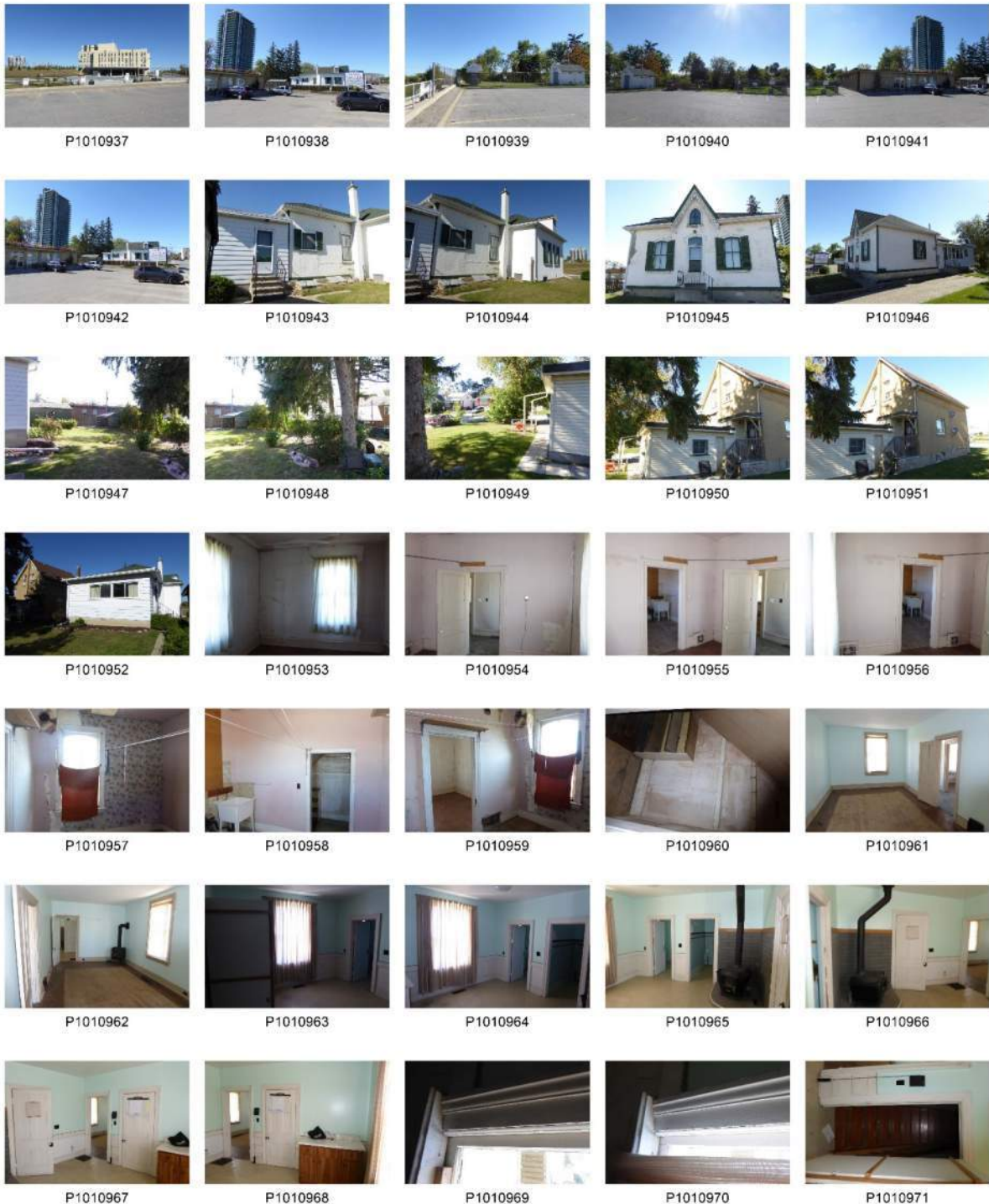
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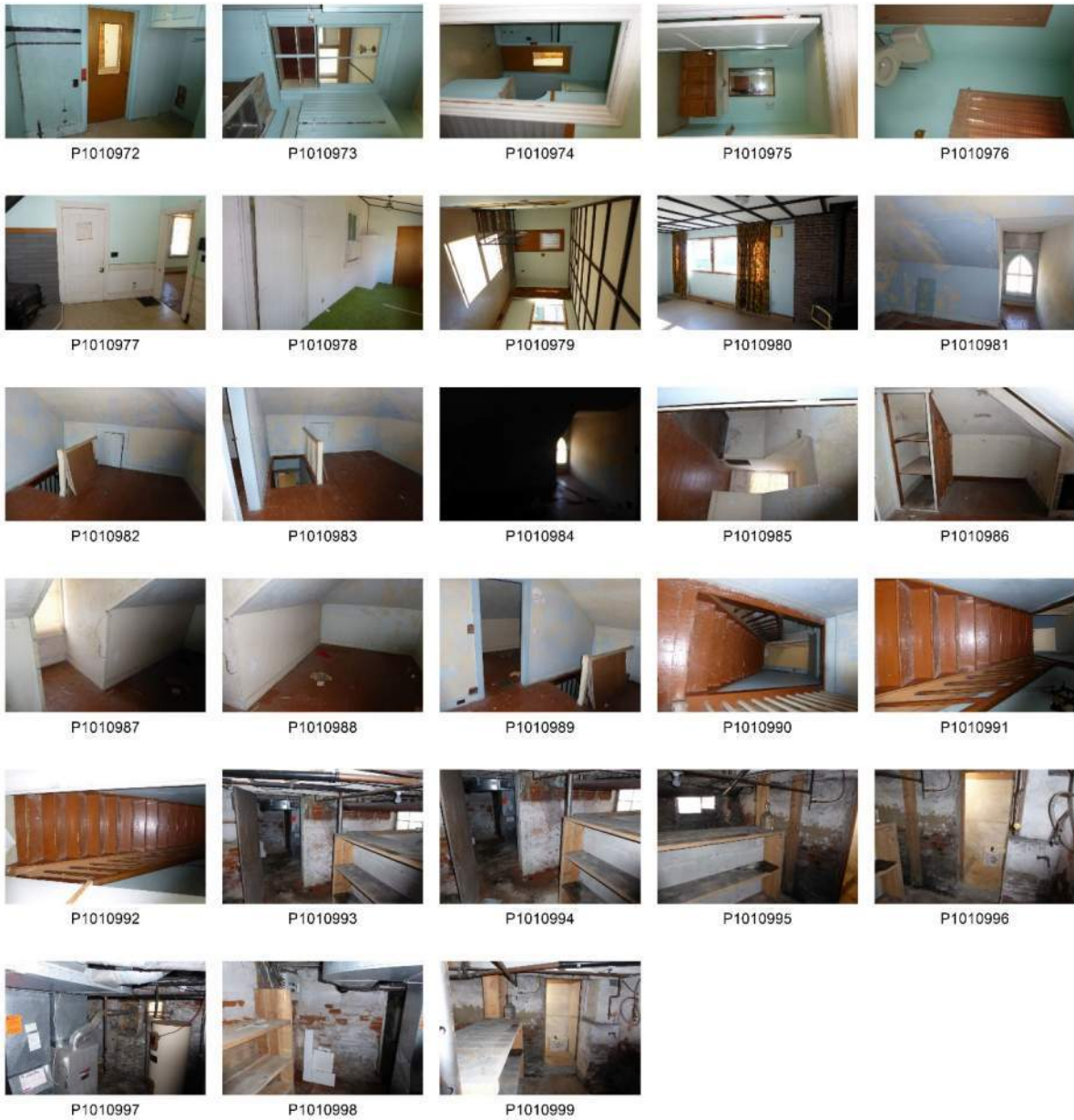


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APPENDIX II: ORIGINAL DESIGNATION REPORT

***HERITAGE REPORT:
REASONS FOR HERITAGE DESIGNATION***



*Kilpatrick-Young House
23 Centre Street South*

December 2009

Jim Leonard
Heritage Coordinator
Planning, Design & Development



PROFILE OF SUBJECT PROPERTY:

ROLL NUMBER	10-02-0-006-04200-0000
PIN NUMBER	140350025
MUNICIPAL ADDRESS	23 Centre Street South
WARD NUMBER	3
LEGAL DESCRIPTION	PL BR 5 LOT 81 AND PT LOT 80 RAILWAY BLK
SECONDARY PLAN	
PROPERTY NAME	
CURRENT OWNER	Mr. Patrick Young
CRITERIA GRADE	A
CURRENT ZONING	Commercial
OWNER CONCURRENCE?	
CURRENT USES AND FUNCTIONS	residential
PREVIOUS OWNERS AND OCCUPANTS	
CONSTRUCTION OR CREATION DATE	1876 circa
RESOURCES ON SUBJECT PROPERTY INCLUDED IN DESIGNATION (circle)	Building

REASONS FOR HERITAGE DESIGNATION:

The property at 23 Centre Street South is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value and/or contextual value. The design or physical criteria is especially significant.

GENERAL PROPERTY DESCRIPTION:

The subject property occupies Lot 81 in the "Railway Block" plan of subdivision, surveyed in March 1854 and registered on May 9, 1854. Lot 81 is generally rectangular in shape. The parcel has a frontage of approximately 62 linear feet.

The primary standing structure is a one and a half storey house facing Centre Street South. The plan of the principle structure is a squat T-shape, comprising a one and a half storey square main wing and a slightly smaller rear one storey wing (possibly a summer kitchen).

The front façade of the house has a three bay fenestration on a centre hall plan with a central, gabled dormer with a pointed or "Gothic" window opening inside the dormer. The house has a moderately pitched cottage or hip roof which is typical of the Regency Ontario Cottage style. The primary exterior cladding is pebble-dash stucco. Most windows have gently segmented arched openings and 2 over 2 wood sashes with eared moulded wood surrounds. Enclosed porches, clad in metal siding, are located off the rear wing of the house and also the north side façade. A gabled roof dormer projects out of the roof on the south side elevation.

The house rests on its original foundation of field stone, later parged.

The house has a shallow front yard setback. There is a small front lawn bisected by a sidewalk to the front door. A concrete retaining wall surrounds the front lawn. A gravel driveway is situated off the north side elevation. A detached rear garage is extant on the property. The rear yard has mature conifers along the north property line.

STATEMENT EXPLAINING THE CULTURAL HERITAGE VALUE OR INTEREST OF THE PROPERTY

The cultural heritage value of 23 Centre Street is related primarily to its design or physical value as a highly representative, early and well preserved example of a wood frame house designed in the Regency Ontario Cottage style. The style is exhibited generally by the cottage or hip roof, low, one and half storey massing, well proportioned symmetrical form and dormer centred over the main door.

The house also reflects a high degree of craftsmanship. The front facade is particularly well articulated by the central door, gabled dormer window with decorative vergeboard and a pointed Gothic window (elements shared with its stylistic cousin, the Ontario Gothic style). Also noteworthy is the eared main door architrave, moulded eared wood trim surrounding most windows and main door, also the wood storm windows, and the highly decorative vergeboard that decorates the front dormer,

The property stands as a historical 'survivor', retaining considerable built heritage fabric. Most elevations remain virtually unchanged from construction in the mid Victorian era. Original architectural fabric includes: pebble-dash stucco cladding, vertical wood corner-boards and horizontal trim boards intricate decorative vergeboard over central gable window, wood shutters, eared main door architrave, eared moulded window openings, wood sashes, delicate arched window heads and wood trim. The subject property is possibly the best preserved example of this architectural style in Brampton and offers a glimpse of how this part of Brampton may have once appeared.

The subject property has had only three owners since its construction in the mid 1870s. The house was built for Benjamin Kilpatrick Jr. (born 1858-died 1934). He was the son of an Irish immigrant originally from County Tyrone, Ireland. He, his wife Mary and family occupied the house from construction to 1937 when title changed hands. Charles Eugene O'Hara was the next owner. The O'Hara family occupied the house until 1963 when Mary Young acquired the property. Her son Patrick is still owner.

The house was built in one of the early residential subdivisions in Brampton and at a time when the town was entering a residential building boom following incorporation, arrival of the railway and the emergence of the local flower industry.

Contextually, the surrounding area has changed considerably since the "Railway Block" plan of subdivision was developed. Commercial infill and development of the hospital has diminished the overall heritage character of the area. Nevertheless, with respect to the subject parcel, the visual and physical relationship between the house and street remains unchanged. The parcel helps illustrate the characteristics of a typical mid Victorian building lot in Brampton – noted by narrow lots and shallow front yard setbacks which were intended to encourage closer interaction between residents and passers-by.

Despite redevelopment on adjacent and nearby parcels, the house at 23 Centre Street South is one of the best preserved mid 19th century dwellings in the downtown neighbourhood. There are other good examples of the Ontario Cottage style in the downtown but they do not necessarily retain as much original building fabric as the subject property.

The statement explaining the cultural heritage value or interest of the subject property, including a description of the heritage attributes of the property along with all other components of the Heritage Report: Statement of Reasons for Heritage Designation, constitute the "reason for heritage designation" required under the *Ontario Heritage Act*.

DESCRIPTION OF THE HERITAGE ATTRIBUTES OF THE PROPERTY:

Unless otherwise indicated, the reason for designation apply generally to all exterior elevations, facades, foundation, roof and roof trim, all doors, windows, other structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster parging, metal and glazing and related building techniques, fencing, all trees, shrubs, hedgerows, other vegetation and the grounds and vistas generally. To ensure that the

cultural heritage value of this property is conserved, certain heritage attributes that contribute to its value have been identified specifically and they include:

Design / Physical Value:

- excellent and very well preserved example of Regency style of architecture in the Ontario Cottage form;
- low one and a half storey height;
- well proportioned symmetrical massing and T-shaped plan;
- wood frame construction clad generally in pebble-dash stucco;
- vertical wood corner boards and horizontal trim boards
- original fieldstone foundation (later parged);
- well articulated three bay front fenestration;
- steeply pitched front gabled wall dormer with pointed Gothic window;
- highly decorative vergeboard decorating front dormer;
- all window openings; most of which having eared architraves and gently segmented arches, moulded trim elements and sills;
- wood storm windows with decorative vent openings through bottom rail;
- wood shutters and associated hardware;
- 2/2 wood sash windows, with eared wood window surrounds and wood sills;
- paneled, single leaf front door, door opening, moulded eared surround and fixed transom;
- dormer gabled window over front entrance;
- cottage or hip roof profile and medium pitch;
- rear, one storey wing with (presumably the original summer kitchen);
- gabled roof dormer window on south side facade.

Historical / Associative Value:

- associated with Kilpatrick, O'Hara and Young families;
- helps document evolution of "Railway Block" neighbourhood;
- part of construction boom following introduction of railway and local flower industry in the mid 1850s;

Contextual Value:

- helps document a typical mid Victorian building lot in Brampton with shallow front yard setback and narrow lot plan;
- contributes to understanding of original character of "Railway Block" as a cohesive mid Victorian residential neighbourhood;
- long established physical and visual relationship between subject property and street;
- helps define the history and evolution of this neighbourhood;
- extremely well preserved building;
- highly visible property.

HERITAGE EVALUATION / CRITERIA NOTE:

The property meets the criteria for designation prescribed by the Province of Ontario under Ontario Heritage Act Regulation 9/06.

The property was listed in the Municipal Register of Cultural Heritage Resources in 2005 as a "Category A" heritage resource.

ALTERATION HISTORY AND HERITAGE INTEGRITY NOTE:

The house exhibits a generally excellent state of heritage integrity. Minor alterations have been made over the years but they do not detract from the cultural heritage value of the property. Alterations include:

- Metal flashing covers fascia and soffits but are not obtrusive;
- Metal screen door obscures original paneled main door;
- A more recent concrete front porch with metal railings;
- Unobtrusive cinder block chimney stack off south side elevation at rear of main house block;
- Enclosed porch on north side elevation clad in metal siding;
- Rear enclosed porch clad in metal siding.

Some concern is noted regarding physical condition of the house. There are small holes forming in the stucco cladding. There is also an ever increasing need for exterior painting. At this stage, these deficiencies remain relatively minor and can be repaired with relative ease. If neglected, they can result in more extensive damage, more costly repairs or may result in property standards by-law infractions. With designation, the property would be eligible for heritage incentive grant to assist with repairs to heritage fabric of the house.

RARITY NOTE:

The Ontario Cottage style is relatively common form in Brampton but it is rare to see Brampton examples exhibiting such a high degree of heritage integrity and character. Almost every element of this property (including most landscape characteristics) remain well preserved or compatible.

NOTE ON ARCHAEOLOGICAL POTENTIAL:

Some archaeological potential, from the European settlement period reflected by the Kilpatrick and O'Hara occupancies, may be present considering the age and level of preservation on the property.

EXCLUSIONS:

The following features and attributes are specifically excluded from the scope of heritage designation. The designating by-law does not apply to the following:

- all interior spaces and detailing.

POLICY FRAMEWORK BEHIND MUNICIPAL HERITAGE DESIGNATION

In the context of land use planning, the Province of Ontario has declared that the wise use and management of Ontario's cultural heritage resources is a key provincial interest.

A set of Provincial Policy Statements (PPS) provides planning policy direction on matters of provincial interest in Ontario. These statements set the policy framework for regulating the development and use of land. The current set of policies was last reviewed in 2005. At that time the cultural heritage policies were strengthened considerably.

The relevant heritage policy statement is PPS 2.6.1, which states that: "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

PPS 2.6.1 is tied to Section 3 of the *Ontario Planning Act* which stipulates that land use planning decisions by municipalities "shall be consistent with" the Provincial Policy Statements.

The policy is also integrated with the *Ontario Heritage Act*. This piece of legislation grants municipalities powers to preserve locally significant cultural heritage resources through heritage designation. Decisions as to whether a property should be designated heritage or not is based solely on its inherent cultural heritage value or interest.

City Council prefers to designate heritage properties with the support of property owners. However, Council will designate a property proactively, without the concurrence of a property owner as required. These principles are reflected in Brampton's Official Plan. The relevant policies are as follows:

4.9.1.3: All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the *Ontario Heritage Act* to help ensure effective protection and their continuing maintenance, conservation and restoration.

4.9.1.5: Priority will be given to designating all heritage cemeteries and all Class A heritage resources in the Cultural Heritage Resources Register under the *Ontario Heritage Act*.

4.9.1.6: The City will give immediate consideration to the designation of any heritage resource under the *Ontario Heritage Act* if that resource is threatened with demolition, significant alterations or other potentially adverse impacts.

These principles are also guided by recognized best practices in the field of heritage conservation in Ontario and in Brampton's Heritage Program.

ACKNOWLEDGEMENTS:

Helen Warner, Brampton Heritage Board, for completing in-depth primary historical research on the subject property.

LOCATION MAPS:





Detail from "Railway Block" plan of subdivision (BR-5), registered in May 1854. Lot 81 (subject property) is highlighted.

IMAGES:



Figure 1 and 2: Views of principle façade of subject property showing fenestration, main entrance, front gable dormer window as well as lawn, and existing landscaping elements.





Figure 3: Detail shot of single-leaf front door, fixed transom and moulded eared architrave surrounding door opening; also the gabled wall dormer with pointed Gothic window and highly decorative wood vergeboard trim.



Figure 4: Detail of decorative vergeboard on front gabled wall dormer.



Figures 5 and 6: Details of south side showing moulded window surround, segmented arch over window, storm and wood shutters



Figure 7: South side elevation.



Figure 8: North side elevation.



Figures 9, 10 (this page) and 11, 12 (next page): Contextual views along Centre Street South.



APPENDIX III: LETTER FROM PREVIOUS OWNER PATRICK YOUNG

23 Centre Street South
Brampton, Ontario
January 7, 2011

Mr. John Sanderson
Regional Councillor
Brampton

Dear John

Just prior to my conversation with you on Friday Jan. 7/11 I was speaking with Ms. Antoniette Minichillo, Heritage Co-ordinator, City of Brampton. Among other things discussed with her at this time was mention of several factual errors in the designation report. Upon reflection it seems strange to me that she would dismiss these errors as insignificant to the overall designation process while asking for them so as to revise the original report. Hmmm.

Please find enclosed my note that provides my rationale for pursuance of a challenge to this designation process. Included too is a copy of the designation report and my eight points of criticism of it.

Many thanks for hearing me

Yours truly
Pat Young

John

With respect to the dispute resolution mechanism that might be invoked in this case would you happen to know if the final decision rests with a vote by (a) members of the City Council or by (b) some ad hoc group of citizens who might possibly have contributed in some way or other, directly or indirectly, in the preparation of the designation report itself? Obviously if it's the latter, the dispute process could be seriously tainted.

I'd certainly welcome any of your comments and/or suggestions related in any way to this matter before me. And please feel free to be candid.

Thanks John

Pat

Rationale for Challenge of the Designation Process

The eight notes presented below contain factual information that disputes certain heritage attributes of my house at 23 Centre Street South, Brampton contained in the designation report. As you will see all of the disputed heritage attributes appearing in the designation report are highlighted in green with numbered reference on the immediate left margin. The number(s) will direct you to the factual information.

In my view the erroneous "factual" content of this designation report is sufficiently serious as to disqualify the report as a legitimate presentation and calls into serious question the very legitimacy of the heritage designation process as it relates to my house at 23 Centre Street South, Brampton.

Sincerely

Patrick Young

January 7, 2011

Page 1

Notes that Challenge the Reasons for Heritage Designation

1. Approximately 80% of the pebbled stucco that originally clad the 23 Centre Street South house had by 1970 deteriorated to the point whereby replacement was required. A more updated version of stucco with a cement base was applied during this period and textured to resemble to some degree the pebbled look. Presently a cursory examination of the state of repair of the eastern exterior wall of the house (i.e. the front outside wall) indicates a level of deterioration requiring a complete replacement of the sort comparable to that which was undertaken on the north and south exterior walls in the 1970's *
2. Field stones account for no more than approximately 5% of the foundation upon which the 23 Centre Street South house rests while concrete blocks and bricks account for approximately 95% or more of the foundation upon which this house rests. Further, the field stones have not been parged.

Page 2

3. The driveway at 23 Centre Street South is not topped by gravel but rather is covered by concrete based paving stones as of 1987.
4. The conifers herein referred to are situated on the property line between 21 Centre Street South and 23 Centre Street South. These conifers are jointly owned by the respective owners.
5. All twelve decorative window shutters presently in use were made and installed by the present owner, Patrick Young, during the mid-1970's. Also, the only hardware associated with the installation of these shutters consists of two 3-inch wood screws per shutter.
6. Charles E. O'Hara never occupied the house at 23 Centre Street South. After he purchased this house he rented it to a family named Eweler. The Young family moved to this house in 1941 shortly after the death of Owen Young, the husband of Mary Young and father of three young children, of which I was one.

Page 3

7. Seven of the ten wooden framed storm windows presently in use at 23 Centre Street South were made by the present owner, Patrick Young, during the mid to late 1970's.
8. Most of the horizontal trim boards were replaced in the late 1970's and early 1980's.

Comment

In view of the above notes that indicate serious factual errors in the designation report I suggest that the present criteria grade of A be significantly downgraded to Fairer status.

- * Much of the damage to the front outside wall was most likely triggered by the heavy pounding that this house endured during the 1986-87 grade separation that accompanied the construction of the Centre Street South railway underpass - see enclosed pictures.

APPENDIX IV: NOTICE OF INTENTION TO DESIGNATE



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act e-Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre électronique, tenu aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.

**Public Notice****NOTICE**

In accordance with procedure By-law 160-2004, and in the matter of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, and the matter of the lands and premises located at 23 Centre Street South in the City of Brampton, in the Province of Ontario:

NOTICE OF INTENTION TO DESIGNATE

TAKE NOTICE that the Council of the City of Brampton intends to designate property situated at 23 Centre Street South in the City of Brampton, in the Province of Ontario, as a property of cultural heritage value or interest under Part IV of the Ontario Heritage Act, R.S.O. c. O. 18.

DESCRIPTION OF PROPERTY

The subject property occupies Lot 81 in the "Railway Block" plan of subdivision. Lot 81 is generally rectangular in shape. The parcel has a frontage of approximately 62 linear feet. The primary standing structure is a one and a half storey house facing Centre Street South. The plan of the principle structure is a squat T-shape, comprising a one and a half storey square main wing and a slightly smaller rear one storey wing (possibly a summer kitchen).

SHORT STATEMENT OF THE REASON FOR THE DESIGNATION

The property at 23 Centre Street South is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value and contextual value.

The cultural heritage value of 23 Centre Street is related primarily to its design or physical value as a highly representative, early and well preserved example of a wood frame house designed in the Regency Ontario Cottage style. The style is exhibited generally by the cottage or hip roof, low, one and half storey massing, well proportioned symmetrical form and dormer centred over the main door.

The house also reflects a high degree of craftsmanship. The front facade is particularly well articulated by the central door, gabled dormer window with decorative vergeboard and a pointed Gothic window (elements shared with its stylistic cousin, the Ontario Gothic style). Also noteworthy is the eared main door architrave, moulded eared wood trim surrounding most windows and main door, also the wood storm windows, and the highly decorative vergeboard that decorates the front dormer.

The property stands as a historical 'survivor', retaining considerable built heritage fabric. Most elevations remain virtually unchanged from construction in the mid Victorian era.

The Corporation of The City of Brampton
2 Wellington Street West, Brampton, ON L6Y 4R2 T: 905.874.2000 TTY: 905.874.2130



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Original architectural fabric includes: pebble-dash stucco cladding, vertical wood corner-boards and horizontal trim boards intricate decorative vergeboard over central gable window, wood shutters, eared main door architrave, eared moulded window openings, wood sashes, delicate arched window heads and wood trim. The subject property is possibly the best preserved example of this architectural style in Brampton and offers a glimpse of how this part of Brampton may have once appeared.

The house was built in one of the early residential subdivisions in Brampton and at a time when the town was entering a residential building boom following incorporation, arrival of the railway and the emergence of the local flower industry.

Contextually, the surrounding area has changed considerably since the "Railway Block" plan of subdivision was developed. Commercial infill and development of the hospital has diminished the overall heritage character of the area. Nevertheless, with respect to the subject parcel, the visual and physical relationship between the house and street remains unchanged. The parcel helps illustrate the characteristics of a typical mid Victorian building lot in Brampton – noted by narrow lots and shallow front yard setbacks which were intended to encourage closer interaction between residents and passers-by.

Despite redevelopment on adjacent and nearby parcels, the house at 23 Centre Street South is one of the best preserved mid 19th century dwellings in the downtown neighbourhood. There are other good examples of the Ontario Cottage style in the downtown but they do not necessarily retain as much original building fabric as the subject property.

DESCRIPTION OF HERITAGE ATTRIBUTES

Unless otherwise indicated, the reason for designation applies generally to all exterior elevations, facades, foundation, roof and roof trim, all doors, windows, other structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster parging, metal and glazing and related building techniques, fencing, all trees, shrubs, hedgerows, other vegetation and the grounds and vistas generally.

To ensure that the cultural heritage value of this property is conserved, certain heritage attributes that contribute to its value have been identified. They include:

Design / Physical Value:

- excellent and very well preserved example of Regency style of architecture in the Ontario Cottage form;
- low one and a half storey height;
- well proportioned symmetrical massing and T-shaped plan;
- wood frame construction clad generally in pebble-dash stucco;
- vertical wood corner boards and horizontal trim boards;

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Architects Rasch Eckler Associates Ltd.
Project No. 17-1811



Public Notice

- original fieldstone foundation (later parged);
- well articulated three bay front fenestration;
- steeply pitched front gabled wall dormer with pointed Gothic window;
- highly decorative vergeboard decorating front dormer;
- all window openings; most of which having eared architraves and gently segmented arches, moulded trim elements and sills;
- wood storm windows with decorative vent openings through bottom rail;
- wood shutters and associated hardware;
- 2/2 wood sash windows, with eared wood window surrounds and wood sills;
- paneled, single leaf front door, door opening, moulded eared surround and fixed transom;
- dormer gabled window over front entrance;
- cottage or hip roof profile and medium pitch;
- rear, one storey wing with (presumably the original summer kitchen);
- gabled roof dormer window on south side facade.

Historical / Associative Value:

- associated with Kilpatrick, O'Hara and Young families;
- helps document evolution of "Railway Block" neighbourhood;
- part of construction boom following introduction of railway and local flower industry in the mid 1850s.

Contextual Value:

- helps document a typical mid Victorian building lot in Brampton with shallow front yard setback and narrow lot plan;
- contributes to understanding of original character of "Railway Block" as a cohesive mid Victorian residential neighbourhood;
- long established physical and visual relationship between subject property and street;
- helps define the history and evolution of this neighbourhood;
- extremely well preserved building;
- highly visible property.

The short statement of reason for the designation, including a description of the heritage attributes along with all other components of the detailed Heritage Report: Statement of Reason for Heritage Designation, constitute the "reason for heritage designation" required under the *Ontario Heritage Act*.

Please contact Antonietta Minichillo, Heritage Coordinator in Urban Design Section, Planning, Design and Development Department at 905-874-3744 to view this document, and for further information. Notice of objections to the proposed designation may be

The Corporation of The City of Brampton

2 Wellington Street West, Brampton, ON L6Y 4R2 T: 905.874.2000 TTY: 905.874.2130



Architects Rasch Eckler Associates Ltd.
Project No. 17-1811



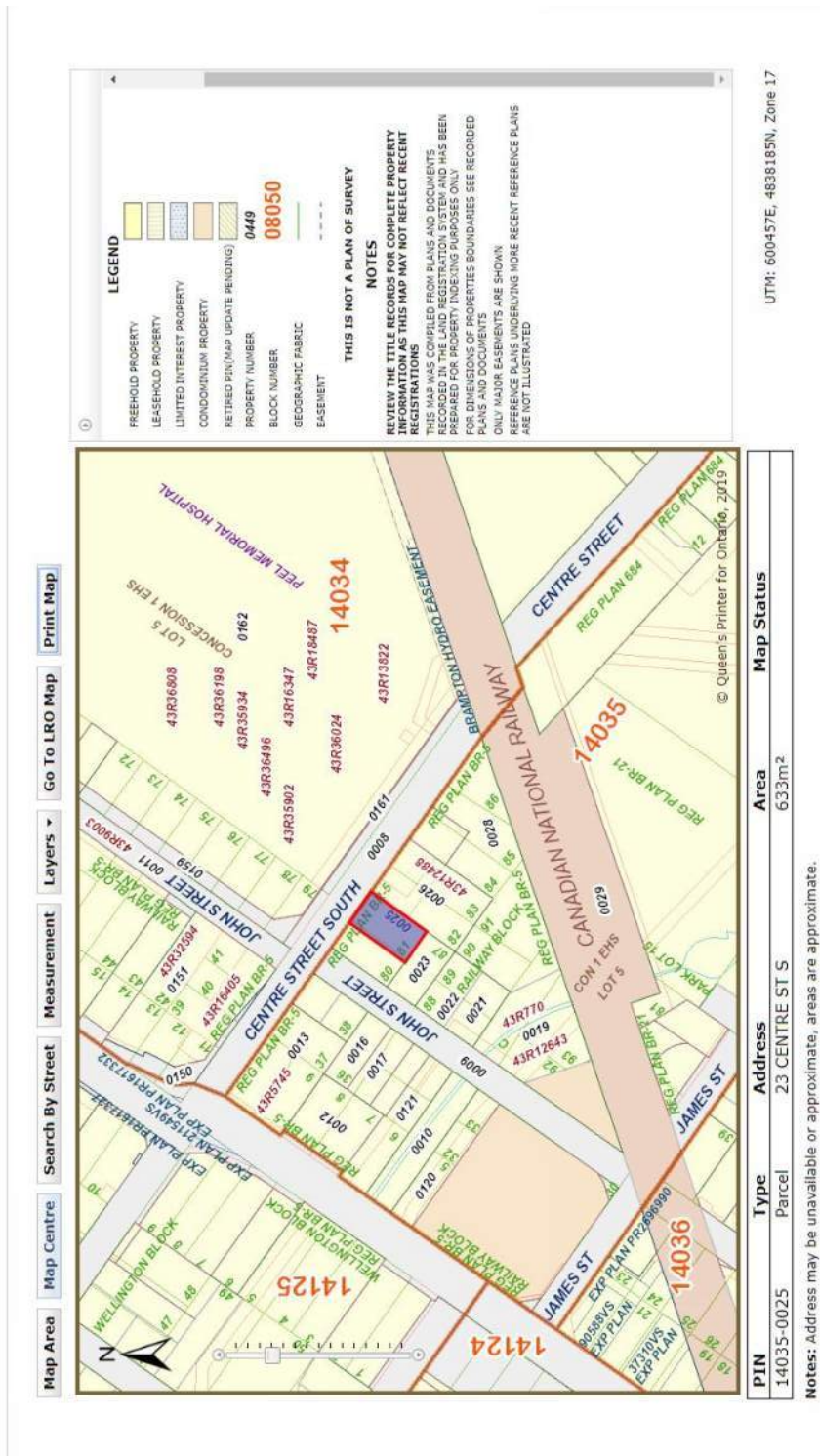
Public Notice

served on the City Clerk no later than 4:30 p.m. on January 28, 2011 (within 30 days of the publication of this notice).

Dated at the City of Brampton on this 21st day of December 2010.

Peter Fay, City Clerk
2 Wellington St. W., Brampton, ON L6Y 4R2
905-874-2116 (voice), 905-874-2119 (fax) 905-874-2130 (TTY)
cityclerksoffice@brampton.ca

The Corporation of The City of Brampton
2 Wellington Street West, Brampton, ON L6Y 4R2 T: 905.874.2000 TTY: 905.874.2130

**APPENDIX V: ONTARIO ELECTRONIC PROPERTY INDEX MAP, ONTARIO LAND
REGISTRY ACCESS - PEEL COUNTY**

APPENDIX VI: LAND REGISTRY RECORD FOR LOT 81, CONCESSION BR-5**Abstract/Parcel Register Book**

PEEL COUNTY (43), BRAMPTON

PLAN 5; RAILWAY BLOCK

DATE PLAN REGISTERED May 9, 1854
OWNERS John Lynch, et al
LOTS SUBDIVIDED Pt. 5, 1, E.H.S. & G.L.

Abstract Index
Répertoire par lot

Lot 81 Plan/Concession BR-5 Page 1

Abstract/Parcel Number	Instrument Type	DATE, MONTH, YEAR	Parties from	Parties to	Consideration	Land/Remarks
1675	B & S	7 Feb 1876	John Lynch	Ben. Kilpatrick Jr.	174.00	A11 & OL
19220	Grant	1 Mar 1937	Mary A. J. Kilpatrick Exrs. of Benjamin Kilpatrick Est.	Charles E. O'Hara	2,000.00	A11 & OL Consent attached
See Deposit no. 650						
800958	Cert	11 Dec 1951	Treasurer's Consent	Charles Eugene O'Hara Estate		A11 & OL
48023	Grant	1 Aug 1963	Florence L. Core et al Exrs. Mary M. O'Hara Est.	Mary B. Young	1.00 & c	A11 & OL
703636	Grant	18 01 85	Estate of YOUNG, Mary	YOUNG, Patrick		A11 & OL
719612	Grant	11 07 85	Estate of YOUNG, Mary	YOUNG, Patrick		A11 & OL

NOTICE
All Documents/Instruments
registered on or after
JUN 24 1997
are required to be accompanied by a
Notice of Registration (NOR) of the
REGISTRY ACT

1021-080 FORM 1

Previous 283 of 316 Next

APPENDIX VII: QUALIFICATIONS OF AREA AND RESUMES**FIRM PROFILE | HERITAGE & MUSEUM WORK**

AREA is a full service firm, based in Toronto and operating across Canada, which specializes in the restoration and adaptive re-use of historic buildings; urban design for heritage streetscapes and approvals under the Ontario Heritage Act. The firm has a history extending over 30 years of practice, and is managed by 2 principals and 8 technical staff – including intern architects, interior designers and architectural technologists – with experience in the documentation and restoration of historic buildings and sites. Although we are qualified for heritage and museum projects, the members of our firm have also undertaken a wide range of institutional and commercial projects often involving the integration of historic components into new developments.

AREA and its staff are members of various heritage associations and advisory boards across Canada. David Eckler, B.E.S., B.Arch., OAA, MRAIC is an active member in many heritage associations including the Architectural Conservancy of Ontario Advisory Board. He is a former Vice-Chair of Heritage Toronto, which advised Toronto City Council on heritage matters as a LACAC under the Heritage Act. Bernard Rasch, B.Arch., PPOAA, FRAIC, ARIBA has served on a number of heritage committees and boards including the Markham District Historical Society and City of York Historical Committee and the Metro Board of Management for The Guild from 1984 to 1998 where he served in many positions including Chair & Vice-Chair of the Board.

Historical Façade Improvement Guidelines & Heritage Districts

- Stouffville Main Street Revitalization, 1998, DEA was presenter at workshop
- Yonge Street Commercial Façade Improvement Program, 1996, received City approval of grant
- Woodstock Façade Improvement Program, 1995, DEA initiated program for City
- Hazelton-Yorkville Area Heritage Conservation District Study, City-sponsored study
- Fergus Downtown Community Masterplan & Design Guidelines

Historic Museums, Institutional & Cultural Buildings

- Officers' Quarters (1830), Military & Naval Establishment, Discovery Harbour, Penetanguishene
- Spence Half-Way House Restoration (c. 1850), Muskoka Pioneer Village, Huntsville
- Sharon Temple Compound (1821), Sharon, York Region
- Heliconian Hall (first Olivet Sunday Schoolhouse, circa 1876), Yorkville
- Cedar Ridge Studio Gallery (1918), 225 Confederation Drive, (Scarborough)
- Aurora Historical Society Museum (1886 school), 22 Church Street, Aurora
- The Niagara Institute (early 20th.c), 9 Weatherstone Crt., Niagara on the Lake
- St. Lawrence Hall (1840) – renovations of town hall to accommodate National Ballet School

Historic House Restorations

- Jacob Ross House Restoration (1852), 108 Stayner Ave.
- William Wonch House Restoration (1840), 2777 Woodbine Ave., Markham
- Robert Milroy House Restoration (c. 1833), 7111 Reesor Rd., Markham
- McDougall Farmhouse (1893) Heritage Assessment, James Snow Parkway, Milton, ON
- Devonian House Restoration & Addition (circa 1923), 144 John St. E., Niagara on the Lake
- Savage House & Blacksmith Shop (c.1840), 1480 Derry Rd. E., Mississauga

Converted Historic Residences

- Old Post Inn (c. 1830), 367 Kingston Road East, Ajax
- Valley Halla Villa (Jackson Residence, 1922), Toronto Zoo, Rouge Valley, Scarborough
- Armour Heights Officer's Mess (1913, 'Strathrobyn'), Canadian Forces College, 215 Yonge Blvd.
- Bellevue Daycare Centre (1887), 95 Bellevue Ave.
- Gerrard & Bay Historic Houses (1860-1890), 68-84 Gerrard St. W.
- Toronto French School Restoration (Sifton Estate, 1923), 294 - 318 Lawrence Ave. E.

DAVID ECKLER, AREA



EDUCATION

University of Waterloo
B.Arch (1985)
B.E.S. (1982)

MEMBERSHIPS

Ontario Association of
Architects
(Former Councillor & Chair
Awards Committee)

Royal Architectural Institute of
Canada

Canadian Standards
Association [CSA]

Architectural Conservancy of
Ontario Advisory Board

Society for the Study of
Architecture in Canada

Heritage Canada Foundation

Ontario Historical Society

CAREER SUMMARY

AREA, Architects Rasch Eckler
Associates Ltd.
President
2001 to Present

David Eckler Architect
1991 – 2001

Page & Steele Architects
1989 – 1991

Arthur Erickson Architects
1986 – 1989

DAVID ECKLER BES, B.Arch., OAA, MRAIC
AREA, Architects Rasch Eckler Associates Ltd.
President & Principal – Senior Heritage Architect

David Eckler is the firm's principal and is responsible for the design, construction drawings, specifications and construction administration of all heritage projects in the office. Mr. Eckler has over 25 years experience in the conservation, restoration and adaptive reuse of heritage structures for government, non-profit agencies and private sector owners and developers. Mr. Eckler directs the Concept Design, Design Development and Contract Documents phases of heritage projects and authors many of the firm's heritage assessment reports.

Mr. Eckler established a specialization in heritage conservation beginning in 1992 with his previous firm *David Eckler Architect [DEA]* and continuing in his current practice, *AREA Architects*. His architectural heritage services include feasibility studies, preservation planning, infill projects within historic districts, adaptive re-use and building restoration. David is an active member in many architectural and heritage associations including the *Architectural Conservancy of Ontario Advisory Board*. He is a past member of the *Canadian Association of Professional Heritage Consultants* and is a former Vice-Chair of *Heritage Toronto*, which advised Toronto City Council on heritage matters under the Heritage Act and as an advisory board for the city's museums.

Mr. Eckler has particular experience in the restoration of heritage properties within public parks and cultural landscapes. An example of a heritage attraction in a park setting is the restoration of the Officers' Quarters within the *Discovery Harbour* museum in Penetanguishene. He has most recently worked on the restoration of the historic site of the *1910 Allan Gardens Conservatory*.

RELEVANT EXPERIENCE: Toronto location unless indicated

Heritage Adaptive Re-use

- Goldring Student Centre [Wymilwood, 1954] – 150 Charles St. W., Toronto
- Warwick Office Building [1905] – 401-409 King St. W.
- Church of Christ, Scientist [1928], Condominium Redevelopment, 70 High Park
- Eglinton Hunt Club [1929] – Condominiums, 1355 Kingston Rd.
- Hutton House [1853] – Community Centre, Ardmore Park, St. Marys
- Bellevue Daycare Centre [1887] – 95 Bellevue Avenue

Restoration of Institutional Historic Buildings

- Allan Gardens Conservatory Complex [1910] – 160 Gerrard St. E.
- Aurora Historical Society Museum [Church Street School, 1886]
- Toronto French School [Sifton Estate, 1924] – 306 Lawrence Ave. E.
- Armour Heights Officers' Mess [Strathroy's 1913] – 215 Yonge Blvd.
- Medical Arts Building Restoration [circa 1929]
- Officers' Barracks [1830] – Discovery Harbour, Penetanguishene
- Heliconian Hall [first Olivet Church, 1876] – 35 Hazelton Ave.

Heritage Planning, Parks & Streetscape Design

- Cookstown Heritage Conservation District – Innisfil, ON.
- Old Pickering Village Planning & Heritage Study, Ajax
- Yorkville-Hazelton Avenue Heritage Conservation District
- Limehouse Kilns Heritage Masterplan, Halton Hills
- Confederation Commemorative Park, Charlottetown, PEI
- Gerrard & Bay Historic Houses [1860-1890]

BRUCE J.F. CORLEY, AREA

**EDUCATION &
PROFESSIONAL
DEVELOPMENT**

Ontario Building Officials
Association (2005),
Registered and qualified
to design Small Buildings

Ryerson Polytechnic
University (2004),
Certificate in Architecture

Building Owners and
Managers Institute (2002)
Real Property Administrator

Ivey Business School,
University of Western
Ontario (2001),
Masters in Business
Administration

Ontario Real Estate
Association (1995),
Registered Member with
Toronto Real Estate Board

Huron College,
University of Western
Ontario (1985),
Honours Bachelors of
Arts & Science in History

**MEMBERSHIPS &
DIRECTORSHIPS**

Canadian Association of
Heritage Professionals
(2007),
Registered Professional
Member

Historica Foundation of
Canada (2005-07),
Past Council Member

Canadian Warplane
Heritage Museum (2002-9)
Board of Directors

BRUCE J.F. CORLEY HBA, MBA, Cert. Arch., CAHP
AREA, Architects Rasch Eckler Associates Ltd.
Heritage Consultant, Site Coordinator & Recorder

Bruce Corley is an associate consultant of AREA and specializes in the documentation and restoration of historic buildings many of which become incorporated into adaptive reuse redevelopment projects. Mr. Corley has over 12 years experience in the conservation, restoration and adaptive reuse of heritage structures for government, non-profit agencies and private sector owners and developers.

Mr. Corley has provided detailed measured drawings, photographs and conditions reports to numerous owners, developers, planners and municipalities for over 50 heritage properties. These assessments and documentation assignments have allowed the heritage buildings to be restored, adapted, reused, removed, rebuilt or replicated. Mr. Corley's process involves measuring, researching and documenting heritage structures to a high degree of accuracy and completeness in order to understand the information provided by the buildings. The property information is derived from published works, civil records and oral history to ascertain when, how and by whom the buildings were constructed.

RELEVANT EXPERIENCE: Toronto location unless indicated**Heritage Restoration, Cultural & Museum Facilities**

- Allan Gardens Conservatory Complex (1910), 160 Gerrard St. E.
- Dalziel-Schmidt Barn, Black Creek Pioneer Village
- Montgomery Inn, Etobicoke
- Club House (1918), Royal Canadian Yacht Club

Masonry Restoration, Churches & Office Buildings

- Warwick Office Building (1905) Restoration, 401-409 King St. W.
- Kingsway-Lambton United Church (1937), 85 The Kingsway
- Emmanuel Howard Park United Church, 214 Wright Ave.
- Timothy Eaton United Church, 230 St. Clair Ave. West

Heritage Retail & Commercial Development

- Warwick Office Building (1905) Restoration, 401-409 King St. W.
- Old Fire Hall Redevelopment, 23 King St., Niagara-on-the-Lake
- Retail Restoration (1910), Baby Point area
- Retail building (1912) adaptive reuse, Bloor West Village
- Prescott Harbour, development financing, Prescott
- First London Centre: Rezoning & financing

Measured Drawings of Heritage Residences

- Henhoefer House (Italianate), Fisher Hallman Rd. Kitchener
- Becker House (1850), Fisher Hallman Rd. Kitchener
- Napier Simpson House, Caledon Hills
- Hall House (Classical Revival), Hallstone Rd. Brampton
- Tudor Revival House, The Kingsway
- Home Smith House, The Kingsway
- Harrison House, Gore Road, Brampton
- Laidlaw House, Winston Churchill, Georgetown

HERITAGE REPORT: REASONS FOR HERITAGE DESIGNATION



***Kilpatrick-Young House
23 Centre Street South***

December 2009

Jim Leonard
Heritage Coordinator
Planning, Design & Development



BRAMPTON

PROFILE OF SUBJECT PROPERTY:

ROLL NUMBER	10-02-0-006-04200-0000
PIN NUMBER	140350025
MUNICIPAL ADDRESS	23 Centre Street South
WARD NUMBER	3
LEGAL DESCRIPTION	PL BR 5 LOT 81 AND PT LOT 80 RAILWAY BLK
SECONDARY PLAN	
PROPERTY NAME	
CURRENT OWNER	Mr. Patrick Young
CRITERIA GRADE	A
CURRENT ZONING	Commercial
OWNER CONCURRENCE?	
CURRENT USES AND FUNCTIONS	residential
PREVIOUS OWNERS AND OCCUPANTS	
CONSTRUCTION OR CREATION DATE	1876 circa
RESOURCES ON SUBJECT PROPERTY INCLUDED IN DESIGNATION (circle)	Building

REASONS FOR HERITAGE DESIGNATION:

The property at 23 Centre Street South is worthy of designation under Part IV of the Ontario Heritage Act for its cultural heritage value or interest. The property meets the criteria for designation prescribed by the Province of Ontario under the three categories of design or physical value, historical value and/or contextual value. The design or physical criteria is especially significant.

GENERAL PROPERTY DESCRIPTION:

The subject property occupies Lot 81 in the "Railway Block" plan of subdivision, surveyed in March 1854 and registered on May 9, 1854. Lot 81 is generally rectangular in shape. The parcel has a frontage of approximately 62 linear feet.

The primary standing structure is a one and a half storey house facing Centre Street South. The plan of the principle structure is a squat T-shape, comprising a one and a half storey square main wing and a slightly smaller rear one storey wing (possibly a summer kitchen).

The front façade of the house has a three bay fenestration on a centre hall plan with a central, gabled dormer with a pointed or "Gothic" window opening inside the dormer. The house has a moderately pitched cottage or hip roof which is typical of the Regency Ontario Cottage style. The primary exterior cladding is pebble-dash stucco. Most windows have gently segmented arched openings and 2 over 2 wood sashes with eared moulded wood surrounds. Enclosed porches, clad in metal siding, are located off the rear wing of the house and also the north side façade. A gabled roof dormer projects out of the roof on the south side elevation.

The house rests on its original foundation of field stone, later parged.

The house has a shallow front yard setback. There is a small front lawn bisected by a sidewalk to the front door. A concrete retaining wall surrounds the front lawn. A gravel driveway is situated off the north side elevation. A detached rear garage is extant on the property. The rear yard has mature conifers along the north property line.

STATEMENT EXPLAINING THE CULTURAL HERITAGE VALUE OR INTEREST OF THE PROPERTY

The cultural heritage value of 23 Centre Street is related primarily to its design or physical value as a highly representative, early and well preserved example of a wood frame house designed in the Regency Ontario Cottage style. The style is exhibited generally by the cottage or hip roof, low, one and half storey massing, well proportioned symmetrical form and dormer centred over the main door.

The house also reflects a high degree of craftsmanship. The front facade is particularly well articulated by the central door, gabled dormer window with decorative vergeboard and a pointed Gothic window (elements shared with its stylistic cousin, the Ontario Gothic style). Also noteworthy is the eared main door architrave, moulded eared wood trim surrounding most windows and main door, also the wood storm windows, and the highly decorative vergeboard that decorates the front dormer,

The property stands as a historical 'survivor', retaining considerable built heritage fabric. Most elevations remain virtually unchanged from construction in the mid Victorian era. Original architectural fabric includes: pebble-dash stucco cladding, vertical wood corner-boards and horizontal trim boards intricate decorative vergeboard over central gable window, wood shutters, eared main door architrave, eared moulded window openings, wood sashes, delicate arched window heads and wood trim. The subject property is possibly the best preserved example of this architectural style in Brampton and offers a glimpse of how this part of Brampton may have once appeared.

The subject property has had only three owners since its construction in the mid 1870s. The house was built for Benjamin Kilpatrick Jr. (born 1858-died 1934). He was the son of an Irish immigrant originally from County Tyrone, Ireland. He, his wife Mary and family occupied the house from construction to 1937 when title changed hands. Charles Eugene O'Hara was the next owner. The O'Hara family occupied the house until 1963 when Mary Young acquired the property. Her son Patrick is still owner.

The house was built in one of the early residential subdivisions in Brampton and at a time when the town was entering a residential building boom following incorporation, arrival of the railway and the emergence of the local flower industry.

Contextually, the surrounding area has changed considerably since the "Railway Block" plan of subdivision was developed. Commercial infill and development of the hospital has diminished the overall heritage character of the area. Nevertheless, with respect to the subject parcel, the visual and physical relationship between the house and street remains unchanged. The parcel helps illustrate the characteristics of a typical mid Victorian building lot in Brampton – noted by narrow lots and shallow front yard setbacks which were intended to encourage closer interaction between residents and passers-by.

Despite redevelopment on adjacent and nearby parcels, the house at 23 Centre Street South is one of the best preserved mid 19th century dwellings in the downtown neighbourhood. There are other good examples of the Ontario Cottage style in the downtown but they do not necessarily retain as much original building fabric as the subject property.

The statement explaining the cultural heritage value or interest of the subject property, including a description of the heritage attributes of the property along with all other components of the Heritage Report: Statement of Reasons for Heritage Designation, constitute the "reason for heritage designation" required under the *Ontario Heritage Act*.

DESCRIPTION OF THE HERITAGE ATTRIBUTES OF THE PROPERTY:

Unless otherwise indicated, the reason for designation apply generally to all exterior elevations, facades, foundation, roof and roof trim, all doors, windows, other structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster parging, metal and glazing and related building techniques, fencing, all trees, shrubs, hedgerows, other vegetation and the grounds and vistas generally. To ensure that the

cultural heritage value of this property is conserved, certain heritage attributes that contribute to its value have been identified specifically and they include:

Design / Physical Value:

- excellent and very well preserved example of Regency style of architecture in the Ontario Cottage form;
- low one and a half storey height;
- well proportioned symmetrical massing and T-shaped plan;
- wood frame construction clad generally in pebble-dash stucco;
- vertical wood corner boards and horizontal trim boards
- original fieldstone foundation (later parged);
- well articulated three bay front fenestration;
- steeply pitched front gabled wall dormer with pointed Gothic window;
- highly decorative vergeboard decorating front dormer;
- all window openings; most of which having eared architraves and gently segmented arches, moulded trim elements and sills;
- wood storm windows with decorative vent openings through bottom rail;
- wood shutters and associated hardware;
- 2/2 wood sash windows, with eared wood window surrounds and wood sills;
- paneled, single leaf front door, door opening, moulded eared surround and fixed transom;
- dormer gabled window over front entrance;
- cottage or hip roof profile and medium pitch;
- rear, one storey wing with (presumably the original summer kitchen);
- gabled roof dormer window on south side facade.

Historical / Associative Value:

- associated with Kilpatrick, O'Hara and Young families;
- helps document evolution of "Railway Block" neighbourhood;
- part of construction boom following introduction of railway and local flower industry in the mid 1850s;

Contextual Value:

- helps document a typical mid Victorian building lot in Brampton with shallow front yard setback and narrow lot plan;
- contributes to understanding of original character of "Railway Block" as a cohesive mid Victorian residential neighbourhood;
- long established physical and visual relationship between subject property and street;
- helps define the history and evolution of this neighbourhood;
- extremely well preserved building;
- highly visible property.

HERITAGE EVALUATION / CRITERIA NOTE:

The property meets the criteria for designation prescribed by the Province of Ontario under Ontario Heritage Act Regulation 9/06.

The property was listed in the Municipal Register of Cultural Heritage Resources in 2005 as a "Category A" heritage resource.

ALTERATION HISTORY AND HERITAGE INTEGRITY NOTE:

The house exhibits a generally excellent state of heritage integrity. Minor alterations have been made over the years but they do not detract from the cultural heritage value of the property. Alterations include:

- Metal flashing covers fascia and soffits but are not obtrusive;
- Metal screen door obscures original paneled main door;
- A more recent concrete front porch with metal railings;
- Unobtrusive cinder block chimney stack off south side elevation at rear of main house block;
- Enclosed porch on north side elevation clad in metal siding;
- Rear enclosed porch clad in metal siding.

Some concern is noted regarding physical condition of the house. There are small holes forming in the stucco cladding. There is also an ever increasing need for exterior painting. At this stage, these deficiencies remain relatively minor and can be repaired with relative ease. If neglected, they can result in more extensive damage, more costly repairs or may result in property standards by-law infractions. With designation, the property would be eligible for heritage incentive grant to assist with repairs to heritage fabric of the house.

RARITY NOTE:

The Ontario Cottage style is relatively common form in Brampton but it is rare to see Brampton examples exhibiting such a high degree of heritage integrity and character. Almost every element of this property (including most landscape characteristics) remain well preserved or compatible.

NOTE ON ARCHAEOLOGICAL POTENTIAL:

Some archaeological potential, from the European settlement period reflected by the Kilpatrick and O'Hara occupancies, may be present considering the age and level of preservation on the property.

EXCLUSIONS:

The following features and attributes are specifically excluded from the scope of heritage designation. The designating by-law does not apply to the following:

- all interior spaces and detailing.

POLICY FRAMEWORK BEHIND MUNICIPAL HERITAGE DESIGNATION

In the context of land use planning, the Province of Ontario has declared that the wise use and management of Ontario's cultural heritage resources is a key provincial interest.

A set of Provincial Policy Statements (PPS) provides planning policy direction on matters of provincial interest in Ontario. These statements set the policy framework for regulating the development and use of land. The current set of policies was last reviewed in 2005. At that time the cultural heritage policies were strengthened considerably.

The relevant heritage policy statement is PPS 2.6.1, which states that: "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

PPS 2.6.1 is tied to Section 3 of the *Ontario Planning Act* which stipulates that land use planning decisions by municipalities "shall be consistent with" the Provincial Policy Statements.

The policy is also integrated with the *Ontario Heritage Act*. This piece of legislation grants municipalities powers to preserve locally significant cultural heritage resources through heritage designation. Decisions as to whether a property should be designated heritage or not is based solely on its inherent cultural heritage value or interest.

City Council prefers to designate heritage properties with the support of property owners. However, Council will designate a property proactively, without the concurrence of a property owner as required. These principles are reflected in Brampton's Official Plan. The relevant policies are as follows:

4.9.1.3: All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the *Ontario Heritage Act* to help ensure effective protection and their continuing maintenance, conservation and restoration.

4.9.1.5: Priority will be given to designating all heritage cemeteries and all Class A heritage resources in the Cultural Heritage Resources Register under the *Ontario Heritage Act*.

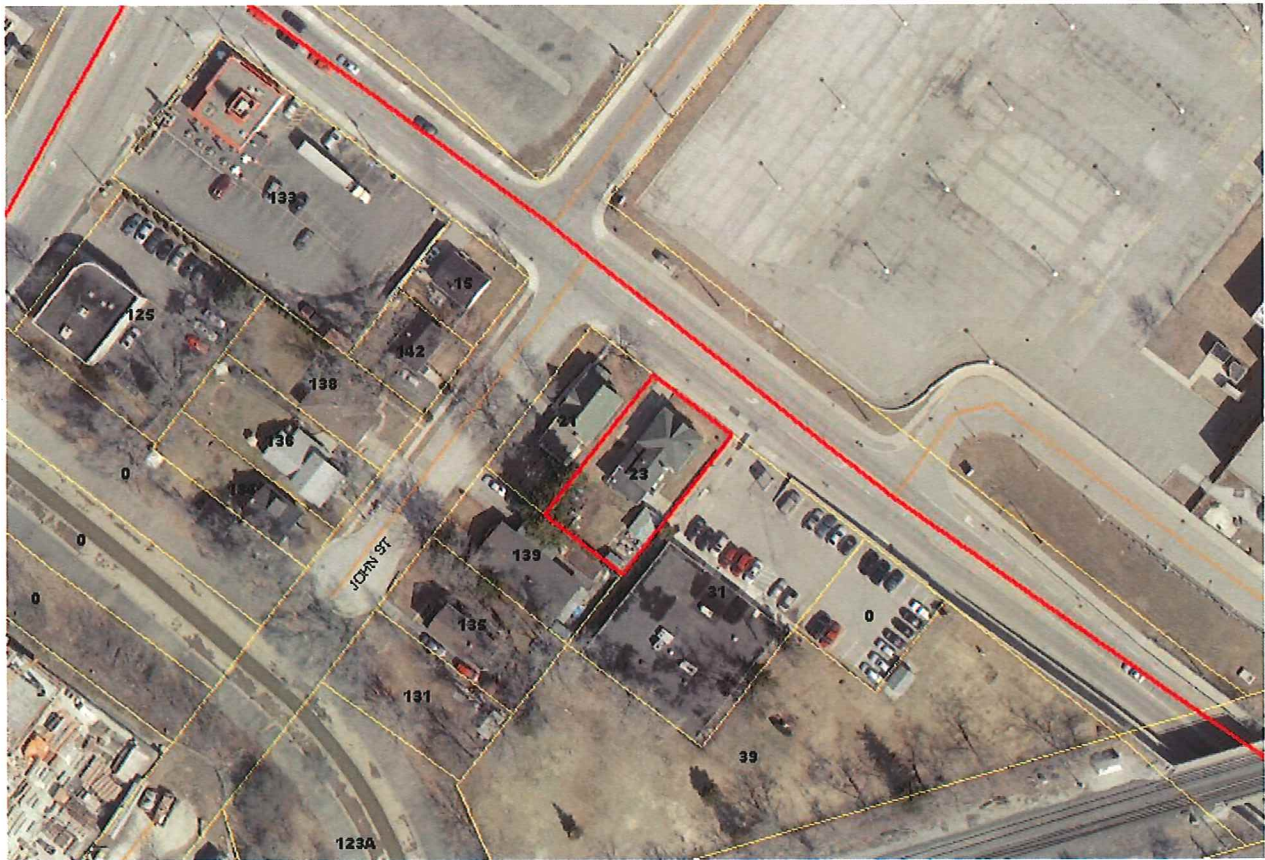
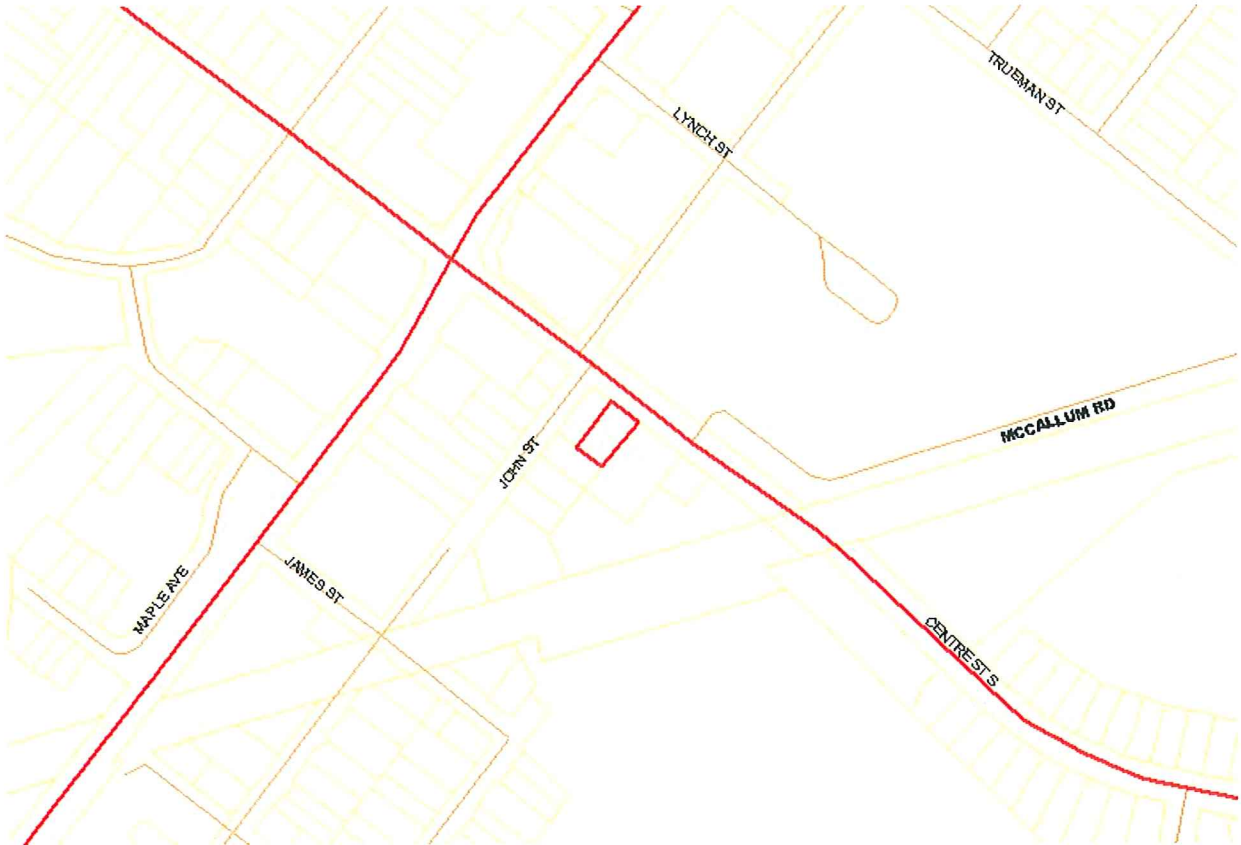
4.9.1.6: The City will give immediate consideration to the designation of any heritage resource under the *Ontario Heritage Act* if that resource is threatened with demolition, significant alterations or other potentially adverse impacts.

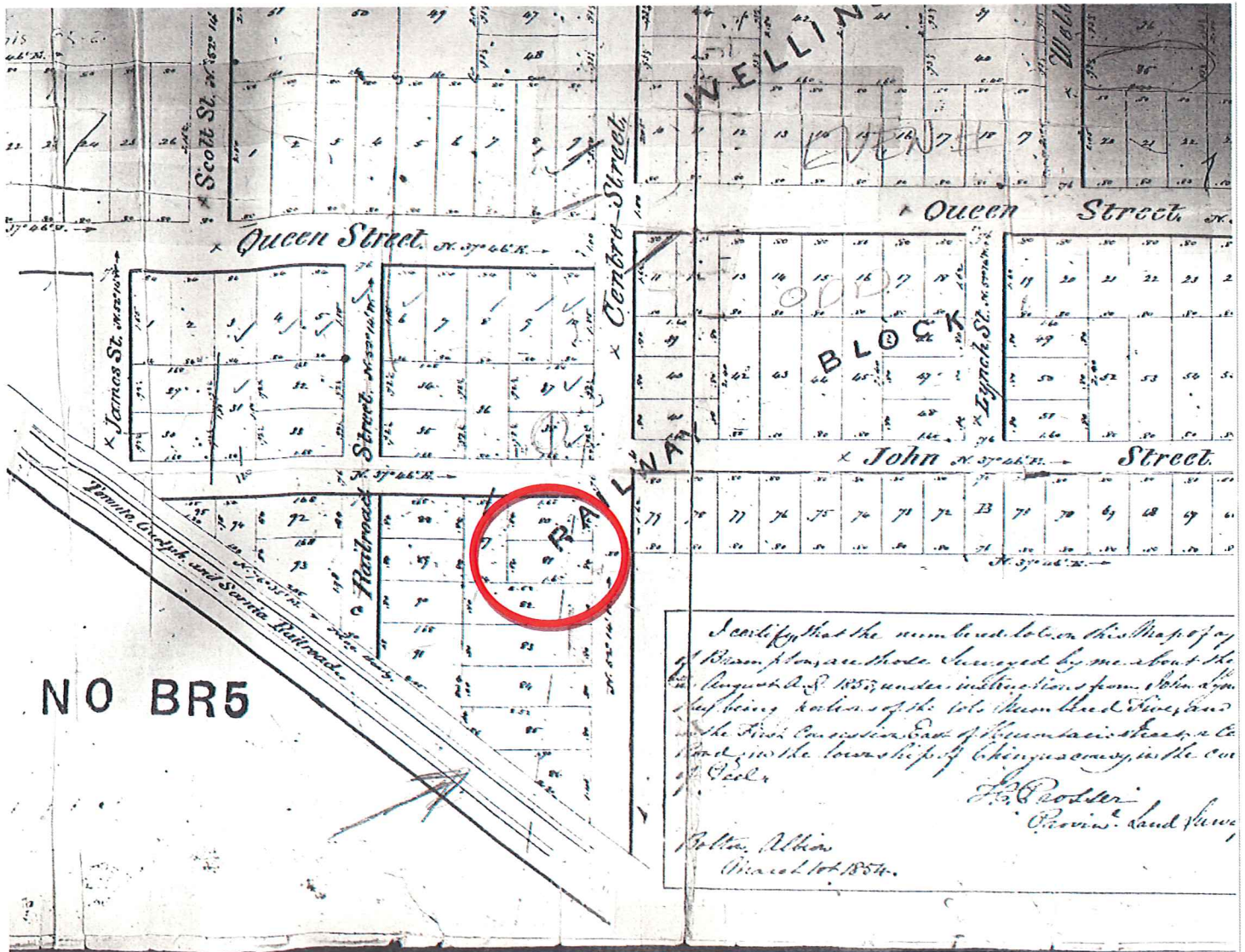
These principles are also guided by recognized best practices in the field of heritage conservation in Ontario and in Brampton's Heritage Program.

ACKNOWLEDGEMENTS:

Helen Warner, Brampton Heritage Board, for completing in-depth primary historical research on the subject property.

LOCATION MAPS:





Detail from "Railway Block" plan of subdivision (BR-5), registered in May 1854. Lot 81 (subject property) is highlighted.

IMAGES:



Figure 1 and 2: Views of principle façade of subject property showing fenestration, main entrance, front gable dormer window as well as lawn, and existing landscaping elements.





Figure 3: Detail shot of single-leaf front door, fixed transom and moulded eared architrave surrounding door opening; also the gabled wall dormer with pointed Gothic window and highly decorative wood vergeboard trim.



Figure 4: Detail of decorative vergeboard on front gabled wall dormer.



Figures 5 and 6: Details of south side showing moulded window surround, segmented arch over window, storm and wood shutters



Figure 7: South side elevation.



Figure 8: North side elevation.



Figures 9, 10 (this page) and 11, 12 (next page): Contextual views along Centre Street South.



**HERITAGE REPORT:
REASONS FOR HERITAGE DESIGNATION**



**Kilpatrick-Young House
23 Centre Street South**

October 2020

Profile of Subject Property

Municipal Address	23 Centre Street South
PIN Number	140350025
Roll Number	10-02-0-006-04200-0000
Legal Description	PL BR 5 LOT 81 AND PT LOT 80 RAILWAY BLK
Ward Number	3
Property Name	Kilpatrick-Young House
Current Owner	1743603 Ontario Inc
Owner Concurrence	Yes
Current Zoning	Commercial
Current Use(s)	Vacant
Construction Date	Circa 1876
Notable Owners or Occupants	N/A
Heritage Resources on Subject Property	Primary building, archaeological potential
Relevant Council Resolutions	HB013-2010
Additional Information	

1. Introduction

The property at 23 Centre Street South is worthy of designation under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest. The property meets the criteria for designation prescribed by the Province of Ontario under the *Ontario Heritage Act*, Regulation 9/06 for the categories of design/physical value, historical/associative value, and contextual value.

2. Description of Property

The subject property is located on the west side of Centre Street South, south of John Street. It occupies Lot 81 and Part Lot 80 in the “Railway Block” plan of subdivision, surveyed in March 1854 and registered on May 9, 1854. The heritage designation is to apply to the primary building on the property, an Ontario Gothic Cottage known as the Kilpatrick-Young House, on the property and its surrounding environs. The designation excludes all interior spaces of the primary building.

3. Statement of Cultural Heritage Value or Interest

Design/Physical Value:

The property at 23 Centre Street exhibits design/physical value as a representative example of an Ontario Gothic Cottage. True examples of this particular style are rare in Brampton. Another similar example can be found at 102 Main Street South. The “Ontario Cottage” house form was featured in the February 1, 1864 edition of the *Canada Farmer Journal*. The typical features shown in this *Journal* of what has become known as the Ontario Gothic Cottage house include a hip (or side gable roof), low, one-and-a-half storey height, symmetrical three bay front façade, and central gabled dormer with a window above the main entrance door. Many Ontario Cottage houses have a lancet window above the front entrance and other decorative wood features such as bargeboard, which are trademarks of Gothic Revival architecture, hence the Ontario Gothic Cottage style attributed to these dwellings.

The house at 23 Centre Street includes many of the key architectural features associated with the Ontario Gothic Cottage. Its main rectangular portion has a symmetrically proportioned, three bay front (east) façade, is one-and-a-half storeys in height, and has a hipped roof. It also, as with many of the examples in Ontario, has a central gabled dormer with lancet window above the front entrance framed by decorative vergeboard. The windows have segmented arched openings and 2-over-2 wood sashes.

The house is clad in stucco. Although the current stucco on the house is all original and much of it has been replaced over time, as far as can be determined, stucco has been the

principle cladding material for the house since its construction. As such, its rough cast construction is part of its representative value.

Certain features of the building exhibit a high degree of craftsmanship including the moulded, segmentally arched window surrounds with eared architraves. This decoration is also applied to the front (east) entrance doorway. Other surviving wood elements include vertical wood cornerboards and horizontal trim boards, and wood window sills. The property does not demonstrate a high degree of scientific or technical achievement as it is was built using construction methods common during the 19th century.

The rear wing, or tail, is a conglomeration of pieces from various building periods including a more recent addition and enclosed porches clad in metal siding. The original portion of the kitchen tail may have been constructed at a later date than the main portion of the building but the date of construction of the stucco-clad kitchen wing cannot be confirmed. A gabled roof dormer projects out of the roof on the south side elevation.

Numerous alterations have been made to the building since its construction; however, these alterations do not detract from the cultural heritage value of the property. Some of these alterations include:

- A concrete front porch with metal railings;
- Cinder block chimney stack off south side elevation at rear of main house block;
- Enclosed porch on north side elevation clad in metal siding;
- 80% of the original pebbled stucco replaced with a similar stucco by 1970, some original stucco remaining on east façade of the building;
- Most of the horizontal trim boards replaced in the late 1970s and early 1980s;
- Twelve (12) decorative window shutters and wood storm windows installed in the mid-1970s.

Historical/Associative Value:

The property at 23 Centre Street South has historical/associative value as it yields or has the potential to yield information that contributes to an understanding of a community or culture. The property is part of BR-5, registered in 1854, in the Railway Block neighbourhood, one of the earliest subdivisions in Brampton, and is one of the few remaining historic structures in the area of Centre Street south and Queen Street. The construction of the house is associated with the increase in Brampton's population after it was declared the County seat of Peel and the railway boom which brought increased industry to Brampton.

The Kilpatrick family, while a notable early Irish Catholic working class family in Brampton, are not themselves significant to the community (Appendix B) and do not contain any family members who could be considered significant to the community. There are also no known significant themes, events, activities, beliefs, organizations or institutions associated with the property. The building also does not demonstrate or reflect the work or ideas of a specific architect, artist, builder, designer or theorist significant to the community.

Contextual Value:

The property has contextual value as it was part of one of Brampton's early residential subdivision known as the "Railway Block". This neighborhood grew when the town was entering a residential building boom following the arrival of the railway, the emergence of the local flower industry, the choice of Brampton as the seat of Peel County, and the incorporation of Brampton from a Town into a City. This property defines and supports the character of what was a prosperous, working class neighborhood.

Contextually, the surrounding area has changed considerably since the "Railway Block" plan of subdivision was developed, particularly along Centre Street. Nevertheless, this property helps to illustrate the characteristics of a mid-Victorian building lot in Brampton, typified by narrow lots and shallow front yard setbacks which were intended to encourage closer interaction between its working and middle class residents and passers-by.

It is noted that the property exhibits archaeological potential, due to the Euro-Canadian settlement period reflected by the Kilpatrick occupancies and the proximity of the property to St. Mary's Roman Catholic Cemetery, two lots to the south.

Summary of Cultural Heritage Value:

Criteria for Determining Cultural Heritage Value or Interest	Assessment (Yes/No)	Rationale
Design or physical value		
a) Is a rare, unique, representative or early example of a style, type, expression, material or construction method	Yes	The Kilpatrick-Young house is a representative example of an Ontario Gothic Cottage. This style, especially with rough-cast construction and hip roof, is rare in Brampton.
b) Displays a high degree of craftsmanship or artistic merit	Yes	The decorative elements of the building, including the the door and window surrounds and the central gable

		vergeboard, display a high degree of craftsmanship.
c) Demonstrates a high degree of technical or scientific achievement	No	The property does not demonstrate a high degree of technical or scientific achievement as it was built using construction methods common during the 19th century.
Historical or Associative Value		
a) Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	No	While the Kilpatrick family were an early Irish-Catholic family in Brampton, they are not notably significant and do not contain any family members who were significant to the community. There are no known significant themes, events, activities, beliefs, organizations or institutions associated with the property.
b) Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Yes	The property is situated in what is known as the Railway Block neighbourhood, one of the earliest subdivisions in Brampton, and is one of the few remaining historic structures in the area of Centre Street south and Queen Street. The construction of the house is associated with the increase in Brampton's population after it was declared the County seat of Peel and the railway boom which brought increased industry to Brampton.
c) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.	No	The builder(s) of the house is speculated to be a member or members of the Kilpatrick family. However, they were not builders or architects significant to the community.
Contextual Value		
a) Is important in defining, maintaining, or supporting the character of an area	Yes	The siting of the building on the lot, including its front and side yard setbacks, reflect the Railway Block subdivision that the house was originally part of. The building on the lot is one of the few historic structures remaining in

		the area from the 19th century.
b) Is physically, functionally, visually, or historically linked to its surroundings	No	The physical, functional, visual and historic link of the property to its surrounding has been lost over time due to surrounding development including commercial and institutional infill.
c) Is a landmark	No	Other than the property being more readily visible as a surviving historic structure, the property is not a landmark in the community and in the 19th century, would have been one of several such buildings in the area. There is no indication that it acts as a landmark for past or present communities.

4. Description Of The Heritage Attributes/Character Defining Elements

- Representative example of Ontario Gothic Cottage style of architecture;
- One-and-a half storey height;
- Well-proportioned symmetrical massing;
- Three bay front (east) fenestration;
- Wood frame construction clad in stucco;
- Medium pitch hipped roof;
- Steeply pitched gabled dormer with pointed Gothic window over the front (east) entrance;
- Decorative vergeboard of east central gable dormer;
- Original window openings;
- Two-over-two wood sash windows;
- Moulded segmentally arched door and window trims with eared architraves;
- Moulded wood window sills;
- Front door opening with single-leaf front door, fixed transom, and moulded eared surround;
- Vertical wood corner boards and horizontal trim boards
- Association with the evolution of "Railway Block" neighbourhood, one of Brampton's earliest neighborhoods;
- Association with the construction boom in Brampton following introduction of railway and local flower industry in the mid 1850s;
- Contribution to the understanding of original character of "Railway Block" as a cohesive mid-Victorian residential neighbourhood;

5. Policy Framework

In the context of land use planning, the Province of Ontario has declared that the wise use and management of Ontario's cultural heritage resources is a key provincial interest.

A set of Provincial Policy Statements (PPS) provides planning policy direction on matters of provincial interest in Ontario. These statements set the policy framework for regulating the development and use of land. The relevant heritage policy statement is PPS 2.6.1, which states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved".

The policy is also integrated with the Ontario Heritage Act. This piece of legislation grants municipalities powers to preserve locally significant cultural heritage resources through heritage designation. Decisions as to whether a property should be designated heritage or not is based solely on its inherent cultural heritage value or interest.

City Council prefers to designate heritage properties with the support of property owners. However, Council will designate a property proactively, without the concurrence of a property owner as required. These principles are reflected in Brampton's Official Plan. The relevant policies are as follows:

Section 4.10.1.3: All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the Ontario Heritage Act to help ensure effective protection and their continuing maintenance, conservation and restoration.

Section 4.10.1.5: Priority will be given to designating all heritage cemeteries and all Class A heritage resources in the Cultural Heritage Resources Register under the Ontario Heritage Act.

Section 4.10.1.6: The City will give immediate consideration to the designation of any heritage resource under the Ontario Heritage Act if that resource is threatened with demolition, significant alterations or other potentially adverse impacts.

These principles are also guided by recognized best practices in the field of heritage conservation.

8. Resources

AREA Architects. *23 Centre St. S, Brampton, Ontario, Kilpatrick-Young House Heritage Impact Assessment, Revised*. September, 2020.

Brampton Conservator. Various articles. Brampton, 1877-1901. PAMA

Brampton Centennial Souvenir 1853-1953

Census Records - Ancestry.ca

Douglas A. Lawr, "LYNCH, JOHN," in *Dictionary of Canadian Biography*, vol. 11, University of Toronto/Université Laval, 2003–, accessed July 30, 2015, http://www.biographi.ca/en/bio/lynch_john_11E.html

William Perkins Bull files. PAMA, 1930s.

Patrick Young, previous owner

Helen Warner, former Brampton Heritage Board member

Appendix A – Figures



Figure 1: Street and parcel network of area including 23 Centre Street South.

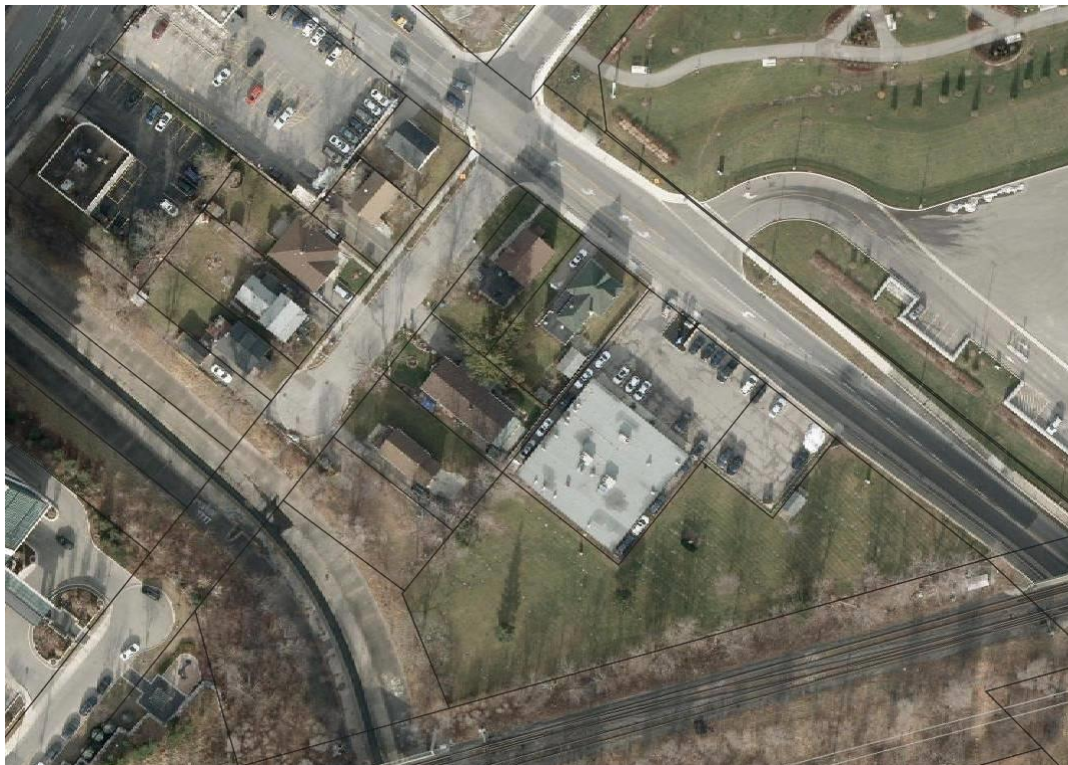


Figure 1: Aerial location of 23 Centre Street South (Brampton Planning Viewer).



Figure 3: Detail from “Railway Block” plan of subdivision (BR-5), registered in May 1854. Lot 81 (subject property) is highlighted.



Figure 4: East and south façades of the Ontario Gothic Cottage at 23 Centre Street South (2017).



Figure 5: East and north façades of the Ontario Gothic Cottage at 23 Centre Street South (2017).



Figure 6: East façade lancet window with wood surround and sill. Wood lathe visible underneath (2017).



Figure 7: East façade entrance decorative wood door surround with eared architrave (2017).

Appendix B – Additional Historical Research

The Kilpatrick family, an early working class family of Brampton. The lot was purchased in 1876 by Benjamin Kilpatrick Jr., a Protestant Irish immigrant laborer born in County Tyrone, Ireland to Benjamin Kilpatrick Sr. Benjamin and his wife, Mary, were married in Ireland in 1851 and directly immigrated to Canada. Benjamin Kilpatrick Sr. lived in Brampton until his death in 1901.

In 1876, he purchased Lot 81- now known as 23 Centre Street South, as well as Lots 80 (which today is known as 21 Centre Street South) and 87 (now 139 John Street) from Squire Lynch. It is possible that the family built the home themselves, as Mr. and Mrs. Kilpatrick would have had two grown daughters and 18 year old “Ben” Kilpatrick Jr. (later listed as a bricklayer in the 1881 Census) to assist. Lots 80 and 87 were later sold to the older Kilpatrick daughters, and Lot 81 which held the family’s residence was sold to Ben Kilpatrick Jr in 1892 for a small amount.

Benjamin Kilpatrick Sr. bought the land at 23 Centre Street South from Squire John Lynch in 1876. It is possible that the Kilpatricks built the house themselves around this time, as Benjamin Kilpatrick Jr. was listed as a bricklayer in the 1881 Census records. Ben Kilpatrick Jr. bought the property in 1892.

The Kilpatrick family appears in the baptism records of St. Andrew’s Presbyterian Church (on John Street) in 1854, identifying Benjamin Kilpatrick Sr. as the father of Sarah and subsequently daughter Mary Jane, and in 1857 Benjamin Kilpatrick, the third child. Census records in 1861 and 1871, have Benjamin Sr. listed as a laborer with his wife and young children. In 1873, Kilpatrick paid “Squire” John Lynch’s fee to be listed in the Brampton directory as a labourer living on John Street.

Throughout the 19th Century, the Kilpatrick family continued to be a successful working class family. Benjamin and Ben Kilpatrick worked on the bell tower of the Dominion Building in 1889. All three Kilpatrick daughters worked: the oldest as a servant, and the younger ones as a tailoress and a milliner. Later on, two of the Kilpatrick brothers opened the Kilpatrick Bros Butcher Shop and another son went to work at “The World” newspaper in Toronto.

The Kilpatrick family continued to live at 23 Centre St until 1937, three years after Ben Kilpatrick died and was sold to Charles Eugene O’Hara. Mr. O’Hara owned a number of rental properties and did not live in the house himself, but purchased it as a rental property. The home was rented for a number of years to a family named Eweles. Records show that Mary Young moved into the home in 1941 with her young children shortly after the death of her husband and assumed ownership of the home in 1961. The property remained in the possession of the Young family until 2017.

Date: 2020-10-06

Subject: **Recommendation Report: Designated Heritage Property Incentive Grant Increase and Update to the Designated Heritage Property incentive Grant By-Law and Application Kit**

Contact: Cassandra Jasinski, Heritage Planner, Planning, Building and Economic Development, cassandra.jasinski@brampton.ca

Report Number: Planning, Building and Economic Development-2020-224

Recommendations:

1. That the report from Cassandra Jasinski, Heritage Planner, Planning, Building and Economic Development, dated, 2020, to the Brampton Heritage Board Meeting of 2020, re: **Recommendation Report: Designated Heritage Property Incentive Grant Increase and Update to the Designated Heritage Property incentive Grant By-Law and Application Kit**, be received;
2. That the increase in the Designated Heritage Property Incentive Grant to a maximum matching grant of \$10,000 be approved;
3. That the Designated Heritage Property Incentive Grant funds be moved to a capital account in the Policy Planning budget; and
4. That Council pass the by-law amending By-law 266-2011, attached as Appendix D.

Overview:

- The purpose of this report is to recommend changes to the Designated Heritage Property Incentive Grant Program, including an amendment to By-law 266-2011 and revisions to the Designated Heritage Property Incentive Grant ("Heritage Incentive Grant") Application Kit.
- Currently owners of designated properties can apply to receive a matching grant of up to \$5,000 for eligible heritage conservation work.
- Heritage staff recommend that the maximum matching grant funds per application be raised to \$10,000 in order to provide property owners with more financial support in undertaking heritage conservation projects.

- Heritage staff have recommended a number of changes to By-law 266-2011 and the associated Heritage incentive Grant Application Kit.
- The changes proposed will be delivered within the existing Heritage Incentive Grant budget.
- Heritage staff also recommend that the Standard Agreement, to be signed by delegated City staff and the Owner, to ensure that the Owner is in agreement with the requirements of the application process and is eligible to apply for the grant.
- The amending by-law is being presented now but will come into effect on January 1, 2021.

Background:

Sections 39 and 45 of the *Ontario Heritage Act* (the “Act”) authorize a municipality to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the *Act* or located in a Heritage Conservation District designated under Part V of the *Act* for the purpose of paying in whole or any part of the cost of the alteration of such property on such terms and conditions as the council of the municipality may prescribe.

In 2011, Council adopted By-law 266-2011 (Appendix A) to establish a Designated Heritage Property Incentive Grant (the “Heritage Incentive Grant”) Program. The grant in its current form is a matching grant of up to \$5,000 that owners of designated heritage properties can apply for every two years for eligible conservation work, as set out in the by-law.

The grant in its current form has been in place for nearly 10 years. As part of public engagement related to various heritage projects, including the Main Street South Heritage Conservation District, and through interactions on heritage permit and incentive grant applications, property owners have communicated to Heritage staff that the Heritage Incentive Grant in its current form does not sufficiently offset the cost of conservation work.

Heritage staff have reviewed the by-law and grant program by compiling statistics on the grant’s functionality over that period of time. Heritage staff also reviewed the heritage grant programs of other municipalities including Mississauga, Markham, Kitchener, Toronto, Kingston, Burlington, and Oakville. The benchmarking indicates that several municipalities have more substantial grants than that currently offered by the City of Brampton, most notably Mississauga, which has recently increased the scale of its grant program to provide support for larger heritage conservation projects. The statistics and benchmarking results have been summarized in Appendix B.

Current Situation:

The comments and suggestions by heritage property owners prompted Heritage staff to review the Heritage Incentive Grant Program, including the Heritage Incentive Grant statistics from 2012-2019. Heritage staff also investigated the heritage incentive programs of other municipalities in Ontario to compare with the existing Heritage Incentive Grant offered by Brampton.

Benchmarking indicates that the average grant amount offered by municipalities for heritage conservation projects is \$10,900. Most significantly, Mississauga, a neighbouring municipality, has recently expanded their grant program, which is three tiered, offering grants of \$5000, \$10,000 and \$25,000 depending on the scope of the conservation project. Mississauga's budget for their incentive grant program is \$75,000 per year.

The statistics also support the request of designated heritage property owners. Since 2012, seventy percent (70%) (sixteen (16) of twenty-three (23)) grants which were paid out had final costs over \$10,000. Four of the grant projects had final costs above \$20,000. These numbers indicate that providing a higher value grant would have assisted a large proportion of applicants.

Additional incentives are also offered by some municipalities to support heritage conservation projects, such as density bonusing, reduction in development charges, and tax rebates. Heritage staff will explore the possibilities for a broader incentive strategy and report back to Council at a later date.

It should be noted as well that designated heritage properties qualify for higher amounts of funding under the Central Area Façade and Building Improvement programs. The expansion of this already existing program to all commercial designated heritage properties would result in investment in designated properties beyond the downtown and recognize that these resources are just as important to their neighbourhoods and the creation of complete communities.

Heritage Incentive Grant Recommended Changes

City of Brampton Heritage staff recommend a number of changes to the Heritage Incentive Grant By-law (Appendix D) and Heritage Incentive Grant Application Kit (Appendix E). The most substantial change proposed are as follows:

- Increase in the amount of the matching grant to a maximum \$10,000;
- Inclusion of a standard agreement (Appendix E), to be signed by delegated City staff and the Owner, to ensure that the Owner is in agreement with the requirements of the application process and is eligible to apply for the grant; and,
- Exclusion of interior heritage attributes for grant consideration, as heritage conservation is for the benefit of the public.

Heritage staff recognize that, in general, the cost of living has increased over the years following the passing of by-law 266-2011, and that during this time the maximum matching grant amount of the Heritage Incentive Grant has not increased. In order to provide proactive support for owners of designated heritage properties, Heritage staff are proposing to increase the maximum amount of the matching Incentive Grant from \$5,000 to \$10,000. Successful applicants will receive a matching grant up to a maximum of \$10,000. Property owners are still welcome to submit applications for conservation projects that do not necessarily meet the \$20,000 cost threshold that would result in a maximum matching grant of \$10,000.

In order to ensure that the heritage conservation partially funded by the City is in the public interest and to provide further clarity and consistency for the grant application program, Heritage staff also propose that the definition of Heritage Attributes in the Heritage Incentive Grant by-law be revised to exclude interior heritage attributes, as these are not visible to the public. Numerous other changes are also proposed to ensure that the by-law contains consistent language (i.e. all references to Heritage Coordinator will be changed to City of Brampton Heritage staff).

Heritage staff recommend that the Brampton Heritage Board, Planning & Development Committee and Council support and approve the proposed changes to the Heritage Incentive Grant. The changes will increase the amount of support provided to property owners of designated properties, will ensure that the conservation work funded by the grant is undertaken in the public interest, will provide further clarity regarding eligible conservation work and ensure that the City is protected through the requirement of a standard agreement.

Budget

There is currently \$50,000 in the annual Heritage budget for the Heritage Incentive Grant Program. The current Heritage budget can fund five grants of \$10,000 per year. No additional increase to the incentive grant budget is recommended as part of this report but this is an option that Council can consider now or in the future.

At this point in time, the Heritage Incentive Grant funds are part of an annual budget. Grants are paid to property owners following the successful completion of the approved conservation work. Typically, as visible in the statistics for the program, the grant monies are paid out to the property owner the year after the conservation work is approved by Council. The time difference in when a grant is approved and monies awarded can cause strain on the amount of grant funds available per year to property owners. Heritage staff have considered a deadline for applications; however, limiting the time frame in which applications can be submitted would make the program less responsive to the needs of property owners and their conservation efforts. Instead, Heritage staff recommend that the budget for the Heritage Incentive Grant Program be shifted to a capital account in the Policy Planning budget so that the payment of grants approved in one year does not detrimentally affect the number of potential applications in the next.

As this increase will double the maximum grant amount offered to owners of designated properties, Heritage staff also want to ensure that the City is covered from a risk perspective and have proposed the inclusion of a standard agreement (Appendix C) to be signed by City staff and the Owner. The standard agreement will foster a common understanding between the City and property owners as to what applications are eligible for the Heritage Incentive Grant Program and what will be required for grant funds to be released. The standard agreement is similar in wording and purpose to that which owners sign for Building and Façade Improvement Program applications.

Corporate Implications:

Financial Implications:

There is currently \$50,000 in the annual Heritage budget for the Heritage Incentive Grant Program. The current Heritage budget can fund a maximum five grants of \$10,000 per year. No additional funding is required at this time.

Other Implications:

The requirement for a standard agreement as part of Heritage Incentive Grant applications reduces the City's risk exposure during the administration of the Heritage Incentive Grant applications.

Term of Council Priorities:

This report meets the Term of Council Priorities by contributing to complete communities, adding incentives for community investment, and preserving and protecting heritage environments with balanced, responsible planning.

Conclusion:

Based on an evaluation of the Heritage Incentive Grant program statistics and benchmarking of the grant programs of other municipalities, numerous changes are being proposed to the Heritage Incentive Grant program. The increase in the maximum matching Heritage Incentive Grant amount from \$5,000 to \$10,000 recognizes the conservation efforts of the property owners who have applied for the grant thus far and provides more support for conservation projects in the future. Other proposed changes to the by-law and Grant application kit ensure consistency in language and application of the by-law, and, through the requirement of a standard agreement, foster a common understanding between the City and property owners as to what applications are eligible for the Heritage Incentive Grant Program and what will be required for grant funds to be released. Heritage staff recommend that the changes as outlined herein be approved by Brampton Heritage Board, Planning & Development Committee and Council and that the amending by-law be passed.

Authored by:

Cassandra Jasinski
Heritage Planner

Approved by:

Bob Bjerke, MCIP, RPP
Director, Policy Planning

Reviewed by:

Jeffrey Humble
Manager, Land Use Policy

Approved by:

Richard Forward, MBA, MSc. P.Eng.,
Commissioner, Planning and Development
Services

Attachments:

Appendix A – By-law 266-2011

Appendix B – Summary of Incentive Grant Review and Benchmarking

Appendix C – Proposed Standard Agreement for all Designated Heritage Property
Incentive Grant applications

Appendix D – By-law Amending By-law 266-2011

Appendix E – Revised Designated Heritage Property Incentive Grant Application Kit

Report authored by: Cassandra Jasinski



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 266-2011

TO ESTABLISH A DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT PROGRAM

WHEREAS sections 39 and 45 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "Act"), authorizes a municipality to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the Act or located in a Heritage Conservation District designated under Part V of the Act for the purpose of paying for the whole or any part of the cost of the alteration of such property on such terms and conditions as Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it advisable and in the public interest to provide an incentive grant program for property designated under Part IV and Part V of the Act, on such terms as set out in this By-law in order to encourage property owners to renovate, restore, maintain and care for such designated properties, and thereby contribute to the overall character and identity of the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton wishes to create a permanent heritage designated property incentive grant program;

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts as follows:

DEFINITIONS

1.1 In this By-law, unless otherwise specified in this By-law:

- (a) 'Applicant' shall mean the owner of a designated property applying for a heritage property incentive grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application;
- (b) 'City' shall mean The Corporation of the City of Brampton;
- (c) 'Council' shall mean the elected Council of the Corporation of the City of Brampton;

- (d) 'Designated Heritage Property' shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Part IV or are located in a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*;
- (e) 'Eligible Conservation Work' shall mean that which is described in section 6.1 of this By-law;
- (f) 'Eligible Property' shall mean that which is described in sections 5.1 to 5.3 of this By-law;
- (g) 'Heritage Attributes' shall mean, the principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property or heritage conservation district, and if there are specific attributes listed in a designation by-law for a property or area, those attributes shall be considered Heritage Attributes;
- (h) 'Guidelines' shall mean the City's "Guidelines – Designated Heritage Property Incentive Grant Program", as may be amended from time to time;
- (i) 'Policy Statement' shall mean the City's "Policy Statement – Designated Heritage Property Incentive Grant Program";
- (j) 'Preservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property; and,
- (k) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

HERITAGE PROPERTY INCENTIVE GRANT PROGRAM ESTABLISHED

2.1 A heritage property incentive grant program is established by this By-law.

ADMINISTRATION OF HERITAGE PROPERTY INCENTIVE GRANT PROGRAM

3.1 In order to apply for and be awarded a heritage property incentive grant, the following steps must be taken:

- (a) the Applicant must undertake a pre-consultation which includes contacting the City's Heritage Coordinator to discuss the project and determine whether the Applicant should complete an application form;
- (b) if the Heritage Coordinator determines that an application form may be completed by the Applicant, the Applicant may do so;
- (c) once a complete application is received by the City a report will be written by the Heritage Coordinator to the Brampton Heritage Board providing a staff recommendation on the application,
- (d) Council will consider the staff recommendation and the recommendation from the Brampton Heritage Board and determine whether the heritage property incentive grant should be awarded to the Applicant, and Council's decision shall be final.

3.2 The administration of the heritage property Incentive grant program shall be in compliance with this By-law, and the Heritage Property Incentive Grant Program Guidelines.

- 3.3 Heritage property incentive grants are subject to availability of sufficient funding and the quality of the application at the sole discretion of Council, and not all heritage property incentive grant applications will be successful.

HERITAGE PROPERTY INCENTIVE GRANT AMOUNT AND PAYMENT

- 4.1 A heritage property incentive grant may be awarded in an amount not exceeding the cost of the Eligible Conservation Work and up to a maximum of five thousand dollars (\$5,000).
- 4.2 The owner of the Heritage Designated Property must match the heritage property incentive grant amount in its contribution to the Eligible Conservation Work.
- 4.3 The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work, provided proof of such costs can be verified by invoices (donated labour and materials are not considered part of the costs or part of the owner's matching contribution);
- 4.4 Before the heritage property incentive grant will be paid by the City, the following must occur:

(a) the Eligible Conservation Work must be completely paid for by the owners, with written documentation to verify such payment submitted to the City and completed to the satisfaction of the City's Heritage Coordinator;

(b) the Eligible Conservation Work must be completed within one (1) year from the date of approval of the heritage property incentive grant by Council, in order to receive the heritage property incentive grant;

In exceptional cases, projects may extend into a second year. In such instances a written request, stating the reasons for the extension, must be submitted by the applicant for review and approved at the discretion of the City Heritage Coordinator or designate, prior to the end of the first year following the date of Council approval of the grant. .

(c) the Heritage Coordinator must be in receipt of all documentation and items, as are listed in the Guidelines, and as are requested by the Heritage Coordinator; and

(d) the Eligible Conservation Work as approved by Council, must be completed to the satisfaction of the City Heritage Coordinator.

If the Applicant proposes to make changes to the approved Eligible Conservation Work, the City's Heritage Coordinator or designate must be contacted, and he/she may determine whether the owner may proceed with any changes to the Eligible Conservation Work, and still receive the heritage property incentive grant.

- 4.5 For the purposes of 4.5(d) above, the owner will permit the City's Heritage Coordinator or designate to take photographs of the property to document its condition before, during and after the Eligible Conservation Work. In addition, the owner will permit the City to enter the property and inspect the completed project to ensure conformity to the proposal submitted.
- 4.6 There shall be no applications permitted with respect to a property for which a grant has already been awarded until two (2) years after the date of City Council approval of the initial heritage property incentive grant.

ELIGIBLE PROPERTY

- 5.1 For a property to be Eligible for a heritage property incentive grant, a property must be:
- (a) A Designated Heritage Property; and
 - (b) located within the City of Brampton, and
 - (c) free of property tax arrears, compliance orders, enforcement orders issued under property standards and maintenance By-laws, the Ontario Fire Code and any other outstanding fees, fines, orders or statutory violations.
- 5.2 Where a Designated Heritage Property contains non-heritage additions, or elements, or the proposed work involves new additions, only the Heritage Attributes of the property will be subject to the heritage property incentive grant.
- 5.3 Heritage resources owned or used by any level of government are not eligible except where a non-profit, community group has assumed, by long-term lease or legal agreement, responsibility for maintenance of the building. In these cases, such organizations may make an application for a heritage property incentive grant as the agent for the owner.

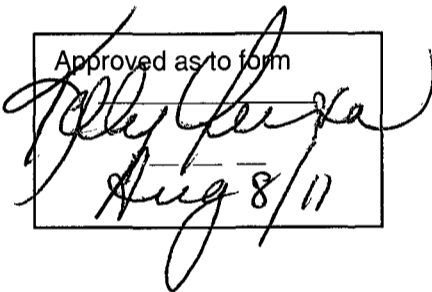
ELIGIBLE CONSERVATION WORK

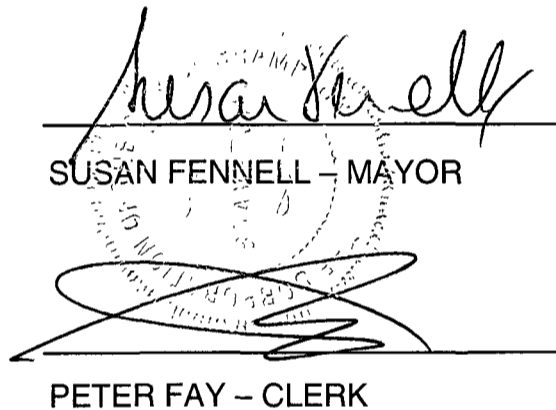

- 6.1 (1) For the proposed work to be eligible for a heritage property incentive grant, it must be Eligible Conservation Work, which means the following:
- (a) any conservation work, which directly and appropriately preserves, restores or enhances specific Heritage Attributes, and does not detract from or diminish the cultural heritage value of the property or district;
 - (b) when proposed for properties within a Heritage Conservation District, it must clearly conserve or enhance specific heritage attributes on the property itself and/or contribute to the cultural heritage value of the Heritage Conservation District (such works must be consistent with the existing District Plan. Improvements to a property within a Heritage Conservation District, as recommended in the design guidelines of the District Plan will be eligible for consideration);
 - (c) it may include Restoration and Preservation work; and,
 - (d) it shall not include any works or projects of a non-heritage nature, works that focus on non-heritage attributes, additions, spaces, features and finishes, or any works that might diminish the cultural heritage value of the Eligible Property.
- (2) The final recommendation of what constitutes Eligible Conservation Work shall be at the discretion of the City's Heritage Coordinator, in consultation with the Brampton Heritage Board.
- (3) The final determination of what constitutes Eligible Conservation Work shall be made by Council when it considers the application under section 3.1 paragraph (c) of this By-law.

REMEDIAL ACTIONS

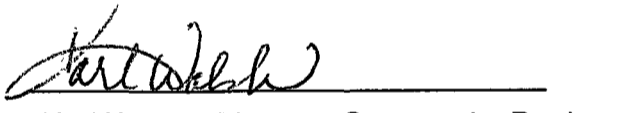
- 7.1 Should, in the opinion of the City's Heritage Coordinator, the heritage property incentive grant recipient fails to comply with the requirements of this By-law, or the Heritage Property Incentive Program Guidelines, or supplied false information, the heritage property incentive grant recipient shall either not be paid the heritage property incentive grant by the City, or, if the heritage property incentive grant has already been paid, be required to forthwith repay the entire heritage property incentive grant amount to the City.
- 7.2 Failing immediate repayment upon notice from the City pursuant to section 7.1, the grant shall be deemed to be a loan, for which the amount of the loan together with interest (at the Prime Interest Rate as set out by the Bank of Canada as of the date of notice from the City, plus 2%) may be added by the City to the collector's roll and collected in like manner as municipal taxes over a period fixed by Council, not exceeding five years, and such amount and interest shall be a lien or charge upon the land in respect of which the loan was made.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL
THIS 14th DAY OF Sept. 2011.

Approved as to form

Aug 8/11


SUSAN FENNELL – MAYOR

PETER FAY – CLERK

Approved as to Content:


Karl Walsh, Director, Community Design,
Parks Planning and Development

Appendix B – Benchmarking and Statistics

Heritage Grant Benchmarking				
City	Maximum Grant Amount (\$)	Components Covered	¹ Frequency of Grant	Last Updated
Mississauga	5,000	General Conservation projects	Once a year	2020
	10,000	Repair or Restoration of Structural Elements		
	25,000	Special Projects having multiple components and approved as a special project by heritage staff prior to applying.		
Oakville	15,000	For the restoration of heritage attributes of the designated property.	2 projects /application per year	2020
Toronto	20,000	Heritage attributes as identified in the designation by-law, slate roof repair or restoration.	5 years	
Burlington	15,000	Grants for properties designated under Part IV and V of OHA.		2014
Markham	5,000	Designated Heritage Property Grant Program - Restore heritage features or replicate lost features of your designated property	Once a year	2017
Caledon	4,000	Any new work that directly and appropriately preserves, restores and/or enhances heritage attributes is deemed eligible.	2 grants per year	
Kingston	5,000	Eligible Conservation Work of designated properties under Part IV and V of OHA.	Every 2 years	Jan, 2018
Hamilton	5,000	The Hamilton Heritage Conservation Grant Program - to assist in the on-going conservation of heritage properties designated under the Ontario Heritage Act that are not eligible for the Hamilton Heritage Property Grant Program		

Note: The Grants under Façade Improvement Program are different. Some municipalities also offer loans for renovation and conservation work. Average of \$10,900.00.

¹ For City of Brampton - A single property is eligible to receive only one (1) grant every two (2) years after the date the City Council approved the initial heritage property incentive grant. Other Municipalities have their own criteria for deciding the frequency of grants.

Appendix B – Benchmarking and Statistics

Brampton Designated Heritage Property Incentive Grant Statistics			
Year Applied	Year Paid	Project Total	City Contribution
Feb-12	Nov-12	\$8,177.36	\$4,088.68
Apr-12	?	\$1,459.96	\$729.98
Apr-12	Nov-12	\$10,283.00	\$5,000.00
May-12	2012	\$14,882.65	\$5,000.00
Jun-12	?	\$5,763.00	\$2,881.50
Sep-12	Nov-12	\$6,780.00	\$3,390.00
Sep-13	Jun-14	\$11,133.00	\$5,000.00
Jan-14	Jul-14	\$11,300.00	\$5,000.00
Jan-15	?	\$14,113.70	\$5,000.00
Jun-15	Feb-16	\$30,942.75	\$5,000.00
Sep-15	Jan-16	\$20,057.50	\$5,000.00
Sep-15	?	\$10,168.87	\$5,000.00
Sep-15	Dec-15	\$6,215.00	\$3,107.50
Jun-16	May-17	\$45,159.37	\$5,000.00
Jul-16	Sep-17	\$16,159.00	\$5,000.00
Dec-16	Dec-17	\$13,746.45	\$5,000.00
Dec-16	Jan-17	\$13,733.93	\$5,000.00
Apr-17	Sep-17	\$36,951.00	\$5,000.00
Nov-17	Oct-19	\$5,424.00	\$2,712.00
May-18	Nov-18	\$1,595.00	\$795.50
Aug-18	N/A	N/A	N/A
Aug-18	N/A	N/A	N/A
Aug-18	Nov-18	\$10,497.70	\$5,000.00
Sep-19	Jan-20	\$14,125.00	\$5,000.00
Sep-19	Nov-19	\$10,735.00	\$5,000.00
Jul-19	N/A	N/A	N/A
Apr-19	N/A	N/A	N/A

Note: Sixteen (16) of twenty-three (23) grant applications paid out in full between 2012 and 2020 had a final cost of over \$10,000. These applications are bolded in the Project Total column of the above chart.

DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT AGREEMENT

This Agreement dated the ____ day of month, year

BETWEEN:

THE CORPORATION OF THE CITY OF BRAMPTON
(hereinafter referred to as the “City”)

and

insert name
(hereinafter referred to as the “Owner”)

WHEREAS the Owner is the registered owner of the Designated Heritage Property described in Schedule “A” attached to this Agreement (the “**subject lands**”) which are designated under either Part IV or Part V of the Ontario Heritage Act,

AND WHEREAS the Owner has applied to the City for a Designated Heritage Property Incentive Grant (“**Grant**”) with respect to the cultural heritage resource(s) located on the subject lands as described in the grant application dated day, month, year (the “**Grant Application**”),

AND WHEREAS the City has agreed to make such a Grant pursuant to Section 39 and 45 of the Ontario Heritage Act,

AND WHEREAS as a requirement of approval of such a Grant Application, the Owner is required by the City to enter into this Agreement,

NOW THEREFORE IN CONSIDERATION of the City making this Grant in the maximum amount of **\$XX.XX** to the Owner, the Owner and the City hereby agree:

1. INFORMATION ON SUBJECT LANDS

- 1.1. The Grant shall apply to the subject lands as set out in Schedule “A” attached hereto.
- 1.2. The subject lands are designated under the *Ontario Heritage Act*.

2. GRANT ELIGIBILITY

- 2.1 To be eligible for the Grant, the works on the subject lands shall conform to and fulfill:
 - a) the objectives and requirements of the Designated Heritage Property Incentive Grant Program; and
 - b) any other requirements as specified by the City.
- 2.2 The Owner acknowledges that it has received and read a copy of the Designated Heritage Property Incentive Grant Application Kit (the “**Kit**”), and the Owner covenants with the City

that the Heritage Attributes of the subject lands shall be conserved and the Grant provided for in this Agreement shall be applied in accordance with the City's requirements for the Designated Heritage Property Incentive Grant Program.

- 2.3 The City shall review all cost estimates submitted in support of the Grant Application in evaluating the estimated conservation costs eligible for the Grant, which costs, when designated by the City shall constitute the maximum amount of the total Grant to be paid. In the event the City is not satisfied with said cost estimates, the City may substitute its opinion of such amounts for purposes of calculating the eligible conservation costs for the Grant. If the City is not in receipt of sufficient information satisfactory to the City to determine conservation costs and the amount of the Grant, the Grant Application will not be processed and the Grant Application file will be closed. The decision of the City regarding the total amount of conservation costs, the calculation of the total estimated maximum Grant and the calculation of the actual Grant payments is final, absolute and within the City's sole discretion.
- 2.4 The Grant will not be rewarded by the City until:
- a) the Owner contacts the City of Brampton Heritage staff to confirm the works are completed and to request that the City of Brampton Heritage staff attend the Designated Heritage Property to inspect the completed works;
 - b) the Owner provides proof of payment in accordance with the eligible conservation Works identified in the Grant Application;
 - c) a statutory declaration (refer Schedule B) by or on behalf of the Owner that the Owner has paid all accounts that are payable in connection with the installation and maintenance of works and that there are no outstanding claims relating to the works; and,
 - d) Designated Heritage Property has been inspected by City of Brampton Heritage staff or designate and the eligible conservation works are confirmed to be completed.
- 2.5 Notwithstanding the above, if the final costs come in less than the estimated costs identified in the Grant Application, the total value of the grant may not exceed 50% of the actual costs of eligible conservation works, up to the limit of **\$10,000.00**.

3. CORPORATE STATUS

- 3.1 Where the Owner is a corporation, the Owner hereby represents to the City that:
- a) the Owner has been duly incorporated as a corporation and is in good standing under the *Business Corporations Act* (Ontario) and is in compliance with all laws that may affect it and will remain so throughout the term of this Agreement;
 - b) the Owner has the corporate capacity to enter into this Agreement and to perform and meet any and all duties, liabilities and obligations as may be required of it under this Agreement;
 - c) to the best of its knowledge, there are no actions, suits or proceedings pending or threatened against or adversely affecting the Owner in any court or before or by any federal, provincial, municipal or other governmental department, commission, board,

bureau or agency, Canadian or foreign, which might materially affect the financial condition of the Owner or title to their property or assets; and

- d) the Owner shall notify the City immediately of any material change in the conditions set out in paragraphs (a)-(c) above.

4. PROVISIONS RELATING TO THE OWNER

- 4.1. At the time of application for the Program, the Owner shall have submitted to the City for its review and acceptance
 - a) Photographs of the project site and of the features showing what and where the work will take place;
 - b) Historical photographs, illustrations or other forms of historical documentation of the property (if available); if not available, general historical references and graphical material that help illustrate what is proposed and why it is historically appropriate;
 - c) Drawings (as necessary) that adequately illustrate the scope and type of work and location that is being proposed;
 - d) At least two (2) competitive cost estimates for all labour and materials involved in the proposed work, unless there is only one specialized supplier of a particular product, trade or service in the GTA. Although not mandatory, owners who want to apply are encouraged to select suppliers, contractors and/or trades people that have demonstrated experience with heritage properties. Cost estimates must be sufficiently detailed so as to clearly indicate the scope and nature of work. If the proposed project includes both eligible and non-eligible work, the cost estimates must clearly differentiate between the two;
- 4.2. The Owner will complete all eligible conservation works as specified in the approved Grant Application, and in documentation submitted in support of the Grant Application, including but not limited to the architectural/design drawings, specifications, contracts, and cost estimates. As the City is relying upon this information, if the information in this Agreement, the Grant Application, and/or any supporting documentation submitted to the City is, in the opinion of the City, incomplete, false, inaccurate or misleading, the Grant may be reduced and/or delayed, and/or cancelled, and where part or all of the Grant has already been paid by the City, such payments shall be repaid by the Owner as required by the City.
- 4.3. The Owner shall not commence any works that are the subject of a Grant Application prior to receiving approval of the Grant Application, and approval and execution of this Agreement.
- 4.4. The Owner agrees that the works made to any buildings on the subject lands shall be made in compliance with all required building permits, and constructed in accordance with the Ontario Building Code and all applicable zoning by-law requirements, municipal requirements and other approvals required at law.
- 4.5. All proposed eligible conservation works shall conform to all municipal by-laws, policies, procedures, standards and guidelines.

- 4.6. Existing and proposed land uses are in conformity with applicable Official Plan(s), zoning by-law(s) and other planning requirements and approvals at both the local and regional level.
- 4.7. The Owner shall complete all eligible conservation works within on (1) year from the date of approval of the heritage property incentive grant by the Council, failing which, unless extended by the City, this Grant approval shall be at an end, there shall be no Grant, and this Agreement shall be terminated. The deadline imposed by this paragraph shall not include delays that are outside the control of the Owner as determined in the sole discretion of the City.
- 4.8. Upon completion of the eligible conservation works, the Owner shall provide the City with documentation satisfactory to the City as to the amount of the actual costs of conservation works incurred by the owner.
- 4.9. The Owner shall ensure there are no liens or other claims outstanding in respect of the subject lands, and that all accounts for work and materials which could give rise to any claim for a construction lien against the subject lands have been paid at the time the Owner provides proof that the eligible conservation works are completed in accordance with Section 2.4.
- 4.10. The Owner agrees to comply with the *Construction Act* (Ontario), including its holdback provisions and the Owner represents that it is not aware of any potential or unresolved lien claim in respect of the redevelopment.
- 4.11. The Owner covenants to the City that where the Designated Heritage Property for any reason cease to be in the Owner's ownership by sale, assignment or otherwise, prior to the advance of part or all of the Grant, the Owner will notify the City in writing of said pending ownership change at least 30 days prior to the ownership change taking place and shall advise the new Owner prior to any such sale or assignment that any monies payable pursuant to this Agreement shall be made payable to the Owner only.
- 4.12. The Owner acknowledges that without limiting the generality of the other provisions of this Agreement:
- a) the onus and responsibility is upon the Owner at all times to assume all costs of the eligible conservation works and to apply for and obtain, at the Applicant's expense, all approvals required from the City and all other agencies for said works;
 - b) nothing in this Agreement limits or fetters the City in exercising its statutory jurisdiction under the *Ontario Heritage Act* or under any other legislative authority or by-law and that in the event the City decides to deny or oppose or appeal any such decision, that such action by the City is not in any manner limited by reason of the City entering into this Agreement;
 - c) the Owner releases the City from any liability in respect of the City's reviews, decisions, inspections or absence of inspections regarding eligible conservation works and the Owner agrees that it is the responsibility of the Owner to prepare and implement the works at all times;

- d) nothing in this Agreement is intended to impose or shall impose upon the City any duty or obligation to inspect or examine the Designated Heritage Property for compliance or non-compliance or to provide an opinion or view respecting any condition of development approval; and,
 - e) nothing in this Agreement is intended to be or shall be construed to be a representation by the City regarding compliance of the Designated Heritage Property with: (1) applicable environmental laws, regulations, policies, standards, permits or approvals, or, (2) other by-laws and policies of the City.
- 4.14 If the City determines in its sole discretion that any of the conditions of this Agreement are not fulfilled, the City may at its sole discretion cease or delay payment of the Grant, and the Owner agrees that notwithstanding any costs or expenses incurred by the Applicant, the Owner shall not have any claim for compensation or reimbursement of these costs and expenses against the City, and that the City is not liable to the Owner for losses, damages, interest, or claims which the Owner may bear as a result of the lapse of time (if any) where the City is exercising its rights herein to either delay a Grant payment pending compliance with this Agreement, or to terminate this Agreement.
- 4.15 The Owner shall indemnify and save harmless from time to time and at all times, the City and its officers, employees, councillors, and agents from and against all claims, actions, causes of action, interest, demands, costs, charges, damages, expenses and loss made by any person arising directly or indirectly from:
- a) the City entering into this Agreement; and
 - b) any failure by the Owner to fulfil its obligations under this Agreement.

This indemnification shall, in respect of any matter arising prior to the termination of this Agreement, remain in force following termination or expiry of this Agreement.

5. PROVISIONS RELATING TO THE CITY

- 5.1 The City agrees to provide a Grant to the Owner estimated as of the date of this Agreement in the amount of **\$XX.XX**, subject to and in accordance with the terms and provisions set out in this Agreement.
- 5.2 The City, its employees and agents are entitled to inspect the Designated Heritage Property and all fixtures and improvements upon the Designated Heritage Property at any time during usual business hours for the purpose of ascertaining their condition or state of repair or for the purpose of verifying compliance with the provisions of this Agreement.
- 5.3 The City retains the right at all times not to make any or all of Grant payments or to delay payment where the City deems that there is non-compliance by the Owner with this Agreement.
- 5.4 Except where expressly stated in this Agreement, all conditions in this Agreement are for the benefit of the City and may only be waived by the City. No waiver is effective unless in writing.

6. DEFAULT AND REMEDIES

- 6.1 The Owner agrees to maintain in good repair the improvements for which the Grant is provided. In the event that the Owner does not maintain in good repair said improvements, the City may:
- a) serve on the Owner a written Notice to Repair detailing the particulars of the failure to maintain and the particulars of needed repairs; and
 - b) provide the Owner with at least 30 days to make such repairs.
- 6.2 On the occurrence of an event of default pursuant to subsection 6.3, the City shall be entitled to its remedies to enforce this Agreement, including, but not limited to:
- a) delaying or ceasing the release of the Grant;
 - b) requiring repayment of the Grant; and/or
 - c) terminating this Agreement.
- 6.3 An event of default shall be deemed to occur upon any default of the Owner in complying with the terms set out in this Agreement, including, but not limited to, the following:
- a) the as constructed works do not comply with the description of the works as provided in the Grant Application and any other supporting documentation required by the City;
 - b) the works are not undertaken in conformity with the Ontario Building Code and all applicable zoning requirements and planning approvals;
 - c) the building is damaged by fire or otherwise, and repair or reconstruction is not commenced within 90 days;
 - d) the Owner is in property tax arrears with respect to the subject lands for more than 90 days;
 - e) any representation or warranty made by the Owner is incorrect in any material respect;
 - f) failure to perform or comply with any of the obligations contained in this Agreement or contained in any other Agreement entered into between the Owner and the City;
 - g) the Owner makes an assignment for the benefit of creditors, or assigns in bankruptcy or takes the advantage in respect of their own affairs of any statute for relief in bankruptcy, moratorium, settlement with creditors, or similar relief of bankrupt or insolvent debtors, or if a receiving order is made against the Applicant, or if the Owner is adjudged bankrupt or insolvent, or if a liquidator or receiver is appointed by reason of any actual or alleged insolvency, or any default of the Owner under any mortgage or other obligation, or if the subject lands or interest of the Owner in the subject lands becomes liable to be taken or sold by any creditors or under any writ of execution or other like process;
 - h) construction ceases for a period of 60 days due to the Applicant's default (strikes and Acts of God excepted) and/or the Owner abandons the Designated Heritage Property or project; or
 - i) if this Agreement is forfeited or is terminated by any other provision contained in it. (each of the above being an "event of default").

- 6.4 The City may at its sole discretion, provide the Owner with an opportunity to remedy any default.

7. ADDITIONAL PROVISIONS

- 7.1 The headings contained herein are for convenience only and shall not affect the meaning or interpretation thereof.
- 7.2 The approved Grant Application referred to may be amended by the Owner and the City from time to time, as they may agree.
- 7.3 Time shall be of the essence with respect to all covenants, Agreements and matters contained in this Agreement.
- 7.4 Any amendment, supplement, modification, waiver or termination of this Agreement shall be in writing and signed by the parties.
- 7.5 This Agreement shall be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable in the Province of Ontario and shall be treated in all respects as an Ontario contract.
- 7.6 Schedule "A" and "B" attached hereto forms part of this Agreement.

8. NOTICES

- 8.1 Where this Agreement requires notice to be delivered by one party to the other, such notice shall be in writing and delivered either personally, by e-mail, by fax or by prepaid registered first class post, by the party wishing to give such notice, to the other party at the address noted below:

Such notice shall be deemed to have been given:

- a) in the case of personal delivery, on the date of delivery;
- b) in the case of e-mail or fax, on the date of transmission provided it is received before 4:30 p.m. on a day that is not a holiday, as defined in the *Interpretation Act* (Ontario), failing which it shall be deemed to have been received the next day, provided the next day is not a holiday; and
- c) in the case of registered post, on the third day, which is not a holiday, following posting.

Notice shall be given:

To the Owner at:

Name

Address

Telephone No:

Cell No.:

E-mail:

To the City at:

The Corporation of the City of Brampton
Planning and Development Services
2 Wellington Street West
Brampton, ON L6Y 4R2

Attention: City of Brampton Heritage Staff
Telephone No:
E-mail: heritage@brampton.ca

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and/or affixed their corporate seals attested by the hands of their proper officers duly authorized in that behalf.

Approved as to form – Legal Services ____/____/____ _____	Approved as to content-P&DS ____/____/____ _____	Approved as to content – FIS ____/____/____ _____
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**THE CORPORATION OF THE CITY OF
BRAMPTON**

Mayor

Peter Fay, Clerk

Authorizing By-law_____

Witness:



SCHEDULE "A"

Legal Description of land

SCHEDULE "B"

Date:

XYZ

To Whom It May Concern:

RE: XYZ

Request for Heritage Incentive Grant

Please be advised that the City Of Brampton requires a statutory declaration as per Clause 4.4 (a) of the By-law and Designated Heritage Incentive Grant Program Kit in order for the Heritage Incentive Grant to be rewarded.

Please have a declaration prepared and sworn in the attached format and forward to the writer's attention.

We trust that you will give this matter your immediate attention.

Yours truly,

The information provided in this correspondence is current as of the date indicated above, and after such date is subject to change. Reasonable effort has been made to ensure the information contained herein is correct, however, The Corporation of the City of Brampton cannot certify or warrant the accuracy of the information and it accepts no responsibility for any errors, omissions or inaccuracies.

Enclosure

Province of Ontario) AND IN THE MATTER OF CLAUSE 3.1(b)
) OF THE BY-LAW AND DESIGNATED
 (insert here “Regional Municipality of) HERITAGE INCENTIVE GRANT
 Peel” or “City of Brampton”)) PROGRAM KIT

I, _____ of the _____
(name of individual) (City/Town)
in the _____ SOLEMNLY DECLARE THAT:
(Municipality/County)

1. I am the _____ of _____
(owner) (address)
and as such have knowledge of the matters hereinafter deposed to.
2. All works required to be installed and completed on the property with municipal address have been completed and fully paid for and no one is entitled to a claim or lien in respect of labour or materials supplied in respect of such work.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the _____)
of _____)
in the _____)
of _____)
this _____ day of _____ 2020) _____

A Commissioner, etc. _____
(_____) _____
(print name of commissioner and date of _____
expiry) _____



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2020

A by-law to amend By-law 266-2011, to Establish A Designated Heritage
Property Incentive Grant Program

WHEREAS sections 39 and 45 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "Act"), authorizes a municipality to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the Act or located in a Heritage Conservation District designated under Part V of the Act for the purpose of paying for the whole or any part of the cost of the alteration of such property on such terms and conditions as Council may prescribe;

AND WHEREAS the Council of the Corporation of the City of Brampton has enacted By-law 266-2011 to Establish A Designated Heritage Property Incentive Grant Program;

AND WHEREAS the Council of The Corporation of the City of Brampton is desirous of amending the By-law 266-2011 to make changes to the Designated Heritage Property Incentive Grant Program;

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts as follows:

1. THAT By-law 266-2011 be amended by:

- 1.1. deleting the definition of "Applicant" in Section 1.1 its entirety.
- 1.2. deleting the definition of "Guidelines" in Section 1.1 in its entirety.
- 1.3. deleting the definition of "Heritage Attributes" in Section 1.1 its entirety and replacing it with the following:

"'Heritage Attributes' shall mean the exterior principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property designated under either Part IV or Part V of the Ontario Heritage Act ".

- 1.4. by adding the following new definitions to Section 1.1:

"(a) 'Application Form' shall mean the application form attached as Appendix A to the Application Kit as may be amended from time to time by the City of Brampton Heritage Staff;

(b) 'Application Kit' shall mean the City of Brampton's 'Designated Heritage Property Incentive Grant Application Kit', which includes the Application

Form and the Standard Agreement, as may be amended from time to time by the City of Brampton Heritage Staff;

(c) 'Complete Application' shall mean all the items set out in Section 7 of the Application Kit, a completed Application Form, and a signed and dated Standard Agreement, to the satisfaction of City of Brampton Heritage staff, in their sole discretion;

(d) 'Owner' means the person registered on title in the proper land registry office as owner of the Designated Heritage Property.

(e) 'Standard Agreement' shall mean the standard form agreement attached as Appendix B to the Application Kit" as may be amended from time to time by the City of Brampton Heritage Staff.

1.5. re-alphabetizing Section 1.1 as amended according to the alphabetical order of the definitions therein.

1.6. replacing all references to "Heritage Coordinator" with "City of Brampton Heritage staff".

1.7. replacing all references to "heritage property incentive grant" with "Designated Heritage Property Incentive Grant".

1.8. replacing all references to "Guidelines" with "Application Kit".

1.9. replacing all references to "Applicant" and "Recipient" with "Owner".

1.10. deleting Sections 3.1(b), (c) and (d) in their entirety and replacing them with the following new clauses:

"(b) if City of Brampton Heritage staff determines that an Application Form and Standard Agreement may be completed and executed by the Applicant, the Applicant may submit a Complete Application to City of Brampton Heritage staff;

(c) once a Complete Application is received by the City, a report will be written by City of Brampton Heritage staff to the Brampton Heritage Board providing a staff recommendation on the Complete Application;

(d) Council will consider the Complete Application, the City of Brampton Heritage staff recommendation and the recommendation from the Brampton Heritage Board to determine whether the Designated Heritage Property Incentive Grant should be awarded to the Owner in accordance with the assessment criteria listed Section 9 of the Application Kit, and Council's decision shall be final."

1.11. deleting Section 3.2 in its entirety and replacing it with the following new clause:

"The administration of the Designated Heritage Property Incentive Grant Program shall be in compliance with this By-law and the Application Kit."

1.12. by deleting Section 4.1 in its entirety and replacing it with the following:

“A Designated Heritage Property Incentive Grant may be awarded in an amount not exceeding the cost of the Eligible Conservation Work and up to a maximum of ten thousand dollars (\$10,000).”

- 1.13. by deleting the first paragraph of Section 4.4 in its entirety and replacing it with the following:

“Before the Designated Heritage Property Incentive Grant will be paid by the City, the following must occur:”

- 1.14. by deleting Section 4.4(c) in its entirety and replacing it with the following:

“(c) City of Brampton Heritage staff or designate must be in receipt of all documentation and items listed in Section 7 of the Application Kit, and any additional documentation and items required to be submitted by City of Brampton Heritage staff; and,”.

- 1.15. by deleting Section 6.1(1)(d) and replacing it with the following:

“(d) it shall not include any work on interior heritage attributes, if any are identified in the by-law of a Designated Heritage Property, works or projects of a non-heritage nature, works that focus on non-heritage attributes, additions, spaces, features and finishes, or any works that might diminish the cultural heritage value of the Eligible Property.”

- 1.16. by deleting Section 6.1(2) in its entirety and replacing it with the following:

“The final determination of what constitutes Eligible Conservation Work shall be made by City of Brampton Heritage staff, in consultation with the Brampton Heritage Board.”

- 1.17. by deleting Section 7.1 and replacing it with the following:

“Should, in the opinion of City of Brampton Heritage staff, the Designated Heritage Property Incentive Grant Recipient fail to comply with the requirements of this By-law, the Standard Agreement or the Application Kit, or supply false information, the Owner of the Designated Heritage Property Incentive Grant shall either not be paid the Designated Heritage Property Incentive Grant by the City, or, if the Designated Heritage Property Incentive Grant has already been paid, be required to forthwith repay the entire Designated Heritage Property Incentive Grant amount to the City.”

2. Effective Date

2.1 This By-law will come in to effect on January 1st, 2021.

ENACTED and PASSED this _____ day of _____,

THE CORPORATION OF THE CITY OF BRAMPTON

Approved as to
form.

Oct./14/2020

AGD

Patrick Brown, Mayor

Approved as to
content.

Oct/14/2020

RJB

Peter Fay, City Clerk

Designated Heritage Property Incentive Grant Program

Grant
Heritage
Preservation
Restoration
Incentive
Sustain
Finishes
Care
Designated
Stabilization
Cultural Heritage



Planning, Design and Development
Heritage

Section 1: Purpose of Grant Program

In the public interest, the City of Brampton has established a heritage property incentive grant program intended to encourage and assist owners with the care of heritage properties designated under either Part IV or Part V of the *Ontario Heritage Act*.

The Designated Heritage Property Incentive Grant is tailored to assist property owners with small to mid-size preservation and/or restoration projects. Projects must focus on the care and rehabilitation of existing heritage attributes or restoration that would contribute to the cultural heritage significance of the property or district and their reasons for heritage designation.

Section 2: Definitions

- a) 'Owner' means the person registered on title in the proper land registry office as owner of the Designated Heritage Property.
- b) 'City' shall mean The Corporation of the City of Brampton;
- c) 'Council' shall mean the elected Council of the Corporation of the City of Brampton;
- d) 'Designated Heritage Property' shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Part IV or the *Ontario Heritage Act* or located in a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*;
- e) 'Eligible Property' shall mean that which is described in Section 3;
- f) 'Eligible Conservation Work' shall mean that which is described in Section 5;
- g) 'Heritage Attributes' shall mean, the exterior principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property designated under either Part IV or Part V of the *Ontario Heritage Act*".
- h) 'Policy Statement' shall mean the City's "Policy Statement - Designated Heritage Property Incentive Grant Program";
- i) 'Preservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property;

- j) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property:
- k) 'Application Kit' shall mean the City of Brampton's 'Designated Heritage Property Incentive Grant Application Kit', which includes the Application Form and the Standard Agreement, as may be amended from time to time by the City of Brampton Heritage Staff;
- l) 'Application Form' shall mean the application form attached as Appendix A to the Application Kit as may be amended from time to time by the City of Brampton Heritage Staff;
- m) 'Standard Agreement' shall mean the standard form agreement attached as Appendix B to the Application Kit" as may be amended from time to time by the City of Brampton Heritage Staff and
- n) 'Complete Application' shall mean all the items set out in Section 7 of the Application Kit, a completed Application Form, and a signed and dated Standard Agreement, to the satisfaction of City of Brampton Heritage staff, in their sole discretion.

Section 3: Eligibility

To be eligible, a property must be:

- a) Designated under the *Ontario Heritage Act*, and;
- b) Located within the City of Brampton; and
- c) Free of property tax arrears, compliance orders, enforcement orders issued under property standards and maintenance By-laws, the Ontario Fire Code and any other outstanding fees, fines, orders or statutory violations.

The Designated Heritage Property Incentive Grants will only be paid when Council has passed the designating by-law and the designation is registered on title.

Where a Designated Heritage Property contains non-heritage additions, or elements, or the proposed work involves new additions, only the Heritage Attributes of the property will be subject to the grant.

Heritage resources owned or used by any level of government are not eligible except where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for maintenance of the building. In these cases, the owner of the Designated Heritage Property shall make an application for the grant and authorize the organisation/ group to prepare, submit and speak to the request for a Heritage Permit Application and/ or Consultation, on his/ her behalf. .

Section 4: Heritage Property Incentive Grant Amount

The program makes funds available to cover half of the cost of eligible conservation work (Refer Section 5) up to a maximum of \$10,000, subject to available funding. The heritage property incentive grant must be matched by a contribution from the property owner.

Section 5: Eligible Conservation Work

Any conservation work, which directly and appropriately preserves, restores and/or enhances specific heritage attributes as identified and described in the heritage designation By-law or heritage conservation district plan, is deemed eligible. All work must be executed in such a manner as not to detract from or diminish the cultural heritage value of the property or district.

Eligible work would include the costs of labour, materials and equipment, provided proof of such costs can be verified by invoices and receipts. Donated labour and materials are not considered part of the costs or part of the owner's matching contribution. Determination of what constitutes eligible conservation work is at the discretion of the City of Brampton in consultation with the Brampton Heritage Board.

A City of Brampton Heritage Staff can be contacted for further clarification regarding what constitutes eligible conservation work.

Conservation Works Within A Heritage Conservation District

When conservation work is proposed on properties within a Heritage Conservation District, it must clearly conserve or enhance specific heritage attributes on the property

itself and/or contribute to the cultural heritage value of the Heritage Conservation District.

Such work must always be consistent with the existing District Plan. Improvements to a property within a Heritage Conservation District, as recommended in the design guidelines of the District Plan, will be eligible for consideration.

Preservation Projects

Preservation is the act or process of applying measures necessary to care for and sustain the existing form, integrity, materials and details of a heritage property. Preservation is appropriate when the existing heritage attributes and features are essentially intact.

The removal or replacement of intact or otherwise repairable heritage attributes on the property should always be avoided.

Occasionally rehabilitation may also be required if a property is to remain functional - usually through conversion of a property for a new, compatible use. Rehabilitation involves more intervention than simple preservation, usually by making certain, carefully considered alterations.

Every effort should be made to retain and preserve the heritage attributes that contribute to the significance of the property, while still permitting those changes necessary to ensure the building has renewed viability.

Restoration Projects

Restoration is the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

Restoration is appropriate when the significance of the property during a particular period in its history far outweighs the potential loss of existing materials, spaces, finishes and other attributes. Restorations are usually considered when the heritage integrity and significance of the property has been greatly diminished over time.

Restoration should focus on accurately replicating decayed and missing elements, revealing intact elements that are hidden or obscured; and on removing inappropriate finishes and features that obviously diminish the heritage value of the property.

The merits and scope of a restoration project is determined using appropriate documentary sources - either directly related to the property or based on solid research and relevant historical references. Restoration should never be the result of speculation or mere conjecture and should never be overly influenced by current design trends.

Examples of Eligible Conservation Work:

- Eligible conservation work can include the preservation or accurate heritage restoration of:
- porches, verandahs, cupolas, columns, brackets, soffits, fascia and other architectural elements;
- exterior cladding such as clapboard, wood shingles, pebbledash stucco, board and batten;
- significant chimneys;
- windows, doors (including screen doors and storm windows) and other structural openings;
- decorative architectural detailing, millwork and trim;
- masonry and stonework;
- cleaning of masonry and stone (if deemed necessary and if using non-destructive cleaning methods);
- chemical or physical treatments, if appropriate, undertaken using the gentlest means possible (treatments that cause damage to historic materials will not be eligible);
- removal of non-heritage siding and detailing;
- historically accurate landscaping, gardens and flower beds;
- repairs deemed critical to the stabilization and preservation of the property, including repairs to the roof and eaves troughs, exterior cladding, windows, foundation and drainage, serious structural faults;

- preservation or restoration of interior heritage attributes, features, materials and finishes if they contribute to the cultural heritage value of the property; interior work of this nature usually focuses on: period wallpaper and paint, woodwork, hardwood floors, decorative plaster, wall murals, stained and leaded glass, etc;
- removal of inappropriate modern materials such as insulbrick, metal siding and the like;
- introduction of a period paint colour scheme;
- conservation of any other features or character-defining element on the property that is cited and described as a cultural heritage attribute in the heritage designation bylaw, heritage district plan, and/or statement of reason for heritage designation report.

Section 6: Ineligible Conservation Work

In general terms, in-eligible work includes any work or projects of a non-heritage nature, works that focus on non-heritage attributes, additions, spaces, features and finishes, or any works that might diminish the cultural heritage value of the property.

Examples of In-Eligible Conservation Work:

- architectural and engineering services, feasibility studies, cost estimates, preparation of drawings;
- repairs and upgrades ordered as a result of non-compliance with property standards By-laws and other applicable By-laws, regulations and legislation;
- re-insulating, installation of new heating or cooling systems or other energy efficiency upgrades;
- construction of new additions or accessory structures that are not based on historical research and that do not incorporate historically appropriate forms, finishes, elements and materials;
- removal of asbestos, mould, urea formaldehyde and other contaminants;
- driveway paving and repairs;

- improvements to mechanical or electrical systems;
- minor repairs; routine household maintenance such as repairing a broken step;
- any work completed or started before a grant has been formally approved;
- exterior painting not based on historical research and not using appropriate period paint colour schemes;
- non-heritage awnings and signage;
- moving of structures;
- works focusing on non-heritage additions, sheds or outbuildings not specifically identified as heritage attributes;
- new fencing or landscaping that is not based on historical research and that does not incorporate historically appropriate forms, finishes, elements and materials;
- sandblasting or other cleaning methods that may damage a structure's finishes.

Section 7: Documentation with Each Grant Submission

The Owners are encouraged to submit as much pertinent information and supporting documentation as necessary to describe the proposed project and demonstrate its merits. The City may request additional information as required. The following types of information are must be included with each grant submission:

- 1) Photographs of the project site and of the features showing what and where the work will take place;
- 2) Historical photographs, illustrations or other forms of historical documentation of the property (if available); if not available, general historical references and graphical material that help illustrate what is proposed and why it is historically appropriate;
- 3) Drawings (as necessary) that adequately illustrate the scope and type of work and location that is being proposed;

- 4) At least two (2) competitive cost estimates for all labour and materials involved in the proposed work, unless there is only one specialized supplier of a particular product, trade or service in the GTA. Although not mandatory, owners who want to apply are encouraged to select suppliers, contractors and/or trades people that have demonstrated experience with heritage properties. Cost estimates must be sufficiently detailed so as to clearly indicate the scope and nature of work. If the proposed project includes both eligible and non-eligible work, the cost estimates must clearly differentiate between the two;
- 5) A brief summary of the overall project budget; and
- 6) A statement detailing other grants or funding sought for the proposed work, as applicable.

Section 8: Pre Consultation

The property owner must consult with the City of Brampton Heritage Staff prior to submitting a Designated Heritage Property Incentive Grant application.

This pre-consultation is used to help ensure that applications are complete and that they meet the criteria and eligibility requirements.

A site inspection of the property and an assessment of possible impacts on existing designated heritage attributes will be conducted by the City of Brampton Heritage Staff.

Section 9: Assessment of Applications

An application will be assessed using the following criteria:

- compatibility and consistency with the architectural, historical, and contextual significance of the property;
- serves to rehabilitate the building or property by stabilizing and protecting existing architectural heritage attributes and/or other character defining elements;
- serves to help restore the building or property by replicating lost or damaged architectural heritage attributes and/or other character defining elements that were once part of the building fabric or property. Such work must not compromise existing heritage attributes in the process and must be justified using appropriate research and documentation methods;

- serves to improve and strengthen the streetscape, neighbourhood, block or area in which it is located
- consistency with City policy as outlined in the City of Brampton Official Plan;
- consistency with City by-laws, policies, codes, as well as relevant provincial and federal regulations;
- compatibility with the guidelines and district plan established for the heritage conservation district, if the property is located within such a district; and
- consistency with the *Standards and Guidelines for the Conservation of Historic Places in Canada* and best practice in heritage conservation overall.

Other factors used in assessment of grant applications include:

- the overall cultural heritage value of the property as determined by the City of Brampton's criteria for assessing cultural heritage value or interest;
- documentation that indicates the suppliers of a particular product, trade or service have sufficient experience working with heritage properties;
- the use of historically appropriate materials and finishes as warranted;
- the availability of funds within the program budget; and
- the relationship of the application to the long-term conservation plans and priorities of the City and the Brampton Heritage Board.

Section 10: Administration of Heritage Property Incentive Grant Applications

Designated Heritage Property Incentive Grant applications shall be reviewed on a first-come, first-served basis within each year. The grants are subject to available funding and the quality of the application at the sole discretion of the City. Please note that not all heritage property incentive grant applications will be successful.

In order to apply for and be awarded a heritage property incentive grant, the following steps must be taken:

- 1) the owner must undertake a pre-consultation which includes contacting the City's Heritage Coordinator to discuss the project and determine whether the owner should complete an application form;
- 2) if the City of Brampton Heritage Staff determines that an application form may be completed by the Owner, the owner may do so;
- 3) once a complete application is received by the City, a report will be written by the City of Brampton Heritage Staff to the Brampton Heritage Board with a staff recommendation regarding the application;
- 4) Council will consider the staff recommendation and the recommendation of Brampton Heritage Board and determine whether the heritage property incentive grant should be awarded to the owner, and Council's decision shall be final.

The applications should be received by the City at least eight (8) weeks prior to the anticipated project launch.

By signing the application form, the owner certifies that no work eligible for heritage property incentive grant funding has not yet been contracted or undertaken.

Works and projects under consideration with a heritage property incentive grant submission shall not commence prior to receiving written confirmation from the City of Brampton that a heritage property incentive grant has been awarded.

If the owner intends to do some or all of the work him/herself, the labour will not be eligible for funding.

The application may be granted funding either with or without certain conditions and/or other considerations.

Section 11: Administration of Heritage Property Incentive Grants

Before the heritage property incentive grant will be paid by the City, the following must occur:

- the work as approved by Council, must be completed to the satisfaction of the City of Brampton Heritage Staff;

- the work must be completely paid for by the owners, and written documentation (invoice, receipts, and other pertinent documentation) to verify such payment must be submitted to the City;
- the work must be completed within one (1) year from the date of approval of the heritage property incentive grant by Council;

The owner who applied for the heritage property incentive grant will permit a City of Brampton Heritage Staff to photograph the property to document the condition of the building before, during and after the conservation work. In addition, the owner who applied for the heritage property incentive grant will permit the City to enter and inspect the completed project to ensure conformity to the proposal submitted.

In exceptional cases, projects may extend into a second year. In such instances a written request, stating the reasons for the extension, must be submitted by the owner for review and approved at the discretion of the City Heritage Coordinator or designate, prior to the end of the first year following the date of Council approval of the grant.

If the owner proposes to make changes to the approved Eligible Conservation Work, the a City Heritage Coordinator or designate must be contacted, and he/she may determine whether the owner may proceed with any changes to the Eligible Conservation Work and still receive the heritage property incentive grant.

Section 12: Remedial Actions

Should, in the opinion of the City's Heritage Staff, the heritage property incentive grant recipient fails to comply with the requirements of the Designated Heritage Incentive Grant By-law (266-2011), or the Designated Heritage Property Incentive Program Guidelines, or supplied false information, the owner who applied for the heritage property incentive grant shall either not be paid the grant by the City, or, if the heritage property incentive grant has already been paid, be required to forthwith repay the entire heritage property incentive grant amount to the City.

Failing immediate repayment upon notice from the City, the grant shall be deemed to be a loan, for which the amount of the loan together with interest (at the Prime Interest Rate as set out by the Bank of Canada as of the date of notice from the City, plus 2%) may be added by the City Clerk to the collector's roll and collected in like manner as municipal taxes over a period fixed by Council, and such amount and interest shall be a lien or charge upon the land in respect of which the loan was made.

Section 13: Frequency of Grant

A single property is eligible to receive only one (1) grant every two (2) years after the date the City Council approved the initial heritage property incentive grant.

For further information please contact a Heritage Coordinator at:

City of Brampton
Planning, Design & Development
2 Wellington St W
Brampton, ON L6Y 4R2
905-847-3744 or 905-874-3825

Application Form

Designated Heritage Property Incentive Grant Program

Please complete the following and submit to a City of Brampton Heritage Coordinator

1. Owner Contact Information:

Name of the Owner

Home Telephone

Business Telephone

Fax

Email

Address

2. Specify property for which application is being made:

Municipal Address

Legal Description

PIN

ROLL

3. Under which part of the *Ontario Heritage Act* is your property designated?

☐ Part IV (individual property)

☐ Part V (heritage property within a Heritage Conservation District)

4. Have you previously received a City of Brampton Heritage Property Incentive Grant?

☐ Yes

☐ No

If “Yes”, please provide the dates and amounts below:

Date

Amount

Date

Amount

5. Is this property the subject of any City By-law contraventions, work orders, penalties, fees, arrears of taxes, fines, or other outstanding municipal requirements as of the date of application?

☐ Yes

☐ No

If “Yes”, please provide details below:

6. Provide a description of the project proposal. Use additional sheets as required:

[illegible]

7. Enclose all drawings, current photographs, and/or other materials necessary for a complete understanding of the proposed work. Please include any available historic photographs or documentation.

SEE ATTACHED DOCUMENTS

Designated Heritage Property Incentive Grant – Application Kit
Page 214 of 234

SEE ATTACHED DOCUMENTS

SEE ATTACHED DOCUMENTS

10. Cost Estimate Summary:
(Enclose at least two estimates)

Company	Details	Estimate
Name: Address:		\$
Name: Address:		\$
Name: Address:		\$

11. Project Costs (to the nearest dollar) and declaration:

Sources	Details	Amounts
Amount of Grant requested from City of Brampton (up to \$10,000.00)		\$
Owner's Contribution		\$

Other Sources (if any)		\$
Total Project Costs		\$

1. I, the undersigned, certify that to the best of my knowledge the information provided in this application is accurate and complete, and I agree to the terms and conditions of the Designated Heritage Property Incentive Grant Program as established by the City of Brampton under By-law 266-2011.
2. I am the owner of authorized agent of the owner, named in the above application and hereby apply for a grant under the Designated Heritage Property Incentive Grant Program (refer Schedule B)
3. I understand that the final amount of the grant will be determined and that this application will be completed following:
 - a) A site inspection of the property and assessment of impacts on existing designated heritage attributes by the City Heritage Coordinator;
 - b) Owner provided drawings, and/or specifications, cost estimates, and photographs;
 - c) Assessment of the merits of the application by the Heritage Coordinator and the Brampton Heritage Board;
 - d) Formal approval of application by Brampton City Council;
 - e) Substantiation of the completed work by invoices provided; and
 - f) Completion of work within one (1) year of the date of approval by Brampton City Council.
4. The undersigned hereby certify that no works eligible for heritage grant assistance, and/or which would require permission to alter under the Ontario Heritage Act, have

commenced as of this date, or will commence prior to approval of this application by City Council.

Date

Owner's Signature

13. Checklist

The City will not begin processing this application until ALL required materials are submitted.

- ☐ Pre-consultation with City Heritage Coordinator completed
- ☐ Completed application
- ☐ Drawings/ renderings accurately describing the existing condition and proposed work
- ☐ Current colour photographs documenting features, elements, and spaces that will be the focus of the proposed project
- ☐ Copies of archival photographs and historical documentation as applicable
- ☐ Statement indicating other sources of funding as applicable

Cost estimates

Personal information on this form is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 m.c.M.56 for the purpose of providing information for a Designated Heritage Property Incentive Grant Program application for the above listed property. Questions about this collection should be directed to a City of Brampton Heritage Staff at (905) 874-3744 or (905) 874-3825.

[illegible]

Appendix B

REGISTERED OWNER'S AUTHORIZATION

(To be completed by the registered owner)

I, _____ am
the registered owner of the subject site.

I authorize _____ to prepare,
submit and speak to this request for a Heritage Permit Application and/ or Consultation,
on my behalf.

Owner Signature: _____ Dated: _____

Date: 2020-10-02

Subject: City of Brampton's Comments Regarding the Proposed Regulation under the Ontario Heritage Act (Bill 108)

Contact: Cassandra Jasinski, MA, CAHP, Heritage Planner,
cassandra.jasinski@brampton.ca

Report Number: Planning, Building and Economic Development-2020-223

Recommendations:

1. That the report from Cassandra Jasinski, Heritage Planner, Policy Planning, dated October 20, 2020, to the Brampton Heritage Board meeting of October 20, 2020, **City of Brampton's Comments Regarding the Proposed Regulation under the Ontario Heritage Act (Bill 108)**, be received;
2. That the Brampton Heritage Board endorse the comments and concerns of staff, outlined in the report and in the Appendix, and the recommendations below.
3. That the proposed comments in response to the relevant Environmental Registry of Ontario (ERO) notice regarding *Proposed Regulation under the Ontario Heritage Act (Bill 108)*, included as an appendix to this report, be submitted as the City of Brampton's formal response;
4. That the Mayor write to the Premier of Ontario and the Ministry of Heritage, Sport, Tourism and Culture Industries before the commenting period of 45-days expires on November 5, 2020 to highlight the City's concern with the timing of the consultation period and the coming into and effect of the proposed amendments, given the ongoing COVID-19 Pandemic.
5. That the Mayor and/or designate be authorized to make a written and/or a verbal submission on the Proposed Regulation, when it is referred, to the appropriate Legislative Committee for review;
6. That a copy of this report and any associated Council resolution be submitted to the Province, through the Environmental Registry of Ontario, the Ministry of

Heritage, Sport, Tourism and Culture Industries, Brampton Members of Provincial Parliament, and to the Region of Peel and the Association of Municipalities of Ontario.

Overview:

- On May 2, 2019, the Province of Ontario introduced Bill 108, More Homes, More Choice Act, 2019 (Bill 108), and subsequently public consultation was initiated on various Schedules of the Bill through the Environmental Registry of Ontario, with the comment period ending June 1, 2019.
- Schedule 11 of Bill 108 included significant change to the *Ontario Heritage Act* (the “OHA”).
- The City of Brampton submitted formal comments to the Province as part of this process.
- Bill 108 was given Royal Assent on June 6, 2019, however the amendments to the OHA are not yet in force and effect, as new regulations are required to support these amendments.
- On September 21, 2020, the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) posted the *Proposed Regulation under the Ontario Heritage Act (Bill 108)* (the “Proposed Regulation”) for comment on the Environmental Registry of Ontario for a period of 45 days, ending November 5, 2020.
- There was little consultation with municipalities regarding the content of the regulations and the guidance documents to be prepared by the Province have not yet been circulated for comment.
- While portions of the Proposed Regulation are agreeable, overall, it is clear that the amendments to the Act will result in significant administrative changes and additional resources will be required in order to ensure that proper processes and timelines are adhered to.
- The Province plans for the Proposed Regulation to come into force and effect on January 1, 2021, which provides little transition time for property owners and municipalities, especially during the ongoing COVID-19 Pandemic.
- In order to allow property owners and municipalities the ability to continue to focus their efforts on managing the COVID-19 Pandemic, the Proposed Regulation should not come into force and effect until after the conclusion of the COVID-19 Pandemic and once municipalities have been consulted on the Guidance Documents and they have been finalized.

Background:

On June 6, 2019, Bill 108 received Royal Assent, including Schedule 11 with proposed amendments to the OHA. Many of the details of these amendments were left to regulations.

At the time of consultation for Bill 108, City staff noted that despite the lack of details, it was clear that: the amendments will have a significant impact on the process of 'listing' and designating properties, administration of heritage permits, and result in a reduction in the authority of municipalities over heritage matters. The City's response to the Bill 108 and other recent documents can be found here: <https://www.brampton.ca/EN/City-Hall/Relations/Pages/Latest.aspx>. Comments related to the Bill 108 amendments to the OHA specifically are included as Appendix A.

Current Situation:

On September 21, 2020, the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) posted the *Proposed Regulation under the Ontario Heritage Act (Bill 108)* (the "Proposed Regulation") for comment on the Environmental Registry of Ontario. The following matters are proposed to be prescribed in the regulation:

1. Principles that a municipal council shall consider when making decisions under specific parts of the OHA.
2. Mandatory content for designation by-laws.
3. Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply.
4. Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.
5. Minimum requirements for complete applications for alteration or demolition of heritage properties.
6. Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute.
7. Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision.
8. Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law.
9. Transition provisions.

While much of the Proposed Regulation is in some manner agreeable with Heritage staff, subject to specific recommendations itemized in Appendix B, the timing of the consultation on the Proposed Regulation is of greatest concern. More general comments on the Proposed Regulations are provided below.

Principles

The Proposed Regulation introduces the principles that Council shall consider when exercising its decision-making authority under the OHA. As recommended during the Bill 108 consultation, the principles 'shall be considered' but do not bind Council.

The principles separate the concepts of protection and conservation. Heritage staff understand this to mean that protection includes designation and listing, whereas conservation encompasses the actions undertaken on a property to preserve, restore, or rehabilitate a cultural heritage resource, as understood by the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

In the PPS, protection is included in the definition of "conserved". Clarification on the difference between the two terms is required in order to assist Council with its consideration and understanding of the principles.

Mandatory Content for Designation By-Laws

The mandatory content for identifying a property in a designation by-law is generally supportable, with minor revisions recommended by the City of Brampton Heritage staff, and much of this content is already included in Brampton's recent designation by-laws. It is Heritage staff's understanding that while a Registered Survey can be included in a designation by-law registered on title, images such as aerial photographs, scale drawings, etc. cannot be included in designation by-laws registered on title. These items are typically included, instead, in the designation report for the property.

Prescribed Events for Notice of Intention to Designate and Exceptions for 120 Day Timeline for Passing Designation By-Laws

Heritage staff maintain, as previously commented, that timelines should not be imposed for issuing a Notice of Intention to Designate, as the identification of resources and the evaluation of their significance is ongoing. That being said, the Ministry has included a number of exceptions which facilitate collaboration with municipal council and property owners and acknowledge events which may impact the consideration of the proposed principles.

The prescribed events when a 90 day period is imposed for the serving of a Notice of Intention to Demolish include applications under the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments, and Draft Plans of Subdivision, all application types which require Public Notice. Applications, such as Site Plan applications that do not have a public consultation process were not included.

The lifting of restrictions on when a Notice of Intention to Designate can be served following the disposition of the prescribed event under the OHA ensures that heritage properties are protected against speculative development or if development fails to occur.

Minimum Requirements for Heritage Permit Applications

The City of Brampton already includes application requirements for heritage permits in the Heritage Permit Kit, and these requirements generally align with those included in the Proposed Regulation. Heritage staff welcome the move to consistency across municipalities, and the clarification that this will provide both property owners and staff in consideration of these applications. The regulation is also respectful of material required by municipal by-law, resolution or official plan to accompany an application.

Steps for Demolition/Removal

The steps prescribed for demolition/removal of a building or attribute on a designated property are generally supportable and respond to a number of potential situations. The Proposed Regulation stipulates that if demolition/removal would result in a change to a designation by-law, the amendment of the designation by-law is to occur after the demolition/removal. This detail in the Proposed Regulation ensures that should work impacting a property's cultural heritage value not proceed, and the building/structure/attribute remain in place, the designation by-law is not amended prematurely. The Proposed Regulation also provide provisions for the relocation of a building or structure, which appears to be regarded as removal, and facilitates designation of the property which will receive the relocated building/structure.

LPAT Information

During the Bill 108 consultation, the City of Brampton recommended that in the event that: following the change of the appellate body, from the Conservation Review Board (the "CRB") to the Local Planning Appeal Tribunal (the "LPAT"), that the complement of LPAT include experienced professionals qualified to make judgements regarding heritage conservation, and that such professionals be assigned to hear any and all appeals regarding cultural heritage resources. No clarification has been provided through the Proposed Regulation or anticipated Guidance Documents on the recommendation above.

The Proposed Regulation stipulates the information to be provided, should an appeal be made under the OHA. The information required for a Record of Decision is extensive and the level of administration required to ensure that the information is properly and efficiently prepared and collected, should there be an appeal to LPAT will result in increased administrative work for municipalities.

Housekeeping Amendments for Repeal of Designation By-law

The Proposed Regulation clarifies the time periods and situations when an owner can re-apply for the repeal of a designation by-law. The time period for all situations identified is 12 months from a particular milestone, as specified in the Proposed Regulation. The situations would vary, depending if the application to repeal a designation by-law is appealed and if the appeal has been heard. The timeline of 12 months is consistent with the City's previous recommendation to the Province that this 12 month period be maintained.

Transitions

The transition provisions are agreeable in that applications which commenced prior to these amendments coming into force will continue to be processed under the OHA as it read prior to the amendments. Designation by-laws must be passed within 365 days of the amendments coming into force and effect for all properties which are in the process of designation. This timeline is agreeable in most situations, however, it may have implications for some properties which are at risk.

Additional Detail 1: Emergency Management and Civil Protection Act Alignment

Considerations of the Emergency Management and Civil Protection Act which are included in the amendments and regulations put forward for comment, should be applied to the entirety of the OHA, specifically to ensure that property owners can continue with important repair work during times of Emergency, as declared in the Emergency Management and Civil Protection Act. Specifically, the OHA could ensure that municipal heritage advisory committees can provide advice on applications via a different form of communication than a formal meeting, such as email or virtual voting, so that consultation with the Board can continue if formal committee meetings cannot be held.

Additional Detail 2: Consultation

Heritage staff remain of the opinion that the amendments to the OHA should not come into force and effect until municipalities and other stakeholders have been meaningfully consulted regarding all related regulations, these regulations have been finalized following consultation, and the province has prepared guidance documents, including guidance documents regarding the application of the existing Regulation 9/06. Regulation 9/06 sets out the criteria for evaluating the cultural heritage value of a property. Better guidance is required regarding how to apply these criteria to a diverse range of cultural heritage resources.

There was minimal consultation which occurred early in 2020 and no consultation during the months of March to September when the Proposed Regulation was posted on the Environmental Registry of Ontario. The lack of consultation, especially with municipalities tasked with transitioning to these changes and communicating with property owners, is not in keeping with the recommendation of the City of Brampton that there be meaningful consultation.

Additional Detail 3: Timing

The Proposed Regulation, its content as well as consultation, will impact the future of heritage conservation in Ontario. The release of the Proposed Regulation for comment, during a global pandemic when property owners and municipalities are understandably focused on supporting their families and communities, is untimely. Heritage property owners and municipal staff are currently concentrating on the management of and economic recovery from the pandemic. Transition to an amended OHA at this time will introduce more confusion for property owners and municipalities during this already difficult and unprecedented point in our history.

The OHA amendments and the related Proposed Regulation should not come into force and effect until the pandemic is concluded in order that property owners and municipalities can properly prepare for and focus their attention on the regulations and their implications.

Additional Detail 4: Guidance Documents

The Ministry was meant to prepare Guidance Documents to assist property owners and municipalities in navigating the OHA amendments. These Guidance Documents have not been released and so the ability of property owners to understand the OHA amendments may be limited.

The Proposed Regulation and the OHA amendments as a whole should not come into force and effect until such time as these Guidance Documents have been finalized and all interested persons and communities are in a position to understand the impact of the Proposed Regulation and the OHA amendments as a whole.

Administration

Currently, the City of Brampton has four Heritage staff, two heritage planners and two assistant heritage planners, who administer all heritage applications, provide Heritage comments on all development applications, work on City initiated and inter-governmental projects, manage the Brampton's *Municipal Register of Cultural Heritage Resources*, and

answer all inquiries related to heritage matters. There are currently no administrative staff assisting with the task of preparing and issuing notices under the OHA.

It has been confirmed that the changes to the OHA will require extensive administrative reform and review, and additional resources in order to ensure that the transition to the amended version of the Act is carried out efficiently and that all of the new timelines imposed on various heritage matters are adhered to. As Heritage staff are already working beyond the capacity of their resources on the range of projects listed above, additional administrative support and systems will be required to facilitate a transition to the new processes required by the amended OHA. The extent of the additional support required will be determined once Heritage staff have had time to explore each new process of the OHA in detail with Clerks. A detailed estimate of the time required for each new process could not be determined at this time due to the limited response window for comments.

Corporate Implications:

Financial Implications:

The Proposed Regulation confirms that the administrative requirements associated with the OHA will become more burdensome for municipalities. Additional resources will be required to manage the transition to the new processes under the OHA, to process applications, and to ensure that all timelines are adhered to. Additionally, the shift from the CRB to LPAT for all OHA appeals, and the time-consuming process of preparing for and attending LPAT hearings will have staffing implications.

Other Implications:

The changes to the OHA will require extensive administrative reform and review, and additional resources in order to ensure that the transition to the amended version of the OHA is carried out efficiently and that all of the new timelines imposed on various heritage matters are adhered to.

Term of Council Priorities:

This report meets the Term of Council Priorities by contributing to a Well-Run City by continuing to build the City's government relations, advocacy capacity and impact.

Conclusion:

While much of the Proposed Regulation is in some manner agreeable to Heritage staff, subject to specific recommendations itemized in Appendix B, the administrative requirements and the timing of the consultation on the Proposed Regulation are of greatest concern. The OHA amendments and the Proposed Regulation will introduce new administrative processes related to all heritage applications. The transition to and

management of those processes will require the focus of Heritage staff and additional administrative resources to ensure that the City's interests are protected.

At this time, Property owners and municipalities need to continue to focus their efforts on managing the COVID-19 Pandemic. During the Pandemic, property owners and municipalities have not been meaningfully consulted on the Proposed Regulation and no Guidance Documents have been provided to assist them in fully understanding all the implications of the proposed OHA Amendments. In order to provide a period for transition and preparation, the Proposed Regulation should not come into force and effect until after the conclusion of the COVID-19 Pandemic, once property owners and municipalities have been meaningfully consulted and once the Guidance Documents have been released.

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Attachments:

Appendix A – City of Brampton Comments on Schedule 11 of Bill 108 (Ontario Heritage Act Amendments)

Appendix B – City of Brampton Comments on Proposed Regulation under the Ontario Heritage Act

5.2-23

Appendix II - City of Brampton's Comments to Bill 108 - More Homes, More Choice Act

#	Proposed Changes	City Comments	Recommendations
7	Ontario Heritage Act		
7.1	Establishing in regulation prescribed principles that shall be considered by municipalities when making decisions under prescribed provisions of Parts IV (Conservation of Property of Cultural Heritage Value or Interest) and V (Heritage Conservation Districts) of the Act;	While Brampton is concerned about the level of uncertainty created by not knowing what these prescribed principles are and how they are to be applied, it supports the introduction of clarity respecting Provincial objectives for heritage conservation. Brampton has robust Official Plan policies regarding heritage matters, policies which will be updated as part of an Official Plan review. Municipal councils should continue to have the authority to implement heritage conservation policies to ensure that their unique cultural heritage resources are conserved in accordance with local values. What is considered a significant cultural heritage resource in one municipality may not be considered as such by another, or vice versa.	<p>1. That amendments to the Ontario Heritage Act not come into force until municipalities and other stakeholders have been meaningfully consulted regarding all related regulations, these regulations have been finalized following consultation, and the province has prepared guidance documents, including guidance documents regarding the application of the existing Regulation 9/06.</p> <p>2. That municipalities retain the authority to adopt policies to conserve local cultural heritage resources, based on their cultural heritage context.</p> <p>3. That municipalities be required to consider the prescribed principles when making relevant decisions, rather than be bound by them.</p>
7.2	Creating regulatory authority to establish mandatory requirements for the content of designation by-laws; and	Introducing a regulated format for designation by-laws is supportable, as it will make the process of writing designation by-laws consistent across the province and provide clarity to property owners respecting the content of designation by-laws. However, Brampton notes that imposing onerous requirements for the content of designation by-laws could delay the designation process.	<p>Recommendation:</p> <p>1. That the Province consult with municipalities and heritage professionals regarding the content of any regulations in this regard.</p>
7.3	Improving the process for adding properties that are not yet designated (known as “listed”) to the municipal heritage register, by giving notice to property owners once their property is “listed” and enabling them to object to the municipal council.	Increasing the transparency with the 'listing' process for property owners is supportable in principle. Clarity on the results of objections is needed – what happens if Council does not provide a decision within 90 days, and is their decision considered final? In addition, the proposed clause is unclear as to the timeframe during which property owners can object to the listing of a property on the Register.	<p>Recommendations:</p> <p>1. That the decision of a municipality to keep a property listed on the Register be final.</p> <p>2. That if the proposal to allow an objection against listing is maintained, that property owners be given 30 days to object to the listing of a property on the register following receipt of the notice proposed in 27(6).</p>
7.4	Establishing a new 60-day timeline for notifying property owners of whether their applications for alteration and demolition are complete;	City of Brampton Heritage staff already actively work to respond to heritage permit applications in a timely manner, and correspond openly with applicants regarding whether or not their application is complete or incomplete. Establishing timelines for the issuance of a notice of complete/incomplete application is supportable from a staff standpoint.	<p>Recommendations:</p> <p>1. That Section 33 (4) provide that notice to the applicant stating whether or not the application is complete must be served within the 60-day period referenced in Section 33 (7) 2.</p> <p>2. That subsection 33(5) be amended to change the headings to "Notice of Incomplete Application" and to add the words “that the application is incomplete” after the words “notify the applicant” for clarification.</p> <p>3. That subsection 34(4.1) be amended to add the words “that the application is incomplete” after the words “notify the applicant” for clarification.</p>

5.2-24

Appendix II - City of Brampton's Comments to Bill 108 - More Homes, More Choice Act

#	Proposed Changes	City Comments	Recommendations
7.5	Establishing a new 90-day timeline for municipalities to issue a notice of intention to designate a property as having cultural heritage value or interest, when certain events as prescribed by regulation have occurred respecting the property, subject to limited exceptions as prescribed by regulation;	The imposition of any timelines for issuing a Notice of Intention to Designate would severely limit the ability to conserve significant cultural heritage resources in Ontario. Current provincial policy supports the fact that not all significant cultural heritage resources are protected under the OHA and the identification of resources and the evaluation of their significance is ongoing. Imposing time limitations for when a Notice of Intention to Designate can be issued would provide less flexibility for property owners, developers and municipalities. Should these prescribed events be related to Planning Act applications, a new 90 timeline would require municipalities to pursue designation earlier in the development process.	Recommendation: 1. That the Province remove any time limitations on when Notices of Intention to Designate can be issued.
7.6	Establishing a 120-day timeline for passing a designation by-law after the municipality issues the notice of intention to designate, subject to limited exceptions as prescribed by regulation; and	Generally, the establishment of timelines for the designation process is supportable. However, the 120 day timeline will provide less flexibility for property owners and the municipality as it relates to the length of the designation process, and is inconsistent with other sections of the Act that provide for extension of timelines as agreed upon by the owner and council.	Recommendations: 1. That the Bill be amended to allow for the extension of time for the passing of the designation by-law beyond 120 days, as agreed upon by the owner and the council.
7.7	Clarifying the meaning and intent behind the term “demolition or removal”, in circumstances where a property’s heritage attributes have been identified.	The inclusion of a definition for “alter” in certain provisions and placing this in opposition to demolition/removal is supportable, as this provides clarification that demolition cannot be considered an alteration and vice versa. However, there is nothing in the definition of “alter” that indicates what distinguishes alteration from demolition, alteration from removal, or demolition from removal. The lack of clarity regarding these definitions could confuse the heritage permit application process for property owners and municipal staff, especially with the proposed added consideration of the demolition/removal of heritage attributes.	Recommendation: 1. That the Province include a definition of ‘demolition’ and ‘removal’ that clearly defines how ‘demolition’ and ‘removal’ apply to heritage attributes and to cultural heritage resources as a whole.

#	Proposed Regulation	Ontario Heritage Act (OHA) Section	City Comments	Recommendations
1	Principles that a municipal council shall consider when making decisions under specific parts of the OHA	s. 26.0.1 (Part IV); s. 29.1.2 (Part V)	Heritage staff note that the Province has followed the recommendation identified during the initial comments on the OHA amendments and the prescribed principles are for consideration by municipal councils when making decisions on heritage matters and are not bound by them. Heritage staff welcome the move towards transparency and openness. While the principles themselves are agreeable and support the conservation of heritage resources, the differentiation between conserved and protected needs to be understood and section 2 lacks clarification on both what are considered 'appropriate studies'. In the PPS, protection is included in the definition of "conserved". Explanation of the difference between the two terms is required in order to assist Council with its consideration and understanding of the principles.	1. Clarify the difference between protected and conserved for (3) 1. by relating conservation to the actions undertaken on a property to preserve, restore, or rehabilitate a cultural heritage resource. 2. For (3) 2. ii., the 'appropriate studies' should be revised to read 'appropriate technical cultural heritage studies' to identify that those studies deemed appropriate reflect heritage considerations. This wording aligns with the reference to technical cultural heritage studies in the heritage permit application requirements. 3. Remove the phrase "including adaptive reuse where appropriate", as adaptive reuse, while a well-understood and frequently employed conservation method, is only one of many conservation methods.
2	Mandatory content for designation by-laws	s. 29 (8) para. 2	The mandatory content for identifying a property in a designation by-law is generally supportable, with minor revisions recommended by the City of Brampton Heritage staff, and much of this content is already included in Brampton's recent designation by-laws. It is Heritage staff's understanding that while a Registered survey can be included in a designation by-law registered on title, images such as aerial photographs, scale drawings, etc cannot be included in designation by-laws registered on title. These items are typically included, instead, in the designation report for the property.	1. Remove requirement 5. (1) 2. or have it read, "The by-law must contain a registered survey of the area of the property to be designated, where the designation applies to only a portion of a property."
3	Events which would trigger the new 90-day timeline for issuing a notice of intention to designate and exceptions to when the timeline would apply	s. 29 (1.2)	Heritage staff maintain as previously commented that timelines should not be imposed for issuing a Notice of Intention to Designate, as the identification of resources and the evaluation of their significance is ongoing. The Proposed Regulation identifies the prescribed events as Official Plan amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. However, the initiation of the the 90 day period after the public notice ensures that the views of interested persons and communities are given adequate consideration by Council, as reflected in the proposed principles. The exceptions proposed to the 90 day timeline provide some flexibility for the municipality to work with property owners. In addition, the lifting of restrictions on when a Notice of Intention to Designate can be served following the disposition of the prescribed event under the Ontario Heritage Act ensures that heritage properties are protected against speculative development or if development fails to occur.	1. Provide delegation of Council's authority for 3. (1) 1. I and ii to better facilitate agreements between property owners and staff on the applicable period of time for a Notice of Intention to Designate can be served for a specific property.
4	Exceptions to the new 120-day timeline to pass a designation by-law after a notice of intention to designate has been issued.	s. 29 (8) para 1.	This regulation addressed the previous recommendation by Heritage staff previously that an extension of time to pass a designation by-law be allowed to extend beyond the 120 days if agreed upon by the owner and the municipal Council. The exceptions also provide flexibility should new information arise, which addresses the PPS and the ongoing evaluation of heritage properties, and during times when due consideration by the municipal council is not possible within the 120 day time period. Importantly, these regulations also provide transparency related to new information for the property owner as well.	1. Section 4. (3) of this regulation should be made consistent with 6 (a) of Prescribed exceptions, s. 29 (1.2) of the Act.
5	Minimum requirements for complete applications for alteration or demolition of heritage properties	s. 33 (2); 34 (2)	The City of Brampton already includes application requirements for heritage permits in the Heritage Permit Kit, and these requirements generally align with those set out in this regulation. Heritage staff welcome the move to consistency across municipalities, and the clarification that this will provide both property owners and staff in consideration of these applications. The regulation is also respectful of material required by municipal by-law, resolution or official plan.	1. In 8. (5) Sunday should be considered the same as Saturday or a holiday in regards to timing.

#	Proposed Regulation	Ontario Heritage Act (OHA) Section	City Comments	Recommendations
6	Steps that must be taken when council has consented to the demolition or removal of a building or structure, or a heritage attribute	s. 34.3	The steps prescribed for demolition/removal of a building or attribute on a designated property are generally supportable and respond to a variety of potential situations. The Proposed Regulation stipulates that if demolition/removal would result in a change to a designation by-law, the amendment of the designation by-law is to occur after the demolition/removal. This detail in the Proposed Regulation ensures that should work impacting a property's cultural heritage value not proceed, and the building/structure/attribute remain in place, the designation by-law is not amended prematurely. The regulations also provide provisions for the relocation of a building of structure, which within the regulations appears to be regarded as removal, and facilitates designation of the property which will receive the relocated building/structure.	1. As provisions are provided for the relocation of a building/structure to another property, additional consideration should be given to facilitating the amendment of the designation by-law of the property which the building/structure is being relocated to, should this property already be designated.
7	Information and material to be provided to Local Planning Appeal Tribunal (LPAT) when there is an appeal of a municipal decision to help ensure that it has all relevant information necessary to make an appropriate decision	s. 29; s. 30.1; s. 31; s. 32; s. 33; s. 34.1; 40.1; s. 41; s. 41.1; s. 42	The level of administration required to ensure that the extensive relevant information is properly and efficiently prepared and collected should there be an appeal to LPAT will result in increased administrative work for municipalities.	1. New guidance documents must include a section clarifying the LPAT process as it relates to the Act and the change from CRB to LPAT. The Ontario Heritage Act changes should not be in force and effect until such time as these guidance documents are finalized. 2. The complement of LPAT include experienced professionals qualified to make judgements regarding heritage conservation, and that such professionals be assigned to hear any and all appeals regarding cultural heritage resources.
8	Housekeeping amendments related to amending a designation by-law and an owner's reapplication for the repeal of a designation by-law	s. 29 6-8; s. 29; s. 30.1 (1)	The regulations clarify the time periods and situations when an owner can re-apply for the repeal of a designation by-law. The time period for all situations identified is 12 months and is consistent with the City of Brampton's previous recommendation to the Province that the 12 month period between applications to repeal a designation by-law be maintained.	1. A section needs to be added here or in the Transition section regarding when an Owner can reapply for repeal of a designation by-law following the decision of the Conservation Review Board (CRB), as some cases currently before the CRB may conclude within 2020 before these regulations come into force and effect.
9	Transition provisions	s. 29 (1.2); s. 29 (3) (b); s. 259 (5); s. 30.1; 30.1 (2); 31 (3) (b); s. 32; s. 33; s. 34; s. 34.5; s. 40.1; s. 41; s. 41.1 (2); s. 42 (2.1)	The transition provisions are agreeable in that applications which commenced prior to these amendments coming into force will continue to be processed under the Ontario Heritage Act as it ready prior to the amendments. Designation by-laws must be passed within 365 days of the amendments coming into force and effect for all properties which are in the process of designation. This timeline is agreeable in most situations, however may have implications for some properties which are at risk.	1. For 20. (4), Include flexibility for extension of the 365 days to pass a designation by-law for a property in the process of designation if agreed upon by Council and the property owner.
*	Additional Detail (1)	Additional Comments	Considerations of the Emergency Management and Civil Protection Act which are included in the amendments and regulations put forward for comment, should be applied to the entirety of the OHA, specifically to ensure that property owners can continue with important repair work during times of Emergency , as declared in the Emergency Management and Civil Protection Act. Specifically, the OHA could ensure that municipal heritage advisory committees can provide advice on applications via a different form of communication than a formal meeting, such as email or virtual voting, so that consultation with the Board can continue if formal committee meetings cannot be held.	1. Amendments are required to the delegation of authority section of the Ontario Heritage Act for heritage permit applications to clarify that emergency situations, such that, during times of emergency, as declared by the head of the municipality and/or under the Emergency Management and Civil Protection Act, staff have the ability to consult with the municipal advisory committee by means other than a formal meeting, such as email communication, so that heritage permit applications can continue to be reviewed and property owners can undertake repairs .
*	Additional Detail (2)	Additional Comments	Heritage staff remain of the opinion that the amendments to the OHA should not come into force and effect until municipalities and other stakeholders, including property owners, have been meaningfully consulted regarding all related regulations, these regulations have been finalized following consultation, and the province has prepared guidance documents, including guidance documents regarding the application of the existing Regulation 9/06. Regulation 9/06 sets out the criteria for evaluating the cultural heritage value of a property. Better guidance is required regarding how to apply these criteria to a diverse range of cultural heritage resources.	1. The Ontario Heritage Act changes should not come into force and effect until property owners and municipalities have been meaningfully consulted on the Proposed Regulation.

#	Proposed Regulation	Ontario Heritage Act (OHA) Section	City Comments	Recommendations
	Additional Detail (3)	Additional Comments	The release of the proposed regulations is untimely, especially as property owners and municipalities continue to cope with the impacts of the COVID-19 pandemic. The extra resources which will be necessary for many municipalities to cope with the transition to the Ontario Heritage Act amendments proposed to come into force and effect on January 1, 2021 should instead be focused on the management of and recovery from the the pandemic.	1. The Ontario Heritage Act amendments should not come into force and effect until the pandemic is concluded in order that property owners and municipalities can properly prepare for and focus their attention on the regulations and their implications.
	Additional Detail (4)	Additional Comments	The Ministry was meant to prepare Guidance Documents to assist property owners and municipalities in navigating the Ontario Heritage Act amendments. These Guidance Documents have not been released and so the ability of property owners especially to understand the Ontario Heritage Act amendments, without the assistance of plain language documents, is limited. The Proposed Regulation and the Ontario Heritage Act Amendments as a whole should not come into force and effect until such time as these Guidance Documents have been finalized and all interested persons and communities are in a position to understand the impact of the Proposed Regulation and the Ontario Heritage Act amendments as a whole.	1. The Ontario Heritage Act changes should not come into force and effect until municipalities have been consulted on the guidance documents and these guidance documents are finalized.