

Date: 2023-12-04

Subject: **Recommendation Report: Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 44 Nelson Street West, The Cuthbert House - Ward 1**

Contact: Merissa Lompart, Assistant Heritage Planner

Report Number: Planning, Bld & Growth Mgt-2023-1050

Recommendations:

1. That the report from Merissa Lompart, Assistant Heritage Planner, Planning, Building and Growth Management, dated, December 1, 2023, to the Brampton Heritage Board Meeting of December 12, 2023, re: **Recommendation Report: Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 44 Nelson Street West, The Cuthbert House - Ward 1**, be received;
2. That the designation of the property at 44 Nelson Street West 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 the property at 44 Nelson Street West 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 Lands Tribunal; and,
6. That staff be authorized to attend any hearing process held by the Ontario Lands Tribunal in support of Council’s decision to designate the subject property.

Overview:

- **The purpose of this report is to recommend that City Council state its intention to designate the property at 44 Nelson Street West, the “Cuthbert house” under Part IV, Section 29 of the Ontario Heritage Act (the “Act”) for its cultural heritage value or interest.**
- **Following research and evaluation, it has been determined that the subject property meets the provincial criteria for municipal designation**

prescribed by Ontario Regulation 9/06 under the categories of design/physical value, historical/ associative value and contextual value, meeting seven (7) of nine (9) Designation criteria

- **Upon Council approval, staff will continue with the designation process as required under the Act.**
- **The subject property is currently Listed on the City of Brampton's Municipal Register of Cultural Heritage Resources.**

Background:

The property at 44 Nelson Street West is located in Ward 1 on the northeast corner of Nelson Street West and Mill Street North. It is situated on a residential block immediately to the south of the CN Railway tracks and the CNR station. It contains a two-storey, three-bay, Italianate detached brick home constructed circa 1875. The layout is comprised of three progressively smaller rectangular forms – the largest comprising the front section of the home. The property has a truncated hip roof, front gable, and central portico with an attached second-storey wood and glass conservatory. The brick dwelling is surrounded by landscaping on the principal elevation (south), and to the east and west of the property. A paved parking lot is at the rear/north side of the structure.

The property is located in Secondary Plan 7 which emphasizes the importance of heritage building retention. The importance of conserving heritage resources on their original sites is stated in this Plan. The streetscape of Mill Street North contains mature trees, and situated nearby are other mid through late 19th and early 20th century homes with two other residential lots on the east side of Mill Street North. To the north, the CNR station (1907) is a Heritage Railway Station protected under the federal Heritage Railway Station Protection Act (HRSPA).

The Ontario Heritage Act enables municipalities to pass by-laws to designate properties of cultural heritage value or interest. Designation under Part IV of the Act is a way of publicly acknowledging a property's value to a community, and ensures the conservation of important places for the benefit and enjoyment of present and future generations. It also allows municipalities to conserve and manage properties through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

In determining whether a property is of cultural heritage value or interest, the municipality is required to consult Ontario Regulation 9/06, "Criteria for Determining Cultural Heritage Value or Interest", prescribed under section 29(1)(a) of the Act. A property may be designated if it meets two or more of the following criteria:

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

Current Situation:

The property at 44 Nelson Street West, Brampton, Ontario 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. A Statement of Significance explaining the reasons for designating the property is provided in Attachment A.

44 Nelson Street West demonstrates cultural heritage value or interest through its Design/Physical Characteristics. The two-storey, three-bay, brick clad dwelling is a fine and exceptionally well-preserved representative example of Italianate architecture. It is very well-executed in its construction methods and design, using materials found from the period.

The building demonstrates a high-degree of craftsmanship through its balanced, and elegant architectural details and decorative elements including: the portico and second storey (conservatory), generous eaves with richly decorative brackets, dichromatic brickwork as shown in the voussoirs and quoining, detailed, bossed stone keystones above windows, and intricately detailed front gable bargeboard. The overall visual balance, visual appeal, and elegance of the property's architectural features demonstrates its artistic merit.

44 Nelson Street West also has cultural heritage value or interest because of its strong historical and associative value. The house was built circa 1875, at the height of

Brampton's first housing and construction boom, which has been attributed to the arrival of the Grand Trunk Railway in 1856 and related train industries and incorporation as a town in 1873. Thus, it is directly associated with Brampton's early emergence from a rural Village to a rapidly growing urban Town. Its decorative architecture, date of construction, and location near the railroad industry yields valuable information contributing to our understanding of Brampton's early development from a rural Village to a growing urban Town and the arrival of the Grand Trunk Railway. On a nation-wide scale, its legal title to a female (Elizabeth Anna Graham) rather than a male was uncommon for the period and speaks to emerging legal property precedents occurring for women during the 19th century in Canada.

44 Nelson Street West has cultural heritage value or interest because of its important contextual value. As a prominent corner property with mature vegetation, minimal alterations and architecture detailing, 44 Nelson Street West defines, maintains and supports the mature streetscape of Nelson and Mill Streets as a substantial, late nineteenth century lot. It punctuates and sets the tone for the architecture in the area. The home is functionally, historically and visually connected to its surroundings as a 19th century home in a residential area predominantly constructed during the 19th -20th centuries. It is also visually connected through its similar mature vegetation, red brickwork and decorative architectural elements. 44 Nelson Street West is a landmark due to its situation on a corner lot, larger scale relative to the surrounding properties, and considerably more ornamental and rich architectural detailing in the context of the neighbourhood.

Corporate Implications:

Financial Implications:

N/A

Strategic Focus Area:

This report meets the Strategic Focus Area of "Culture and Diversity" by preserving and protecting heritage environments with balanced, responsible planning.

Conclusion:

Designation under Part IV, Section 29 of the Ontario Heritage Act enables City Council to enforce heritage property standards and restrict the demolition or removal of any building or structure on the property. Adding 44 Nelson Street West to the Register of Designated Resources in Brampton ensures this example is preserved and maintained.

Authored by:

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Attachments:

- Attachment A – 44 Nelson Street West Designation Report