

Date: 2021-01-05

Subject: **Information Report: Designation under Part IV, Section 29 of the Ontario Heritage Act – 10020 Mississauga Road - Ward 6 (H.Ex. 10020 Mississauga Road)**

Contact: Harsh Padhya, Assistant Heritage Planner
Planning, Building and Economic Development
905-874-3825, Harsh.Padhya@brampton.ca

Report Number: Planning, Building and Economic Development-2021-078

Recommendations:

1. That the report titled: **Information Report: Designation under Part IV, Section 29 of the Ontario Heritage Act – 10020 Mississauga Road - Ward 6 (H.Ex. 10020 Mississauga Road)**, to the Brampton Heritage Board Meeting of January 19, 2021, be received.

Overview:

- This report provides a status update regarding the designation of the property at 10020 Mississauga Road (the “Property”) under Part IV of *the Ontario Heritage Act* (the “Act”).
- At its meeting of February 18, 2020, the Brampton Heritage Board approved recommendations which authorized staff to publish and serve the Notice of Intention to designate the property in accordance with the requirements of the *Ontario Heritage Act*, and approved enactment of a by-law designating the Property in the event that no objections to the designation were received (HB011-2020).
- These recommendations were considered by the Planning and Development Committee on March 9, 2020 (Recommendation PDC034-2020) and approved by Council on March 11, 2020, pursuant to Resolution C068-2020.

- The Notices have been served and published in accordance with the Act and the City did not receive any formal objections to the Notice of Intention to designate the property, within the deadlines prescribed under the Act.
- A letter from the lawyers representing the owner of the Property was received by the City Clerks Office. The letter (attached as Appendix A) informs the City that the owner of the Property opposes the proposed heritage designation but is not serving a formal notice of objection under the Act.
- As no formal notice of objection under the Act was received, Heritage Staff recommend proceeding with the designation of the Property, as approved by Council on March 11, 2020.

Background:

The Property (10020 Mississauga Road) is located on the west side of Mississauga Road, just north of Bovaird Road on the east half of Lot 11, Concession 5 in the former Township of Chinguacousy. The Property is listed on the City of Brampton's Municipal Heritage Register of Cultural Heritage Resources.

Heritage Staff reported to the February 18, 2020 meeting of the Brampton Heritage Board and recommended that the Property be designated under Part IV of the Act, on the basis of the studies attached as Appendices B, C, and D. The Board approved the following recommendations, which were considered by the Planning and Development Committee on March 9, 2020 (Recommendation PDC034-2020) and approved by Council on March 11, 2020, pursuant to Resolution C068-2020:

1. That the report from Harsh Padhya, Assistant Heritage Planner, Planning and Development Services, dated February 4, 2020, to the Brampton Heritage Board Meeting of February 18, 2020, re: **Recommendation Report: Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 10020 Mississauga Road - Ward 6 (H.Ex. 10020 Mississauga Road)** be received;
2. That the designation of the property at 10020 Mississauga Road 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 10020 Mississauga Road 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.

Current Situation:

The Notices have been served and published in accordance with the Act. The City did not receive any formal objections to the Public Notice nor to the Notice of Intention to designate the Property sent to the owner, within the deadlines prescribed under the Act.

However, the owner of the property, through its legal counsel, submitted a letter, attached hereto as Appendix A. The letter indicates that the owner strongly opposes the designation because the brick house on the property is a vacant building that is in very poor condition. It advises that "the owner reserves the right to make subsequent application(s) under the OHA and/or seek to repeal any heritage designation by-law that the City may enact in relation to the Property." However, the letter also clearly states that it is not intended as a formal objection under the Act.

As the above-mentioned letter was the only correspondence received in response to the Notice of Intention to Designate and it does not constitute a formal objection, Heritage Staff intend to proceed as directed by the previously approved recommendations set out above

Corporate Implications:

None

Financial Implications:

There are no financial implications associated with this report.

Legal Implications:

There are no legal implication associated with recommendations of this Report. Any future legal action taken by the owner in respect of the property will be reviewed and instructions sought as needed.

Other Implications:

None

Term of Council Priorities:

This report meets the Term of Council Priorities by preserving and protecting heritage environments with balanced, responsible planning.

Conclusion:

The City has not received any formal objections to the Public Notice and the Notice of Intention sent to the owner of the Property. Staff intends to move forward with the Designation of the resource under section IV of the Act, in accordance with the direction of Council.

Authored by:

Reviewed by:

Harsh Padhya
Assistant Heritage Planner

Jeffrey Humble
Manager, Land Use Policy

Reviewed by:

Approved by:

Bob Bjerke, MCIP, RPP
Director, Policy Planning

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

Submitted by:

David Barrick
Chief Administrative Officer

Attachments:

Appendix A – Letter from Mark Flowers, Davies Howe

Appendix B – Heritage Report: Reasons for Heritage Designation - 10020 Mississauga Road.

Appendix C – Heritage Impact Assessment – 10020 Mississauga Road

Appendix D – Heritage Heights Cultural Heritage Study

Report authored by: Harsh Padhya, Assistant Heritage Planner