

Date: 2021-03-17

Subject: **Amendment to By-law Designating 59 Tufton Crescent for its Cultural Heritage Value or Interest and Authority to Enter into a Heritage Easement Agreement – 0 and 59 Tufton Crescent (Breadner House) – Ward 6 (File HE.x 59 Tufton Crescent)**

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Report Number: Planning, Bld & Ec Dev-2021-379

Recommendations:

1. That the report titled: **Amendment to By-law Designating 59 Tufton Crescent for its Cultural Heritage Value or Interest and Authority to Enter into a Heritage Easement Agreement – 0 and 59 Tufton Crescent (Breadner House) – Ward 6 (File HE.x 59 Tufton Crescent)**, to the Brampton Heritage Board Meeting of March 23, 2021, be received;
2. That the amendment to By-law Number 34-2006, a by-law to designate the property at Lot 301, Tufton Crescent (“Breadner House”) as being of cultural heritage value or interest be approved in accordance with Appendices E and F to this Report;
3. That staff be authorized to give the owner of the designated property at 59 Tufton Crescent (PIN 142545693) and the property at 0 Tufton Crescent (PIN 142545818) (“Owner”) written notice of the proposed amendment in accordance with the requirements of the *Ontario Heritage Act*;
4. That following the expiry of the 30-day period during which the owner may object to the proposed amendment, a by-law be passed to amend By-law Number 34-2006, in accordance with Appendices E and F to this Report;
5. That, in the event that the owner object to the proposed amendment, staff be directed to refer the proposed designation to the Ontario Conservation Review Board;
6. That the Commissioner of Planning, Building and Economic Development be authorized to enter into a Heritage Easement Agreement with the Owner for the

property at 0 Tufton Crescent (PIN 142545818) to secure the relocation and reconstruction of the Breadner House that used to be located at 59 Tufton Crescent (“Heritage Easement Agreement”), with content satisfactory to the Director of City Planning & Design, and in a form approved by the City Solicitor or designate; and,

7. That the Commissioner of Planning, Building and Economic Development be authorized to enter into the Heritage Easement Agreement prior to entering into an agreement with the Owner for the future re-alignment of Tufton Crescent within a portion of the Creditview Road allowance.

Overview:

- **The purpose of this report is to recommend that Council pass a by-law to amend the by-law designating the property at 59 Tufton Crescent in accordance with subsection 30.1 (2) of the *Ontario Heritage Act*, as amended (“Act”) for affirming the cultural heritage value or interest of the Breadner House, and moving the designated property from 59 Tufton Crescent (PIN 142545693) to the adjacent lot at 0 Tufton Crescent (PIN 142545818).**
- **The purpose of this report is also to secure the relocation and reconstruction of the Breadner House with the authority to enter into a Heritage Easement Agreement in accordance with section 37 of the Act.**
- **The Breadner House is a one-and-a-half Georgian fieldstone house with a saltbox form and style that was constructed around 1860. The house was demolished in 2011 after it partially collapsed during construction work.**
- **The property at 59 Tufton Crescent was designated in 2006 as a property of cultural heritage value or interest. The property remains designated after the demolition of the Breadner House.**
- **The Owner and the City have been working on developing a conservation strategy that will mitigate the collapse and demolition of the Breadner House in a meaningful and proportional way.**
- **The proposed amendment will relocate the designated property to adjacent lands. The Heritage Easement Agreement will secure the relocation and reconstruction of the Breadner House by providing terms and specifications for a heritage conservation plan, financial securities, architectural drawings for the reconstruction of the house, and details for the installation of a commemorative heritage plaque.**

Background:

Designation of the Breadner House

The Property at 59 Tufton Crescent is designated under Part IV, section 29 of the Act with the passage of By-law 34-2006 on February 13, 2006. A copy of the Designation By-law is attached to this report as Appendix A. The built heritage resource on the Property is known locally as the Breadner House. The designated property was retained and integrated within the creation a new residential subdivision approved in 2003. The Breadner House was demolished in 2011 after a portion of its structure collapsed during the construction of a rear addition to the house.

Conservation Strategy

A Heritage Impact Assessment (“HIA”) was submitted to propose a conservation strategy that is supported by heritage staff as a meaningful and proportional approach to mitigate the demolition of the Breadner House. The conservation strategy consists of relocating and reconstructing the Breadner House on an adjacent property, using the salvaged fieldstones and circular millstone that have been kept and preserved, as described and shown in the HIA. The conservation strategy also consists of installing a commemorative and heritage plaque for the Breadner House. A copy of the HIA is attached to this report as Appendix B.

Heritage staff provided comments to the proponent and heritage consultant upon review of the HIA. These comments confirmed support in principle by staff of the proposed relocation, reconstruction and commemoration of the Breadner House. In these comments heritage staff also confirmed some modifications for the recommended list of heritage attributes, sequence of conservation action items, and requirements for entering into a Heritage Easement Agreement and providing financial securities in order to secure the conservation strategy recommended in the HIA. Accordingly, the recommendations made in this staff report to amend the designation by-law and authorize staff to enter into a Heritage Easement Agreement are the first conservation action items recommended by staff to implement the conservation strategy. A copy of the heritage staff comments and subsequent email correspondence between the proponent and heritage staff leading to the recommendations in this report is attached hereto as Appendix C.

Cultural Heritage Value

The HIA concludes that the Breadner House has cultural heritage value or interest as a one-and-a-half storey, Georgian style farmhouse with saltbox addition constructed around 1860 for the Breadner family, which was a family of early settlers to the former Chinguacousy Township. Furthermore, the Breadner House is a rare example of an historic Euro-Canadian fieldstone house in Brampton. The cultural heritage value or interest of the Breadner House is also defined contextually by the property’s visual and historical link with Creditview Road and as one of the last remnants of a nineteenth century structure and early life of the former Township. Heritage staff is in agreement with the cultural heritage value of the Breadner House defined and described in the HIA.

Future Re-alignment of Tufton Crescent

The Maps and Plan of Subdivision attached to this report as Appendix D are showing that a portion of Tufton Crescent is currently within Blocks 325 and 326 of the Plan of Subdivision. The Owner of 0 and 59 Tufton Crescent is also the owner of these Blocks. The portion of Tufton Crescent within these Blocks is indented to be re-aligned to the west, within a portion of the existing Creditview Road allowance. The Owner and the City can enter into a Heritage Easement Agreement prior to entering into an agreement for the future re-alignment of Tufton Crescent.

Ontario Heritage Act and Ontario Regulation 9/06

The Act provides the authority for the council of a municipality to designate a property as being of cultural heritage value or interest if it meets at least one of the nine criteria prescribed by *Ontario Regulation 9/06*. The Act also provides a process for amending an existing by-law designating a property for its cultural heritage value or interest. Specific notification requirements and appeal rights are limited to the owner of the property where the purpose of these amendments is:

- To clarify or correct the statement explaining the property's cultural heritage value or interest or the property's heritage attributes;
- To correct the legal description of the property; or
- To revise the by-law to make it consistent with the requirements of the Act or its regulations.

Current Situation:

Approval for Designation Amendments and Heritage Easement Agreement

The Owner and the City have been working collaboratively towards addressing the cultural heritage matters for the conservation of the Breadner House. The approval of the proposed amendment to the Designation By-law and the approval of the Heritage Easement Agreement for the adjacent lot at 0 Tufton Crescent represent primary steps towards the relocation and reconstruction of the Breadner House.

In accordance with the relocation of the Breadner House as proposed in the HIA, staff is recommending that the current Designation By-law be amended by removing the designation from the current lot at 59 Tufton Crescent (PIN 142545693), and moving the designated lands to the adjacent lot at 0 Tufton Crescent (PIN 142545818). Staff is supporting the relocation of the Breadner House to the adjacent lot because the new location of the designated property is within the vicinity of the original site and the historic 100 acres farm property of the Breadner family. In addition, the proposed relocation will provide a better exposure and visibility of the reconstructed Breadner House from Creditview Road.

Amending By-law

Statement Explaining the Cultural Heritage Value of Interest

The Statement Explaining the Cultural Heritage Value or Interest of the Property is revised with the recognition that the Breadner House is currently no longer standing, but will be interpreted and commemorated with its reconstruction using salvaged materials of the original structure consisting of the fieldstones and circular millstone that have been preserved. The reconstructed house will be an accurate replication of the Breadner House based on photographic documentation and measured drawings completed prior to the demolition of the building in 2011. The reconstructed house will recreate the key heritage attributes that existed on the Breadner House in accordance with its Statement of Significance and Reasons for Designation.

Description of the Property's Heritage Attributes

The amended description of the Property's Heritage Attributes is based on the key features and character defining elements found on the reconstructed house, all in accordance with the photographic documentation attached hereto as part of Appendix E.

Legal Description of the Property

Heritage staff has determined that correcting the designating by-law to remove the current designation from the existing lot at 59 Tufton Crescent (PIN 142545693) and move the designated lands to the adjacent lot at 0 Tufton Crescent (PIN 142545818) is appropriate to ensure the long term conservation and successful integration of the Breadner House within the context of the surrounding residential subdivision. The location of the designated lands, as proposed by the Amending By-law, is identified as Block 327 of the Section of the Plan of Subdivision, attached hereto as part of Appendix D.

Subsequent Conservation Action Items

Following the completion of the HIA, heritage staff received confirmation that the heritage consultant is currently working towards the completion of a Heritage Conservation Plan ("HCP"). In accordance with the City's Terms of Reference, the HCP will provide further details to implement the conservation strategy, including: an itemized list of cost for the conservation, reconstruction and commemoration work; a full set of architectural drawings and specifications to reconstruct the Breadner House; as well as the details specifications and content for installing a commemorative heritage plaque. Once complete, the HCP will be presented at a future Brampton Heritage Board meeting for consideration and at a future Council meeting for a decision. The HCP will form part of the Heritage Easement Agreement. The Heritage Easement Agreement will also provide terms and specifications for financial securities to secure the work in the HCP.

Policy and Planning Analysis

A Heritage Evaluation Report of the Breadner House – March 2021 was prepared by Heritage staff and is attached hereto as Appendix E.

A detailed analysis of the applicable legislation, policy and land use planning considerations is found at Appendix G.

Corporate Implications:

Financial Implications:

There are no financial implications resulting from the adoption of the recommendations in this report.

Other Implications:

Legal Services reviewed the recommendations in this report.

Term of Council Priorities:

This report has been prepared in full consideration of the Term of Council Priorities (2019-2020).

This report aligns with a 'Mosaic City' by continuing the preservation of heritage properties and cultural heritage resources to support cultural diversity and expression. A Mosaic City reflects the commitment of the City to preserve and protect its cultural heritage. This report also aligns with a 'City of Opportunities', supporting the creation of complete communities by supporting the diversity and distinctiveness of the City through the preservation and conservation of its cultural heritage resources.

Living the Mosaic – 2040 Vision:

The report aligns with the following vision:

- **Vision 5:** in 2040, Brampton will be a rich mosaic of cultures and lifestyle, coexisting in **social responsibility**, respect, enjoyment and justice.

Conclusion:

In recent months, there has been great amount of progress achieved between the Owner and the City to address the cultural heritage matters of the Breadner House since it was demolished in 2011 due to accidental and partial collapse of the structure. The amendment to the existing designating by-law will continue to support the cultural heritage significance of the Breadner House and the continued recognition of its design/physical, historical/associative and contextual values. Heritage staff can support the current conservation strategy proposed by the proponents because it confirms the cultural heritage significance of the Breadner House and provides a mitigation approach that is meaningful and proportional. Heritage staff believes that the proposed amendment to the existing designating by-law and recommendations to approve a Heritage Easement Agreement are the appropriate long term and successful solutions to preserve the cultural heritage value and significance of the Breadner House for the enjoyment of existing and future generations.

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Attachments:

Appendix A – By-law Number 34-2006, a by-law to designate the property at Lot 301, Tufon Crescent (“Breadner House”) as being of cultural heritage value or interest

Appendix B – Heritage Impact Assessment of the Breadner House, 59 Tufon Crescent, City of Brampton, Ontario (“HIA”)

Appendix C – Heritage staff comments and subsequent email correspondence between the proponent and heritage staff concerning the conservation of the Breadner House

Appendix D – Maps and Plan of Subdivision showing the existing and proposed designated lands for the Breadner House

Appendix E – Heritage Evaluation Report of the Breadner House

Appendix F – Summary of Amendment to By-law Number 34-2006, a by-law to designate the property at Lot 301, Tufon Crescent (“Breadner House”) as being of cultural heritage value or interest

Appendix G – Analysis of applicable legislation, policy and land use planning considerations