

Date: 2021-05-11

Subject: **Application to Demolish or Remove a Building or Structure on a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement for 11722 Mississauga Road (Dolson Farm) – Ward 6 (H.Ex. 11722 Mississauga Road)**

Contact: **Pascal Doucet, Heritage Planner, pascal.doucet@brampton.ca**

Report Number: Planning, Bld & Ec Dev-2021-598

Recommendations:

1. That the report titled: **Application to Demolish or Remove a Building or Structure on a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement for 11722 Mississauga Road (Dolson Farm) – Ward 6 (HE.x 11722 Mississauga Road)**, to the Brampton Heritage Board Meeting of May 18, 2021, be received;
2. That the application for demolishing or removing a building or structure received for the demolition and removal of the barn, silo, one-storey bungalow style house, farm accessory building, garage, drive shed and storage shed at 11722 Mississauga Road as described in the Summary of Proposal and the Proposed Plan dated 2021-01-12 by LHC of the heritage permit application attached as Appendix B to this report be approved in accordance with section 34 of the *Ontario Heritage Act*, as amended (the “Act”), subject to the following conditions:
 - a. That prior to the issuance of any permit for the demolition or removal of the one-storey bungalow style house, barn, drive shed, storage shed, garage and/or farm accessory building on the property at 11722 Mississauga Road, including a heritage permit or a building permit, the owner shall:
 - i. Enter into a Heritage Easement Agreement for the property at 11722 Mississauga Road to conserve and protect the two-and-a-half-storey brick house (“Dolson Farmhouse”), in accordance with the appropriate conservation approach that will be informed by as-built and measured drawings and the final Structural Condition Assessment required in conditions 2.a.ii and 2.a.iii below;
 - ii. Provide a final Structural Condition Assessment of the Dolson Farmhouse by a qualified structural engineer and professional member in good standing

of the Canadian Association of Heritage Professionals (CAHP) to the satisfaction of the Commissioner of Planning, Building and Economic Development;

- iii. Provide a complete set of as-built and measured drawings of all elevations, floor plans, heritage building fabric, details and finishes of the Dolson Farmhouse to the satisfaction of the Commissioner of Planning, Building and Economic Development;
 - iv. Provide a complete Heritage Building Protection Plan for the Dolson Farmhouse in accordance with the City of Brampton Heritage Building Protection Plan Terms of Reference and satisfactory to the Commissioner of Planning, Building and Economic Development;
 - v. Provide a final itemized list of cost for the work required to bring the Dolson Farmhouse in a state of good repair, to the satisfaction of the Commissioner of Planning, Building and Economic Development;
 - vi. Provide a Letter of Credit, including a 30% contingency, in a form and amount satisfactory to the Commissioner of Planning, Building and Economic Development to secure all work in the approve itemized list of cost for bringing the Dolson Farmhouse into a state of good repair; and
 - vii. Provide a complete application made in accordance with section 33 of the Act for the work required to bring the Dolson Farmhouse in a state of good repair.
- b. That prior to the issuance of any permit for the demolition or removal of the barn on the property at 11722 Mississauga Road, including a heritage permit or a building permit, the owner shall:
- i. Provide a final Salvage Plan for the heavy-timber frames and exterior wood cladding of the barn, to the satisfaction of the Commissioner of Planning, Building and Economic Development, and with terms that would allow for any salvageable material that would be needed for a capital project to be carefully dismantled and offered to the City at no cost to the municipality.
- c. That the existing silo on the property at 11722 Mississauga Road be retained and maintained on the property; and
- d. That any documentation and information required in conditions 2.a.ii, 2.a.iii, 2.a.iv, 2.a.v, and 2.b.i above be prepared by qualified professionals and subject to peer review at the discretion of the Commissioner of Planning, Building and Economic Development; and

3. 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 11722 Mississauga Road to secure the conservation and protection of the Dolson Farmhouse (“Heritage Easement Agreement”), with content satisfactory to the Director of City Planning & Design, and in a form approved by the City Solicitor or designate.

Overview:

- **The property at 11722 Mississauga Road is a designated heritage property containing a farm complex and a significant built heritage resource known as the Dolson Farmhouse. This building is a two-and-a-half storey Queen Anne Revival style brick house that was constructed in the late nineteenth-century.**
- **The designation of 11722 Mississauga Road under part IV of the Act focuses primarily on the heritage attributes of the Dolson Farmhouse. The designation of the property in 2013 represents the City’s desire to protect this cultural heritage resource and not see it demolished.**
- **On April 1, 2021, an application was received for the demolition and removal all the buildings and structure on the property, with the exception of the Dolson Farmhouse.**
- **A Heritage Impact Assessment with Condition Assessment Reports were submitted in support of the application.**
- **The Dolson Farmhouse is vacant and has been in state of disrepair since at least 2019. The owner/applicant should therefore submit a complete application in accordance with section 33 of the *Ontario Heritage Act* for the repair, protection and stabilization of the Dolson Farmhouse in the immediate future to prevent further deterioration of the heritage property.**
- **In reviewing this application, Heritage City staff have been seeking a reasonable balance to ensure the implementation of the optimal conservation and protection measures for the heritage property and to recommend lasting solutions for addressing the vulnerability and derelict conditions of the property.**
- **City heritage planning staff also recommend that the Dolson Farmhouse be conserved and integrated into any alterations to this property, which may include a redevelopment.**
- **The terms and conditions recommended in this report, which include the authority to enter into a heritage easement agreement, are deemed**

necessary to ensure that the Dolson Farmhouse will be effectively and optimally conserved and that the barn and silo will be subject to specific considerations for their significance and contribution.

Background:

Description of Heritage Property

The property at 11722 Mississauga Road is approximately 38 hectares (94 acres) at the southwest corner of Mayfield Road and Mississauga Road. It contains, amongst other structures, a significant two-and-a-half storey late nineteenth-century brick house referred to as the Dolson Farmhouse. The Dolson Farmhouse is surrounded farmland and a farm complex consisting of seven other buildings: a barn, a silo, a one-story bungalow house, a storage shed, a drive shed, a garage and a farm accessory building. On November 20, 2013, Council passed City by-law number 327-2013, a *By-law to designate the property at 11722 Mississauga Road as being of cultural heritage value or interest*. A copy of this by-law is attached as Appendix B to this report. The designation by-law describe the property's heritage attributes and contains a statement of significance explaining the cultural heritage value and reasons for designation.

Property Standards:

Property Standards Orders were issued to the owner of 11722 Mississauga Road in 2019 to address the neglect and derelict conditions of the property. There has several attempts to schedule a Property Standards Hearing between November 2019 and April 2021 to address and resolve the property standards matters of the subject property.

Fire History:

On June 16, 2020, City heritage planning staff were notified of a fire incident in one of the outbuildings of 11722 Mississauga Road. The Dolson Farmhouse was not impacted by this fire incident. There was no destruction of the property's heritage attributes recorded after the fire incident was contained and deemed under control.

Ontario Heritage Act

Sections 33 and 34 of the *Ontario Heritage Act*, as amended (the "Act") prohibits the owner of a designated heritage property to do or permit any of the following unless the owner submits an application accompanied by any plans and information that the Council may require and receives consent for:

- Demolishing or removing a building or structure.
- Altering the property if the alteration is likely to affect a heritage attribute.

Upon receiving a complete application made in accordance with section 33 or 34 of the Act, Council has a period of 90 days to decide whether it wants to:

- Approve the application,
- Approve the application on terms and conditions, or

- Refuse the application.

The Act allows for the owner/applicant and the Council of a municipality to agree on extending the 90 days to a longer period before a decision is required. The Council is also required to consult with its municipal heritage committee before making its decision.

Application to Demolish or Remove a Building or Structure

On April 1, 2021, City heritage planning staff received an application for the demolition and removal of seven of the eight buildings and structures on 11722 Mississauga Road (“Application”). The seven buildings/structures proposed for demolition in this application are: the barn, silo, one-storey bungalow style house, farm accessory building, garage, drive shed and storage shed. The Dolson Farmhouse is the building on the subject property not proposed for demolition. A copy of the application is attached as Appendix A to this report.

Heritage Impact Assessment

Appendix C of this report is the Heritage Impact Assessment for the subject property. It is prepared by LHC and dated March, 2021 (“HIA”). The HIA recommends that the buildings and structures proposed for demolition and removal in the Application be approved. This HIA provides following recommendations:

- The Dolson Farmhouse should continue to be protected and should be assessed to determine the most appropriate method of conservation.
- Demolition and removal of the farm complex buildings should be supported. To ensure the conservation of the Dolson Farmhouse and its heritage attributes, LHC recommends:
- A Temporary Protection Plan (TPP) be prepared that;
 - addresses potential threats to the Dolson Farmhouse from activity to demolish the other farm complex buildings;
 - considers common risks including, but not limited to the location of laydown and deliveries, increased dust, security, construction vibrations, fire risk, water runoff, and debris or construction related risks; and
 - is prepared by a qualified individual with heritage experience.
- To support environmental sustainability, timbers from the barn that are in sound condition and able to be recycled, should be salvaged, and recycled.

Section 5.3 of the HIA provides an opinion on the property’s heritage integrity and states the following: “The Subject Property does not convey a sense of heritage integrity. In general, the heritage integrity of the property is limited.” It is not clear why the heritage consultant has stated that the subject property has limited integrity. City heritage planning staff recommends that this section of the HIA not be used as a rationale for downplaying the importance of conserving the Dolson Farmhouse and the cultural heritage value of the property. The HIA does however conclude that the subject property is still worthy of designation.

Property Designation

The designation of 11722 Mississauga Road under part IV of the Act focuses primarily on the heritage attributes of the Dolson Farmhouse. The designation of the property in 2013 represents the City's desire to protect this cultural heritage resource and not see it demolished. City heritage planning staff reiterates the position that the property meets the criteria for determining cultural heritage value as prescribed by Ontario Regulation 9/06 and as demonstrated in the property's designation by-law. City heritage planning staff also recommend that the Dolson Farmhouse be conserved and integrated into any alterations to this property, which may include a redevelopment.

Building Condition Assessment Report

A Building Condition Assessment Report by ArbiTech Engineering and dated March 4, 2020 ("BCAR") is included within Appendix D of the HIA. The BCAR is making the following recommendations:

- Only the farmhouse itself can reasonably be preserved.
- The Barn structure is currently unsafe and should be demolished as repair is cost-prohibitive and unnecessary for use of the property.
- The opinion of costs to bring the farmhouse into compliance with the Order while retaining its cultural heritage value, is \$139,165. All other buildings should be demolished.

Dolson Farmhouse

The BCAR states that there was no evidence of overall distress or deformation in the exterior walls to indicate issues with their structural integrity of the Dolson Farmhouse. Restoring the Farmhouse to comply with the Order will require repairs and/or replacement of brick masonry and rusticated stone window sills, roofing replacement, soffit/fascia/eavestrough repairs and localized replacement, replacement of the front porch, installation of new replica windows and doors, and repair of concrete slab and steps at the addition.

Silo

The BCAR is states that: "[a]side from the roof, which is missing sections of metal roofing, the silo is in good condition with no evidence of distress or deterioration".

One-Storey Bungalow Style House

The BCAR does not assess the building and structural condition of the one-storey bungalow style house on the property. Based on the Property Standards Orders and photographs that have been recorded for the subject property since 2019, this building doesn't appear to be in state of distress and doesn't appear to exhibit signs of irreversible structural integrity issues.

Current Situation:

Dolson Farmhouse

The Dolson Farmhouse contains the majority of the property's cultural heritage attributes. The Cover Letter accompanying the application form mentions that the owner/applicant

is not filing an application to demolish the Dolson Farmhouse at this time. City heritage planning staff are recommend that the Dolson Farmhouse be conserved in accordance with policy 2.6.1 of the 2020 Provincial Policy Statement (PPS), which states that: “significant built heritage resources and significant cultural heritage landscapes shall be conserved”. An appropriate approach for conserving the Dolson Farmhouse at this time is through repair, protection, and stabilization of the building. The information provided in the application and its associated cover letter suggest the possibility that a subsequent application to demolish the farmhouse will be received. City heritage planning staff is concerned that no permit made in accordance with section 33 of the *Ontario Heritage Act* to repair, protect, and stabilize the Dolson Farmhouse has been submitted to this date. The longer the building remains vacant in its current state, the larger the risk for further deterioration and additional cost to bring the building to a state of good repair that will facilitate its long-term conservation.

The HIA confirm that the Dolson Farmhouse has cultural heritage value and significance. The BCAR assessed the building as being structurally sound and concluded that the preservation of the building is reasonable and achievable through the completion of necessary repairs. City heritage planning staff recommend that the Dolson Farmhouse be further protected with a heritage easement agreement. The pairing of a designation by-law with a heritage easement agreement is the optimal option available under the *Ontario Heritage Act* for protecting a cultural heritage resource.

The Dolson Farmhouse must continue to be protected subject to a more current Structural Condition Assessment by a qualified professional engineer with demonstrated experience with the assessment and conservation of heritage buildings. This assessment will determine the most appropriate and optimal method of conservation in the heritage easement agreement. The terms of the heritage easement agreement will be based on reasonable, achievable, and implementable terms for the optimal and least impactful conservation approach. The heritage easement agreement will not preclude for the future redevelopment of the property, provided that the Dolson Farmhouse is conserved and sympathetically integrated into a future redevelopment of the property.

The heritage easement agreement will provide provisions for securing the terms, implementation and monitoring of the Heritage Building Protection Plan during the period of vacancy of the building. It will also contain terms and provisions for providing the financial securities necessary to complete the repairs work that is required. All documents and information required may be subject to peer review, as deemed necessary by the Commissioner of Building, Planning and Economic Development.

The HIA is recommending the submission of a Temporary Protection Plan (TPP), which is equivalent to what the City refers to as a Heritage Building Protection Plan (HBPP). The HBPP is required to detail the necessary measures to protect the Dolson Farmhouse while it is vacant, and will be prepared in accordance with the City’s Heritage Building Protection Plan Terms of Reference.

Silo

The BCAR by ArbiTECH (dated March 4, 2020) assess the structure as being structurally sound. However, the heritage consultant, LHC, indicates in its preliminary Material Salvage Plan for the property that the HIA and “*engineering reports by ArbiTECH dated March 4, 2020 and Tacoma Engineers dated January 20, 2021 found the structures proposed for demolition to be inadequate candidates for restoration or relocation.*” The Structural Condition Assessment by Tacoma Engineers, dated January 20, 2021, and found as part of the appendices of the HIA does not make any specific reference to the silo. Only the roof of the silo has been identified as needing repairs in the 2020 assessment by *ArbiTECH*. The repair or removal of the roof of the silo are alternate options that warrant further analysis and investigation.

The structure exhibits some cultural heritage value and its proposed demolition is premature. Silos have been incorporated in the past as landmark features within public realms such as park and streetscapes, providing a sense of distinction, interest and identity for a place or an area. Since the structure is assessed as being in overall good condition, heritage staff recommends that the demolition of the silo does not represent good planning at this time, and that opportunity for its conservation and integration into the future development of the site should be explored.

Barn

The barn’s current is poor and there is limited cultural heritage value to warrant its repair and preservation within the subject property. As such, City heritage planning staff recommend that the barn be carefully dismantled and subject to a final Salvage Plan for the heavy-timber frames and exterior wood cladding of the barn, and containing terms that would allow for any salvageable material that would be needed for a capital project to be carefully dismantled and offered to the City at no cost to the municipality.

Policy and Planning Analysis

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

Corporate Implications:

Financial Implications:

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

Other Implications:

Not applicable.

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:

The designation of 11722 Mississauga Road under part IV of the Act focuses primarily on the heritage attributes of the Dolson Farmhouse. The designation of the property in 2013 represents the City's desire to protect this cultural heritage resource and not see it demolished. City heritage planning staff also recommend that the Dolson Farmhouse be conserved and integrated into any alterations to this property, which may include a redevelopment.

Heritage City staff support the demolition of the barn, garage, one-storey bungalow style house, drive shed, storage shed and/or farm accessory building provided that the approval be subject to the terms and conditions recommended in this report. These terms and conditions are required to ensure that the Dolson Farmhouse, which contains the majority of the property's cultural heritage attributes, will be effectively and optimally protected and conserved in the immediate and long-terms. These terms and conditions are also required to ensure that the salvageable construction materials of the barn be recycled and reutilized in a meaningful way and that the silo not be demolished prematurely or without opportunities for future integration. The proposed recommendations to approve the demolition application with conditions and recommendations to approve a heritage easement agreement strike a right balance for appropriate and reasonable long-term solutions to preserve the cultural heritage value and significance of the Dolson Farmhouse.

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Attachments:

Appendix A – Heritage Permit Application for the Demolition and Removal of seven Buildings or Structure (Barn, Silo, one-storey bungalow style house, farm accessory building, garage, drive shed and storage shed) – 11722 Mississauga Road

Appendix B – City by-law number 327-2013, *a By-law to designate the property at 11722 Mississauga Road as being of cultural heritage value or interest* - 11722 Mississauga Road

Appendix C – Heritage Impact Assessment, 11722 Mississauga Road, dated March 2021, prepared by LHC – 11722 Mississauga Road

Appendix D – Analysis of applicable legislation, policy and land use planning considerations – 11722 Mississauga Road