

**Date:** 2021-06-04

**Subject:** **Alterations to a Property Designated under Part V of the Ontario Heritage Act - 7770 Creditview Road – Ward 6 (HE.x 7770 Creditview Road)**

**Contact:** **Pascal Doucet, Heritage Planner, [pascal.doucet@brampton.ca](mailto:pascal.doucet@brampton.ca)**

**Report Number:** Planning, Bld & Ec Dev-2021-722

**Recommendations:**

1. That the report titled: **Alterations to a Property Designated under Part V of the Ontario Heritage Act - 7770 Creditview Road – Ward 6 (HE.x 7770 Creditview Road)**, to the Brampton Heritage Board Meeting of June 15, 2021, be received; and
2. That City Council approve the alterations to the heritage property at 7770 Creditview Road, in accordance with section 42 of the *Ontario Heritage Act*, as amended (the “Act”) for the construction of a one-storey addition and the removal of one tall and mature cedar tree, with such alterations substantially in accordance with the plans, drawings and outline of material specification, attached as Appendix A to this report, and subject to the following additional conditions:
  - b. That prior to the issuance of any permit for all or any part of the property at 7770 Creditview Road, including a heritage permit or a building permit, but excluding permits for repairs and maintenance, usual and minor works and work that does not require a heritage permit as described in the Village of Churchville Heritage Conservation District Plan in accordance with subsection 41.1(5) of the Act and as are acceptable to the Commissioner of Planning, Building and Economic Development, the owner shall:
    - i. Provide building permit drawings in accordance with the plans and drawings required in recommendation 2, including notes and specifications for a description of materials and finishes; and
    - ii. Obtain approval to injure or destroy a tree in accordance with the City’s Tree Preservation By-law 317-2012.

**Overview:**

- The property at 7770 Creditview Road is located within the Village of Churchville Heritage Conservation District (“HCD”) and is designated under Part V of the *Ontario Heritage Act*, as amended (the “Act”).
- In accordance with subsection 42 (1) of Act, a heritage permit is required for permitting the proposed addition and remove one large cedar tree as shown in the heritage permit application attached as Appendix A to this report.
- The City received a Heritage Permit application for 7770 Creditview Road for an addition to the south and side elevation of the existing house. The proposed addition will require the removal of one tall and mature cedar tree on the property.
- The proposed alterations and construction conform to the District Guidelines of the Village of Churchville Heritage Conservation District Plan (“HCD Plan”). The proposed change will not create a negative impact on the cultural heritage character and values of the HCD. The heritage permit application is therefore recommended for approval.
- The terms and conditions recommended in this report will ensure consistency between the submission materials for the issuance of a heritage permit and building permit. These terms and conditions are also recommended to confirm the application of the City’s Tree Preservation By-law (317-2012).

**Background:**

The property at 7770 Creditview Road is located within the Village of Churchville Heritage Conservation District (“HCD”), which is designated under Part V of the *Ontario Heritage Act*, as amended (the “Act”). This property is therefore subject to the District Guidelines of the Village of Churchville Heritage Conservation District Plan (“HCD Plan”).

The purpose of implementing a Heritage Conservation District is to protect and enhance the cultural heritage value and character of a specific area by managing its change over time. A Heritage Conservation District Plan is adopted as part of the designation of the HCD. The HCD Plan is an implementation tool to guide physical change over time in order to ensure the conservation and preservation of the heritage values and character of the HCD.

**Applicable Law**

The property at 7770 Creditview Road is subject to the Act. Subsection 42(1) of the Act states that:

No owner of property situated in a heritage conservation district that has been designated by a municipality shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. An application for a heritage permit made under Section 42 shall be accompanied by a detailed plan and include information that the council may require. The Act provides a period of 90 days for council to make a decision upon receipt of an application.

**Policy Framework**

The proposed construction and alterations to the heritage property are subject to the following 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 (2020)**

Development and Site Alterations on or adjacent to designated heritage properties are required to be consistent with the policies under section 2.6 of the 2020 Provincial Policy Statement.

The Provincial Policy Statement directs municipalities and other planning approval authorities in Ontario to conform to policy 2.6.1, which reads as:

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

**City of Brampton Official Plan**

The proposed construction and alterations to the heritage property are subject to the Cultural Heritage Policies of the Official Plan. More specifically, the policies that are relevant in the context of this report and heritage permit application made in accordance with Section 42 of the Act are:

4.10.3.7 Minimum standards for the maintenance of the heritage attributes of property situated in a Heritage Conservation District shall be established and enforced.

4.10.3.12 In reviewing permit applications, the City shall be guided by the applicable Heritage Conservation District Plan and following guiding principles:

- Heritage buildings, cultural landscapes and archaeological sites including their environs should be protected from any adverse effects of the proposed alterations, works or development;
- New construction and/or infilling should fit harmoniously with the immediate physical context and streetscape and be consistent with the existing heritage architecture by among other things: being generally of the same height, width, mass bulk and disposition; of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape.

#### **Current Situation:**

On April 12, 2021 the property owner of 7770 Creditview Road submitted a complete Heritage Permit application to construct a one-storey addition to the southerly side elevation of the existing house and remove a mature cedar tree located in the backyard of the property. In accordance with the Act, City Council must respond to the application by July 11, 2021.

#### **Proposed Addition**

The square footage of the property will remain under the maximum permitted Gross Floor Area of 255 square meters (2750 square feet) after the proposed addition is constructed. The proposed addition maintains the height of the existing dwelling and is under the maximum height permitted by the Zoning By-law. The heritage permit application is conforming to the requirements of the RHM2 Zoning By-law. It is recommended the Heritage Permit application be approved, subject to the terms and conditions recommended in this report, and with the proposed material and sash windows as shown in the heritage permit application (Appendix A).

#### **Mature Tree Removal**

The removal of mature trees in the HCD requires careful attention and evaluation. In this case one existing tall cedar tree is proposed for removal. The tree is located in the backyard of the property and is partially visible from Creditview Road, behind the existing dwelling. The existing hedgerows and mature trees along the frontage of the property will be conserved and maintained. The location of the proposed addition is justified by the existing layout of the interior of the house. This layout can be shown in the attached floor plan drawings included as part of the heritage permit application (Appendix A).

City heritage staff is considering the proposed removal on one tall and mature cedar tree as being acceptable due to:

- The limited visibility of the cedar tree proposed for removal;
- The quantity of existing mature trees, vegetation and hedgerows that will be conserved and retained on the property; and
- The existing interior layout of the dwelling.

### **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:**

City heritage staff is of the opinion that the effectiveness of the designation of the Village of Churchville Heritage Conservation District relies on making decisions that are consistent with the measures that have been adopted to manage change within the area. The successful implementation of the Village of Churchville Heritage Conservation District Plan relies on effective policies, guidelines and procedures that are applied in a consistent manner. Successful implementation will ensure transparency and provide predictable requirements for property owners, applicants and developers.

Heritage staff reviewed the heritage permit application for the proposed construction and alterations to the heritage property against the applicable policy framework and the

Village of Churchville Heritage Conservation District Plan. Heritage staff is concluding that the heritage permit application is supportable, provided that the heritage permit is subject to the terms and conditions recommended in this report.

Authored by:

Reviewed by:

---

Pascal Doucet, MCIP, RPP  
Heritage Planner

---

Jeffrey Humble, MCIP, RPP  
Manager, Policy, Program &  
Implementation

Approved by:

Submitted by:

---

Bob Bjerke, MCIP, RPP  
Director, City Planning & Design

---

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

**Attachments:**

Appendix A – Heritage Permit Application: 7770 Creditview Road and dated 12 April 2021  
– 7770 Creditview Road