

**Date:** 2021-10-12

**Subject:** Alterations, Partial Demolition and Relocation of a Designated Heritage Resource and Authority to Enter into a Heritage Easement Agreement – 11687 Chinguacousy Road (Robert Hall House) – Ward 6 (File H.EX. 11687 Chinguacousy Road)

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

**Report Number:** Planning, Bld & Ec Dev-2021-1124

**Recommendations:**

1. That the report titled: Alterations, Partial Demolition and Relocation of a Designated Heritage Resource and Authority to Enter into a Heritage Easement Agreement – 11687 Chinguacousy Road (Robert Hall House) – Ward 6 (HE.x 11687 Chinguacousy Road), to the Brampton Heritage Board Meeting of October 19, 2021, be received;
2. That the Heritage Permit Application for the alterations, partial demolition and relocation of the Robert Hall House on the designated heritage property at 11687 Chinguacousy Road be approved in accordance with sections 33 and 34 of the Ontario Heritage Act, to permit the demolition and removal of the existing non-heritage east and west wings of the Robert Hall House as well as the preservation, restoration, rehabilitation and relocation of the one-and-a-half storey limestone and heritage portion of the Robert Hall House, with such alterations in accordance with the Heritage Conservation Plan and Heritage Building Protection Plan dated September 29, 2021, prepared by ARCHITECTS RASCH ECKLER ASSOCIATES LTD (AREA), signed by David M. Eckler, Architect and attached as Appendix A to this report, all on file with the City Planning & Design Division of the Planning, Building and Economic Development Department and subject to the following additional conditions:
  - a. That prior to Draft Plan Approval of the related Plan of Subdivision Application to allow for the development of residential dwellings and a Mixed Use Medium Density Residential/ Convenience Commercial block and open space uses on the property at 11687 Chinguacousy Road, the owner shall:
    - i. Enter into a Heritage Easement Agreement with the City for the portions of the property at 11687 Chinguacousy Road consisting of the lands where the Robert Hall House is located and the lands of the future lot

where the Robert Hall House will be relocated all in accordance with the HCP and HBPP attached as Appendix A to this report and the Reference Plan of Survey (R-Plan) attached as Appendix D to this report.

- b. That prior to the issuance of any permit for all or any part of the alterations, relocation, removal or demolition as set out in the report titled: Alterations, Partial Demolition and Relocation of a Designated Heritage Resource and Authority to Enter into a Heritage Easement Agreement – 11687 Chinguacousy Road (Robert Hall House) – Ward 6 (HE.x 11687 Chinguacousy Road), to the Brampton Heritage Board Meeting of October 19, 2021, including a heritage permit, a building permit or a topsoil stripping and grading permit, but excluding permits for repair and maintenance and usual minor works as are acceptable to the Director of City Planning & Design, the owner shall:
  - i. Provide a final Commemoration/Interpretation Plan to confirm the content and construction specifications of the heritage pedestal plaque on the lands of the open space adjacent to the north of the future lot where the Robert Hall House will be relocated, to the satisfaction of the Director of City Planning & Design;
  - ii. Provide a final Landscape Plan in accordance with the Site Plan/Landscape Plan of the Robert Hall House relocation attached as Appendix C to this report and to the satisfaction of the Director of City Planning & Design;
  - iii. Provide full building permit drawings, including notes and specification for the conservation and protective measures keyed to the approved Heritage Conservation Plan and Heritage Building Protection Plan referenced herein in Recommendation 2; and
  - iv. Deposit securities, including a 30% contingency in a form and amount and from a bank satisfactory to the Director of City Planning & Design to secure the conservation, relocation, protection work in the approved Heritage Conservation Plan, Heritage Building Protection Plan referenced herein in Recommendation 2. and cultural heritage-related work in the final Commemoration/Interpretation Plan and final Landscape Plan referenced herein in Recommendations 2.b.i. and 2.b.ii.
- c. That prior to release of securities required in Recommendation 2.b.iv., the owner shall:
  - i. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant that confirms that the required conservation, relocation and protection work identified in the approved Heritage Conservation Plan and Heritage Building Protection Plan referenced herein in Recommendation 2., and cultural heritage-related

work in the final Commemoration/Interpretation Plan and final Landscape Plan referenced herein in Recommendations 2.b.i. and 2.b.ii. has been done; and

- ii. Provide full documentation of the Robert Hall House and heritage pedestal plaque showing completion of the conservation, relocation, protection, commemoration, interpretation and cultural heritage-related landscaping work to the satisfaction of the Director of City Planning & Design.
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 11687 Chinguacousy Road to secure the conservation, relocation and protection of the Robert Hall House (“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:**

- **This report recommends that City Council approve the alterations, partial demolition and relocation of the Robert Hall House at 11687 Chinguacousy Road, in accordance with section 33 and 34 of the *Ontario Heritage Act* and with the terms and conditions, as set out in this report.**
- **The conservation strategy and heritage permit application in this report are implementing the recommendations of the Heritage Impact Assessment of the Robert Hall House at 11687 Chinguacousy Road (the “HIA”). This HIA was received and accepted by the Brampton Heritage Board at its meeting of May 18, 2021, and subsequently by City Council at its meeting of June 16, 2021.**
- **At its meeting of June 16, 2021, City Council also stated its intention to designate the property at 11687 Chinguacousy Road in accordance with Part IV, section 29 of the *Ontario Heritage Act* to designate the nineteenth-century one-and-a-half limestone portion of the Robert Hall House for its cultural heritage value or interest.**
- **The designation of the subject property is currently in progress and will be completed after relocation to the lot where the heritage portion of the Robert Hall House will be situated. The intent to complete the designation process after the creation and registration of the Plan of Subdivision is to apply, pass and register the designation by-law to the lot that will contain the heritage resource consisting of the portions of the Robert Hall House holding cultural heritage significance.**

- The proposed alterations, partial demolition and relocation will remove the non-significant east and west wings constructed in the late twentieth century, conserve the original orientation of the heritage house from Chinguacousy Road, and it will restore, preserve and rehabilitate the significant portions of the one-and-a-half storey limestone construction known municipality as the Robert Hall House.
- The City of Brampton received a planning application for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision for the development of residential dwellings and a Mixed Use Medium Density Residential and Convenience Commercial block with open spaces, which includes the conservation and relocation of the Robert Hall House within the existing development site.
- City heritage staff from City Planning & Design received an application made in accordance with section 33 and 34 of the *Ontario Heritage Act* to alter the designated heritage resource and permit its partial demolition and relocation.
- A heritage easement agreement between the owner and the City is recommended to facilitate the relocation of the heritage resource, and to ensure its long-term protection and conservation.
- The approval of the heritage permit application, Heritage Conservation Plan and Heritage Building Protection Plan, subject to the terms and conditions recommended in this report, will facilitate the approval of the planning application while ensuring that the significant built heritage resource on the property will be conserved.

## **Background:**

### **Description of Heritage Property**

11687 Chinguacousy Road is currently a large property of approximately 8.8 hectares (19.92 acres) located at the southeast corner of Mayfield Road and Chinguacousy Road. The property contains the Robert Hall House, a significant one-and-a-half nineteenth-century limestone built heritage resource surrounded by a large area of cultivated farmland.

### **Decision History**

At its meeting of June 16, 2021, City Council stated its intention to designate the property of the Robert Hall House for its cultural heritage value or interest under Part IV, section 29 of the *Ontario Heritage Act*. The designation of the property is currently in progress because the owner and City staff have agreed to pass the designation by-law and complete the designation process after the registration of the Plan of Subdivision in order to ensure that the effect of the designation applies only to the lot and the lands that will

contain the heritage resource. The designation of the Robert Hall House was endorsed by the Brampton Heritage Board prior to City Council stating its intention to designate the property. The designation report prepared by City heritage staff can be viewed at: <https://pub-brampton.escribemeetings.com/filestream.ashx?DocumentId=25855>

At its meeting of June 16, 2021, City Council also received and accepted the Heritage Impact Assessment of the Robert Hall House at 11687 Chinguacousy Road dated February 2021 and prepared by ARCHITECTS RASCH ECKLER ASSOCIATES LTD (AREA) (the “HIA”). The HIA has confirmed that the Robert Hall House has cultural heritage value or interest as a unique example of a one-and-a-half storey nineteenth-century Georgian limestone style residence with a high degree of craftsmanship as well as strong associative/historical and contextual values. The HIA also concluded that the proposed development will not result in significant impacts to the heritage attributes of the Robert Hall House through its proposed alteration, preservation and restoration. The proposed relocation, removal of the east and west wing late twentieth century additions, placement and orientation of the Robert Hall House facing Chinguacousy Road have all been explained and presented within the context of the proposed plan of subdivision and lot configuration of the planning application. The accepted HIA can be viewed at: <https://pub-brampton.escribemeetings.com/filestream.ashx?DocumentId=25854>

### **Application History and Legislative Framework**

The City of Brampton received a planning application for an Official Plan Amendment, a Zoning By-law Amendment and a Draft Plan of Subdivision to permit the development of residential dwellings and a Mixed Use Medium Density Residential and Convenience Commercial block with open spaces, which includes the conservation and relocation of the Robert Hall House as shown within Heritage Conservation Plan and Heritage Building Protection Plan, the Draft Plan of Subdivision and the Site Plan/Landscape Plan of the Robert Hall House relocation attached as appendices A, B and C to this report.

On October 10, 2021, the City received an application for a heritage permit for the alterations, partial demolition and relocation of the Robert Hall House within the subject property and development site at 11687 Chinguacousy Road. The application for this heritage permit was deemed complete on October 12, 2021. This application includes the Heritage Conservation Plan and Heritage Building Protection Plan attached as Appendix A to this report. A reference Plan of Survey (R-Plan) to delineate the boundaries of the future heritage lot and a selection of photo documenting the Robert Hall House were also included as part of this heritage permit application and are attached as Appendices D and E to this report. The *Ontario Heritage Act* provides a period of 90 days for Council to make a decision upon receipt of a complete application for a heritage permit. The *Ontario Heritage Act* also requires that City Council is required to consult with the Brampton Heritage Board prior to making its decision and may either approve, approve with terms and conditions or refuse the application for a heritage permit.

## **Policy Framework**

The proposed alterations, partial demolition and relocation of the Robert Hall House within the heritage property at 11687 Chinguacousy Road 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 alterations are subject to the Cultural Heritage Policies and Urban Design Policies of the Official Plan. More specifically, the policies that are relevant in the context of this report and application to alter, partially demolish and relocate the built heritage resource within the designated heritage property and development site and are:

4.10.1.3 All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the Ontario Heritage Act to help ensure effective protection and their continuing maintenance, conservation and restoration.

4.10.1.8 Heritage resources will be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects.

4.10.1.9 Alteration, removal or demolition of heritage attributes on designated heritage properties will be avoided. Any proposal involving such works will require a heritage permit application to be submitted for the approval of the City.

4.10.1.10 A Heritage Impact Assessment, prepared by qualified heritage conservation professional, shall be required for any proposed alteration, construction, or development involving or adjacent to a designated heritage resource to demonstrate that the heritage

property and its heritage attributes are not adversely affected. Mitigation measures and/or alternative development approaches shall be required as part of the approval conditions to ameliorate any potential adverse impacts that may be caused to the designated heritage resources and their heritage attributes. Due consideration will be given to the following factors in reviewing such applications:

- (i) The cultural heritage values of the property and the specific heritage attributes that contribute to this value as described in the register;
- (ii) The current condition and use of the building or structure and its potential for future adaptive re-use;
- (iii) The property owner's economic circumstances and ways in which financial impacts of the decision could be mitigated;
- (iv) Demonstrations of the community's interest and investment (e.g. past grants);
- (v) Assessment of the impact of loss of the building or structure on the property's cultural heritage value, as well as on the character of the area and environment; and,
- (vi) Planning and other land use considerations.

4.10.1.12 All options for on-site retention of properties of cultural heritage significance shall be exhausted before resorting to relocation. The following alternatives shall be given due consideration in order of priority:

- (i) On-site retention in the original use and integration with the surrounding or new development;
- (ii) On site retention in an adaptive re-use;
- (iii) Relocation to another site within the same development; and,
- (iv) Relocation to a sympathetic site within the City.

4.10.1.15 Minimum standards for the maintenance of the heritage attributes of designated heritage properties shall be established and enforced.

4.10.9.2 The City shall use the power and tools provided by the enabling legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this section. These shall include but not be limited to the following:

- (ii) Requiring the preparation of a Heritage Impact Assessment for development proposals and other land use planning proposals that may potentially affect a designated or significant heritage resource or Heritage Conservation District;

(ix) Requiring a Heritage Building Protection Plan to be submitted with a planning application if there are built heritage resources on the lands affected by the application that have been identified by the City of Brampton as having priority for preservation. The Heritage Building Protection Plan shall outline measures that the applicant is expected to implement to secure, protect and conserve the heritage resource. In addition to other measures, the City may require that a part of the financial securities for the planning application taken at the time of approval be reserved for the protection of heritage resources.

4.10.9.4 The City shall acquire heritage easements, and enter into development agreements, as appropriate, for the preservation of heritage resources and landscapes.

4.10.9.6 Financial securities from the owner may be required as part of the conditions of site plan or other development approvals to ensure the retention and protection of heritage properties during and after the development process.

4.11.3.2.9 Cultural heritage resources on sites subject to community revitalization shall be protected and restored in accordance with the Cultural heritage policies of this Plan.

4.11.4.7 (vi) Preservation: How the significant elements of the built and natural heritage shall be maintained and protected in new development. Some of the significant elements include:

- Natural heritage features such as woodlots, valley lands and watercourse corridors, wetlands, and ponds,
- Built structures such as significant architecture,
- Cultural heritage features; and,
- Important views and vistas.

### **Standards and Guidelines for the Conservation of Historic Places in Canada**

The Standards and Guidelines for the Conservation of Historic Places in Canada is adopted as part of the City of Brampton Official Plan and is recognized thereunder as an official document to guide planning, development and conservation for heritage resources. Both the owner and the City shall be guided by and apply these Standards and Guidelines, an excerpt of which is hereto as Appendix F.

### **Current Situation:**

Heritage planning staff reviewed the application and submission material for conformity with the Act, the Planning Act, the Provincial Policy Statement (2020), the Cultural Heritage Policies of the City's Official Plan and the Standards and Guidelines for the Conservation of Historic Places in Canada. The proposed conservation strategy and approach will conserve, protect, preserve, restore and rehabilitate the significant built heritage resource of the heritage property at 11687 Chinguacousy Road.



## **Proposed Alterations**

The Heritage Conservation Plan and Heritage Building Protection Plan attached as Appendix A to this report are necessary tools and documents to implement the conservation strategy that was accepted and endorsed in the abovementioned HIA. The proposed alterations consist of the removal and demolition of the non-heritage east and west wings of the Robert Hall House, the relocation of the Robert Hall House on a new site fronting Chinguacousy Road, and the construction of a new addition to the rear of the heritage one-and-a-half nineteenth-century and limestone portion of the Robert Hall House. The new construction to the rear of the heritage house will accommodate the additions of an attached garage with a walkway connection and more square footage of living space. The proposed alterations will also restore the course limestone, windows and doors of the Robert Hall House.

## **Partial Demolition**

The heritage permit application is proposing the removal of the east and west wing additions of the Robert Hall House. The HIA has provided information to demonstrate that these wings are consisting of a 1979 red brick extension constructed to the west side of the original limestone house and a 1991 two-storey wood-clad east side addition. These wings do not contain any of the property's heritage attributes and will therefore not have an impact on the historical and design integrity associated with the cultural heritage value or interest of the Robert Hall House.

## **Proposed Relocation and Landscape Design Assessment**

The proposed relocation of the significant and historic portions has been considered and determined in accordance with the Official Plan and Community Design Guidelines of the area where dual lot frontages are recommended for new residential lots created along Chinguacousy Road. This dual frontage is recommended to provide an attractive interface and streetscape with an urban character along this arterial road. The streetscape along Chinguacousy Road will therefore be defined with high quality landscape and built form, that will include a low decorative metal fence separated by 1.5 meters high masonry pillars that will delineate the heritage lot. The low fencing and relocation of the Robert Hall House closer to Chinguacousy Road will maximize its exposure to the public realm.

The original orientation of the heritage structure will be conserved through the proposed development. As it is mentioned in the HIA and Addendum to the Mount Pleasant Block Plan 51-2 Community Design Guidelines submitted in support of the planning application: *"locating the heritage house together with an adjacent generous-sized walkway block located opposite to the Keith Monkman Park and another existing heritage house located to the west of Chinguacousy Road will form a Community Area with a strong heritage identity to foster place-making within the community"*. This Community Area is illustrated within figure 2.3.5a of the Community Design Guidelines Addendum and is attached as Appendix G to this report. This concept for a Community Area will be enhanced by the landscape treatment and heritage pedestal plaque within the open space adjacent to north of the relocated Robert Hall House. The submission of a final Commemoration/Interpretation Plan will secure the content and construction

specifications of the heritage pedestal plaque, which is intended to provide a description of the history and cultural heritage significance of the Robert Hall House.

### **Heritage Easement Agreement**

A heritage easement agreement is recommended as a condition of approval for the proposed alterations, relocation and partial demolition to facilitate the relocation of the heritage house. The purpose of this heritage easement agreement is also to ensure the immediate and long-term effective protection and conservation of the built heritage resource on the property. The heritage easement agreement will only apply and be registered to the lands of the existing site of the Robert Hall House and the lands of the Heritage Lot where the Robert Hall House will be relocated, as shown in the attached Reference Plan of Survey (R-Plan). The application of the heritage easement agreement to the existing site of the Robert Hall House will be temporary as it will expire upon the relocation of the structure to the heritage lot. The application to the heritage lot will however apply indefinitely upon the relocation of the Robert Hall House in order to ensure its protection and conservation for current and future generations to come.

### **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:**

Heritage City staff has been working with the applicant and heritage consultant to develop and implement a conservation strategy and approach to mitigate the impact of the proposed development and site alterations on the heritage property. The design and landscape impact assessment as well as the proposed alterations, relocation and partial demolition are demonstrating that the property's significant built cultural heritage resource will be conserved and protected, all in accordance with the applicable sections and policies of the City of Brampton Official Plan and the Standards and Guidelines for the Conservation of Historic Places in Canada. The proposed recommendations to approve the heritage permit application with conditions and recommendations to approve a heritage easement agreement, financial securities, final landscape plan and final commemoration/interpretation plan strike a right balance for appropriate and reasonable long-term solutions to preserve the cultural heritage value and significance of the Robert Hall House.

Authored by:

Reviewed by:

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Pascal Doucet, MCIP, RPP  
Heritage Planner

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

Approved by:

Submitted by:

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

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

## **Attachments:**

Appendix A – Heritage Conservation Plan and Heritage Building Protection Plan of the of the Robert Hall House at 11687 Chinguacousy Road, dated September 29, 2021, prepared by ARCHITECTS RASCH ECKLER ASSOCIATES LTD (AREA), and signed by David M. Eckler, Architect – 11687 Chinguacousy Road.

Appendix B – Draft Plan of Subdivision – 11687 Chinguacousy Road.

Appendix C – Site Plan/Landscape Plan of Robert Hall House relocation – 11687 Chinguacousy Road.

Appendix D – Reference Plan of Survey (R-Plan) of the Heritage Lot for the Relocation and Conservation of the Robert Hall House – 11687 Chinguacousy Road.

Appendix E – Selection of Photos Documenting the Robert Hall House – 11687 Chinguacousy Road.

Appendix F – Standards for the Conservation of Historic Places in Canada.

Appendix G – Illustration of the Community Character Area Concept with Heritage Identity (excerpt from the Addendum to the Mount Pleasant Block Plan 51-2 Community Design Guidelines).