

Date: 2022-03-14

Subject: Authority to Enter into a Heritage Easement Agreement and Presentation of Heritage Impact Assessment – 30 McLaughlin Road South (John Elliott farmstead) – Ward 3 (File H.EX. 30 McLaughlin South)

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Report Number: Planning, Bld & Ec Dev-2022-273

Recommendations:

1. That the report titled: Authority to Enter into a Heritage Easement Agreement and Presentation of Heritage Impact Assessment – 30 McLaughlin Road South (John Elliott farmstead) – Ward 3 (File H.EX. 30 McLaughlin South), to the Brampton Heritage Board Meeting of March 22, 2022, be received;
2. That the Heritage Impact Assessment of the John Elliott Farmstead property at 30 McLaughlin Road South, titled: 30 McLaughlin Road South, City of Brampton Heritage Impact Assessment and Addendum, prepared by Leah Wallace (Heritage and Planning Services), and attached as Appendix A to this report (“HIA”) be received and accepted to endorse, in principle, the proposed relocation, retention and restoration of the significant portions of the one-and-a-half storey John Elliot Farmstead House; 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 30 McLaughlin Road South to secure the conservation, relocation and protection of the John Elliott Farmstead 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 authorize the authority to enter into a Heritage Easement Agreement with the Owner of 30 McLaughlin Road South (John Elliott Farmstead House) in accordance with Part IV, section 29 of the *Ontario Heritage Act*, as amended (the “Act”) for its cultural heritage value or interest. This report also recommends that the**

attached Heritage Impact Assessment (“HIA”) be received and accepted to endorse, in principle, the conservation strategy proposed for the property.

- The subject property is a large and open field containing the significant built heritage resource known as the John Elliott Farmstead House, a 1830s post and beam farmhouse owned by the Elliott family. The property is designated under the Ontario Heritage Act as a property of cultural heritage value or interest.
- Zoning By-law Amendment and Site Plan Approval applications have been submitted to the City to redevelop the property to permit the construction of an eight-storey residential building with commercial space at grade and underground parking. The relocation, restoration and conservation and adaptive reuse as a commercial or interior amenity space is also proposed as part of these applications (“Planning Applications”).
- The Planning Applications include the relocation, restoration and conservation of the John Elliott Farmstead House. The relocated heritage house will be adaptively reused for commercial use or interior amenity space.
- The HIA reconfirms that the property is worth of designation and meets the criteria prescribed by the Province under Ontario Regulation 9/06 to determine cultural heritage value or interest.
- A final Heritage Conservation Plan, Heritage Building Protection Plan, specifications for a heritage pedestal plaque and heritage permit application made in accordance with Sections 33 and 34 of the *Ontario Heritage Act* are expected to be presented at a future Brampton Heritage Board meeting to provide the details of the conservation strategy proposed in the HIA.
- To ensure the optimal option for the successful, effective and long-term conservation and protection of the John Elliott Farmstead, the posting of financial heritage securities and the entry into a heritage easement agreement between the owner and the City are recommended as conditions to approve the Planning Applications prior to the commencement of any work on the property.
- The endorsement in principle of the conservation strategy described in the HIA and the authorization to enter into a heritage easement agreement represent the first step and first set of recommendations to support the proposed relocation, retention and restoration of the significant portion of the John Elliott Farmstead House.

Background:

Description of Heritage Property

30 McLaughlin Road South is currently a large and open field located near the corner of Queen Street West and McLaughlin Road South. The property contains the John Elliott Farmstead House, a significant one-and-a-half nineteenth-century built heritage resource with neo-classic influences and surrounded by its original laneway and few orchard trees. The significance of the property is also defined in the designating by-law as a cultural heritage landscape linked to the meandering fletcher's creek at the rear of the lot.

Decision History

At its meeting of March 11, 2009, City Council passed a by-law designating the property of the John Elliott Farmstead as a property of cultural heritage value or interest under Part IV, section 29 of the *Ontario Heritage Act*. A copy of the designating by-law is included as part of the appendices of the HIA.

Application History

The City of Brampton received Planning Applications for a Zoning By-law Amendment and Site Plan Approval to permit the development of an eight-storey residential building with commercial space at grade and underground parking. The Planning Applications propose to conserve the property by relocating, conserving and restoring the heritage house for the purpose of adaptively reusing the building into commercial space or interior amenity space.

Heritage Impact Assessment

Attached as Appendix A to this report is the Heritage Impact Assessment of 30 McLaughlin Road South by Leah Wallace (Heritage and Planning Services). This HIA was completed by the heritage consultant retained by the owner of 30 McLaughlin Road South and was received as part of the submission material for the Planning Applications. The proposed conservation strategy described in this HIA for the property is supported by City heritage staff, provided that the built heritage resource and heritage property will be effectively protected and conserved in the immediate and long-term by maintaining the designation of the property as a property of cultural heritage value or interest and by entering into a heritage easement agreement pursuant to section 37 of the *Ontario Heritage Act*.

The HIA contains an evaluation of the property against the criteria for designation prescribed under Ontario Regulation 9/06. Both evaluations from the HIA (Appendix A) and the City's Designation By-law (City by-law number 70-2009) are concluding and concurring that the property is worthy of designation.

Heritage City staff concur with the following conclusions found within the HIA:

- The heritage house will be conserved through its incorporation into the proposed development and by maintaining its relationship with McLaughlin Road South.

- In the context of the proposed development, the heritage house and property will be conserved and the impact of the proposed relocation and previous alterations will be mitigated. The heritage house will be restored and provided with an appropriate adaptive reuse that will ensure its continued existence and maintenance. The relocation of the heritage house will provide an excellent and highly visual opportunity for interpretation of the history of Brampton, the Elliott family, and the subject property while permitting redevelopment of a vacant heritage property that is surrounded by contemporary urban development.
- The alterations of the cultural heritage landscape of the heritage property will be mitigated by surrounding the site of the relocated heritage house with permeable landscaping, plant a commemorative orchard, conserve the natural features of the woodland and lands surrounding Fletcher's Creek along the northern edge of the property; and plant 43 trees within the property to compensate for the removal of 22 trees.
- A Heritage Building Protection Plan and Heritage Conservation Plan will ensure that the restoration, renovation and redevelopment processes are monitored in order to protect and maintain the cultural heritage resources on and adjacent to the site. If required, the city could also impose additional long-term protection by securing an easement agreement and financial securities for the cultural heritage resources on the site.

Current Situation:

Heritage planning staff reviewed the application and submission material for conformity with the Ontario Heritage 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 30 McLaughlin Road South.

Proposed Alterations

The proposed alterations consist of the removal and demolition of the rear and later addition of the John Elliott Farmstead House, the relocation of the original floorplate and portion of the heritage house on a new site fronting McLaughlin Road South, the planting of a commemorative orchard near the site of the relocated heritage house, the preservation of the natural features of the woodland and lands surrounding Fletcher's Creek along the northern edge of the property, and a tree compensation plan proposing the planting of 43 trees to replace the 22 trees that are proposed for removal. A copy of the Arborist Report submitted as part of the Planning Application is attached as an appendix of the HIA and is titled: 30 McLaughlin Road South – Tree Evaluation Report and Tree Protection Plan.

Heritage Easement Agreement

A heritage easement agreement is recommended as a condition of approval for the Planning Applications and prior to the commencement of any site alteration 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.

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 (2018-2022). 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 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 conservation strategy of the HIA and enter into a heritage easement agreement will protect and conserve the property's significant cultural heritage resources for the enjoyment of current and future generations.

A final Heritage Conservation Plan, Heritage Building Protection Plan, specifications for a heritage pedestal plaque and heritage permit application made in accordance with Sections 33 and 34 of the *Ontario Heritage Act* are expected to be presented at a future Brampton Heritage Board meeting to provide the details of the conservation strategy proposed in the HIA.

The authority to enter into a heritage easement agreement and the deposit of financial securities are deemed appropriate and necessary in the context of the proposed development, relocation of the built heritage resource and alterations to the designated heritage property. These measures will ensure effective protection and conservation of the property in the immediate and long-term. The endorsement in principle of the conservation strategy described in the HIA and the authorization to enter into a heritage easement agreement represent the first step and first set of recommendations to support the proposed relocation, retention and restoration of the significant portion of the John Elliott Farmstead House.

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Attachments:

Appendix A – 30 McLaughlin Road South, City of Brampton Heritage Impact Assessment and Addendum, prepared by Leah Wallace (Heritage and Planning Services).

Appendix B – 30 McLaughlin Road South – Tree Evaluation Report and Tree Protection Plan.

Appendix C – Designation By-law