



SUBJECT: Eligibility of 795 Brant Street for inclusion on the Municipal Register of Cultural Heritage Resources

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-44-22

Wards Affected: 2

File Numbers: 501-06-6

Date to Committee: June 7, 2022

Date to Council: June 21, 2022

Recommendation:

Direct the Director of Community Planning to add 795 Brant Street to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18; and

Direct the Director of Community Planning to contact the property owner to discuss the conservation of the original portions of the 2-storey masonry building on the property as part of a future development; and

Direct the Director of Community Planning Retain a qualified heritage consultant to complete a third-party heritage evaluation and a statement of significance of 795 Brant Street.

PURPOSE:

The purpose of this report is to provide Council with analysis and background information regarding a March 9, 2022, Heritage Burlington Committee (the "Committee") recommendation to add 795 Brant Street to the Burlington Municipal Register of Cultural Heritage Resources (the "Register"). The property contains a 168-year-old, two-storey brick farmhouse. This report refers to it as the William Ghent/Jabez Bent House after the original builder Jabez Bent and subsequent farming operations by William Ghent. The report discusses the relevant decision history and heritage significance of the property.

Vision to Focus Alignment:

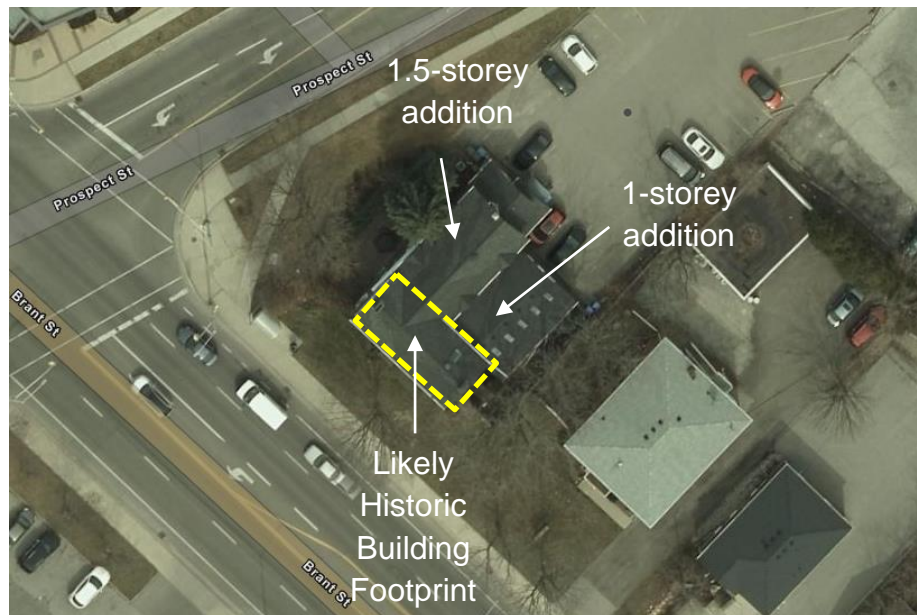
- Increase economic prosperity and community responsive city growth

Background and Discussion:

Site Description

795 Brant Street is an irregularly shaped corner lot at the south-east intersection of Brant Street and Prospect Street (see below and Appendix A- Aerial Photo). At the southwest end of the site facing Brant Street is the William Ghent/Jabez Bent House, a 2-storey masonry dwelling constructed in 1854 by Jabez Bent, a skilled mason. The building likely had a rectangular footprint when constructed, which was converted to an L-shaped plan when a 1.5-storey addition was constructed facing Prospect Street. The addition appears on the 1924 Burlington Fire Insurance Plan. In subsequent years, a 1-storey addition was constructed to further enlarge the footprint.

795 Brant Street Aerial Photo



There have been changes to the William Ghent/Jabez Bent House over time, but the composition, fenestration and brickwork of the front façade is intact, the side elevations are intact and the original 1854 form of the house is clearly visible compared to the subordinate later additions. Alterations include additions to the rear of the house, painted brickwork, asphalt roof shingles, commercial signs, newer chimneys and skylights, non-original windows, and decorative metal shutters. The rear yard of the property has been entirely paved to accommodate parking spaces and a driveway for commercial use (see

Appendix B- Heritage Evaluation to Add Properties of Interest to the Registry- 795 Brant Street, Heritage Burlington Committee, 2022).



The Jabez Bent House in 1902 (left) and today (right)

Decision History

On June 2, 2015, the owner of 795 Brant Street submitted a letter to City Council confirming their intention to demolish the William Ghent/Jabez Bent House, which was then listed on the Register (see Appendix H- Millington & Associates Notice of Intention to Demolish, date stamped June 4, 2015).

On June 10, 2015, the Heritage Burlington Advisory Committee (“Heritage Burlington”) reviewed the demolition request and made the following motion:

1. *Heritage Burlington would recommend that Council remove 795 from the Municipal Register in order to allow a demolition permit to be issued.*
2. *Heritage Burlington would recommend that the developer of any future edifice on the property be encouraged to erect a plaque with a photograph of 795 Brant as it was in 1902 with suitable text explaining its past importance. The agent for the owners has indicated in writing that anything possible to “memorialize” 795 Brant will be done.*
3. *Heritage Burlington would be pleased to photograph or video the various architectural features of the house before 795 Brant is demolished*

Heritage Burlington based its recommendation on two main factors. It believed that the property had limited interpretive value to an uninformed viewer and was not significant enough to justify designation against the owner’s wishes. However, the Committee also acknowledged that the property had historical and associative value, which is enough to justify designation according to Ontario Regulation 9/06 (See Appendix D- Heritage Burlington Committee Memorandum, June 10, 2015).

Staff took a different position from Heritage Burlington and prepared a report for the Development and Infrastructure Committee recommending that Council designate the house under Part IV of the *Ontario Heritage Act*, thereby preventing demolition (see Appendix E- Staff Report to Development and Infrastructure Committee Meeting, July 6, 2015.)

On July 6, 2015, the Development and Infrastructure Committee considered staff and Heritage Burlington's recommendations and passed a motion advising Council to approve the demolition request. City Council ratified this decision at their July 15, 2015, meeting (See Appendices F & G).

Following the Council motion, the property was removed from the Register to facilitate Council's direction. Ultimately, the owner did not demolish the building and it is still located on the site.

On October 21, 2021, Camarro Developments Inc. held a pre-application consultation meeting to solicit public input on their proposal to redevelop 789-795 Brant Street with a 32-storey mixed-use building with 307 residential units. The William Ghent/Jabez Bent House is not shown as part of the development and would have to be demolished.

Heritage Burlington became aware of the pending development application and made the following motion at their March 9, 2022, meeting:

Heritage Burlington recommends that the property at 795 Brant Street be added to the Municipal Register.

The recommendation is based on a site visit and heritage assessment of the property by the "Evaluations Subcommittee" of Heritage Burlington. The assessment is attached (See Appendix B- Heritage Evaluation to Add Properties of Interest to the Registry- 795 Brant Street, Heritage Burlington Committee, 2022).

Discussion

Listing a Property on the Municipal Heritage Register

The *Ontario Heritage Act* enables municipalities to keep a register of properties in the municipality that are of cultural heritage value or interest. The register includes two categories of property. The first category are designated properties, which are subject to a municipal bylaw. Owners of designated heritage properties are required to obtain a heritage alteration permit from City Council or its delegate prior to altering, demolishing or removing a designated property.

The second category of property are non-designated heritage properties. Buildings that are not heritage designated but are listed on the Register have limited protection. However, the *Ontario Heritage Act* requires owners to provide City Council with 60 days' notice in writing of their intention to demolish the property. Council is not required to

respond in any specific way to the notice, however it is an opportunity for City Council to designate the building if desired or consider other municipal actions to encourage conservation.

Listing a property on the Register is relatively simple and does not require advance notice to the property owner. In the first step of the process, the City must consult its municipal heritage committee. The second step is for Council to pass a motion to include the property on the Register. A full heritage evaluation against the heritage designation criteria under Ontario Regulation 9/06 is not required. Provided City Council believes the property to be of cultural heritage value or interest and gives “a description of the property that is sufficient to readily ascertain the property”, the property may be listed on the Register. Once listed, council must notify the property owner within 30 days. The owner can object to the listing and give a notice of objection to the City Clerk setting out the reasons for the objection and all relevant facts. Council must then consider the notice and decide whether the property should continue to be listed or not.

If listed on the Register, the owner would once again be required to give City Council 60 days’ notice if they intend to demolish, giving the City an opportunity to pursue heritage designation.

Previous Heritage Evaluations

The William Ghent/Jabez Bent House has been subject to five heritage evaluations in 1995, 2003, 2014, 2015 and 2022. Two were performed by Heritage Burlington (formerly the Local Architectural Conservation Advisory Committee), one was performed by a heritage consultant retained by Heritage Burlington and one was performed by a heritage consultant working for the property owner. All heritage evaluations completed by or for Heritage Burlington concluded that the property was highly rated and should be included on the Register or designated. In contrast, the 2015 heritage evaluation by the property owner’s heritage consultant contested many elements of prior evaluations and concluded it was not worthy of heritage designation (See Appendix I- Opinion on cultural heritage matters and designation under Part IV of the Ontario Heritage Act, 795 Brant Street, by David J. Cuming, dated May 27, 2015).

| Year | Author | Conclusion | Register/ Designate |
|------|---|--|------------------------|
| 1995 | Local Architectural Conservation Advisory Committee | Qualifies for designation, Of major significance. A-rating, 89/100 (Harold Kalman’s The Evaluation of Historic Buildings (Ottawa: Ministry of the Environment, 1980) | ✓ |

| | | | |
|-------------|---|---|---|
| 2003 | Mahood, C. | A-rating, 92/100 | ✓ |
| 2014 | Archaeological Research Associates Ltd., Clarke, Sarah; Jonas Galvin, Kayla | Qualifies for designation, should remain on the Municipal Heritage Register. 82/100 | ✓ |
| 2015 | Cuming, David J. (Consultant retained by property owner) | Does not qualify for designation | ✗ |
| 2022 | Heritage Burlington Committee, Evaluations Subcommittee | Qualifies for Heritage Register | ✓ |

Property History

The William Ghent/Jabez Bent House was constructed in 1854 by skilled mason Jabez Bent, who is also credited with building the brick wall surrounding the Historical Union Burying Ground around 1884. The building is 168-years-old and was a farmhouse for the first 55 years. Although the rear portion of the building has been altered, all five heritage evaluations concur that the front portion of the house is original and retains its symmetrical composition, fenestration, massing and brickwork.

The building has alternatively been referred to as “Maple Lodge” or the “William Ghent House”, which reflect the Ghent family’s 13-year tenure between 1896 and 1909. The house has also been called the “Bray-Ghent Farmhouse” in recognition of Frederick Bray, who bought the property from Bent and owned it for 37 years. The varied names of the house reflect the multiple periods of significance in its history. An updated summary of ownership, originally prepared by heritage consultant David Cuming is below:

| Date (years) | Function | Owner | Lot Size |
|---------------------|-----------------|-----------------|-----------------|
| 1854-1859 (5) | Farmhouse | Jabez Bent | 75 acres |
| 1859-1896 (37) | Farmhouse | Frederick Bray | 75 acres |
| 1896-1909 (13) | Farmhouse | William Ghent | 53 acres |
| 1909-1935 (26) | Residence | Edward Harmon | Unknown |
| 1935-1975 (40) | Residence | Alphonse Brooks | Unknown |
| 1975-2022 (47) | Commercial | Current | 0.33 acres |

Heritage Significance

To list a property on the Register, Council must believe it is of cultural heritage value or interest. Heritage Burlington advises that the property is of cultural heritage value and interest and likely merits full designation. A heritage evaluation of the property against the criteria for heritage designation in Ontario Regulation 9/06 is attached, with a summary below:

Design or Physical Value:

The building is a fine example of a 19C farm house. Significant architectural details include the massing, symmetrical façade facing Brant Street, middle door and detailed wood surround, window voussoirs and chimneys at each end of the roof.

Historical and Associative Value:

The property has historical and associative value for its connection with Jabez Bent, Frederick Bray and the Ghent family. The house was built by the Bent Brothers (Jabez - a brickmaker, George - a mason, and James - a carpenter) in 1854. This house and its farm were purchased in 1859 by Frederick Bray and sold in 1896 to William Ghent (fifth generation). When he retired from farming in 1909, Ghent divided the farm, including what is now Ghent Avenue, into parcel lots. Market Gardeners Edward Harmon and sons purchased the property in 1909. In 1919, the West family bought the property and they built additions to the house in 1921.

Contextual Value:

The building is a landmark at the intersection of Brant and Prospect Street. It provides orientation both along Brant Street and within the Prospect Street neighbourhood. An early representation of farm buildings, this recognizable property fosters a sense of belonging within the community

Contested Aspects

Heritage Consultant David Cuming's 2015 report accepted the inclusion of 795 Brant Street on the Register (Appendix I- Opinion on cultural heritage matters and designation under Part IV of the *Ontario Heritage Act*, 795 Brant Street, by David J. Cuming, dated May 27, 2015, page 4), but argued against heritage designation based on the following points:

1. The historical association with William Ghent is overstated by City staff as Ghent occupied the building for only thirteen (13) years;
2. The design value of the structure cited by City staff as being a “good example” is overstated as there have been many alterations and additions to the building fabric which detract from any former heritage integrity that may have existed; and
3. There is no analysis by City staff to support the staff opinion that the property has “contextual value”.

Having reviewed each point and supporting evidence, staff still believe that the property has cultural heritage value or interest and should be added to the Register. The property's connection to the Ghent family is significant. William Ghent's 13-year tenure is the most well documented of any owner and was notable enough to be described in the 1902 book “The Garden of Canada, Burlington, Oakville and District” by Martha Craig. The book details the size of the property, crop types, the farm's substantial annual yields and the number and type of buildings (See Appendix K- Excerpts from The Garden of Canada, Burlington, Oakville and District” by Martha Craig). The book includes a photograph of the house and a page devoted to the Ghent family history. Whether it was family reputation or the annual yield of the farming operation (10,000 quarts of strawberries, 3000 quarts of raspberries, 36 tons of tomatoes etc...) that earned the property its place in the book, the period in which William Ghent owned the property gives the City a representative picture of the property's first 55 years of agricultural use. It also marked the end of the property's agricultural phase. As he entered retirement in 1909, William Ghent subdivided the land into parcel lots and created Ghent Avenue, which still exists today. Through his ownership of the property, Ghent left a lasting imprint on the City.

The William Ghent/Jabez Bent House retains its architectural integrity. The front and side elevations of the house display original fenestration (arrangement of windows and doors), brickwork and massing. The front elevation maintains its symmetrical composition. Details like the original voussoirs are still visible above the window openings. Although a 1.5-storey addition was added to the house, it is subordinate to the main building and the building's original extents are still clearly visible. Many of the alterations that the consultant characterizes as “intrusive changes” are reversible and minor in nature. Examples include replacement of original windows with vinyl, painted brickwork, exterior lighting, commercial signage and fire escapes. In staff's opinion, the building can be rehabilitated and adaptively reused.

The building has contextual value and is an area landmark. It is positioned closer to the street than the commercial plazas located at other corners of the intersection. Its gable form roof and chimneys create a distinctive silhouette when viewed south along Brant Street. It is architecturally distinguished, even to the untrained eye, as the only historic residential structure in the surroundings. The mature deciduous trees on the property at the side and front of the house do not obscure significant views of the house, especially in the late fall, winter and early spring, when there is no foliage on the trees.

Official Plan (2008) Policies

Burlington's Official Plan contains a number of policies related to the conservation of cultural heritage resources. Part II, Section 8 of the Plan requires that,

Cultural heritage resources of significant cultural heritage value shall be identified and conserved. These policies are consistent with provincial policy directions related to heritage. (8.1(a))

Sound heritage conservation practice requires early identification of cultural heritage resources, ongoing maintenance and protection from inappropriate use, alteration and demolition (8.1(b))

Completion of a heritage impact statement shall be required prior to any approvals for proposed development where the City foresees potential adverse impacts on the cultural heritage attributes (including important vistas and streetscape) of a property designated pursuant to The *Ontario Heritage Act*, or on a property worthy of designation...(8.4.1(b))

Adding 795 Brant Street to the Register will enable staff to require that a development application include a heritage impact statement with multiple conservation options for the building.

Pending Development Application

Staff have met with a proponent interested in developing 789-795 Brant Street with a 32-storey mixed-use building with 307 residential units. The applicant held a pre-application consultation community meeting in October 2021 to solicit public input on the proposal.

If the City receives a complete application for an Official Plan Amendment, Zoning Bylaw Amendment or Subdivision Application, it would have 90 days in which to pursue heritage designation.

In recommending that the property be added to the Register, Heritage Burlington is taking a balanced approach that stops short of heritage designation. Staff concur with this approach and recommend that Council direct the Director of Community Planning to negotiate with the property owner to achieve the voluntary conservation of the original portions of the 2-storey masonry building on the property as part of any future development proposal.

Timing of Demolition Permit

If the owner submits a demolition permit at any point before Council resolves to add 795 Brant Street to the Register, the owner is not required to provide 60-days-notice to Council and the permit would be issued in the standard 10-15 days. In this scenario, the only way for Council to retroactively protect the property would be to state an intention to designate.

Options Considered

Option 1- Add to Register

That Council:

- Direct the Director of Community Planning to add 795 Brant Street to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18
- Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18
- Direct the Director of Community Planning to contact the property owner to discuss the conservation of the original portions of the 2-storey masonry building on the property as part of a future development; and
- Direct the Director of Community Planning Retain a qualified heritage consultant to complete a third-party heritage evaluation and a statement of significance of 795 Brant Street.

Listing the property on the Register is an intermediate step between inaction and heritage designation. It will give the property a chance at being incorporated into a future development and maintain its prominent position at the intersection of Brant Street and Prospect Street. Staff are also recommending that Council authorize the Director of Community Planning to retain a qualified consultant to carry out a third-party assessment of the property in the event Council wishes to designate later. It is also recommended in case a designation is appealed to the Ontario Land Tribunal. Although the Heritage Burlington Advisory Committee has prepared a fulsome assessment, members of the committee are volunteers and are not expected to attend OLT hearings as expert witnesses.

Option 2- Take No Action (Not Recommended)

Council may wish to consider this option out of a sense of fairness, consistency of direction and concern for the viability of a future development. The previous City Council endorsed the demolition of the building, resulting in its removal from the Register, so the owner may interpret a reversal of this direction as unfair and inconsistent. The current development proponent prepared plans for a large new building occupying most of the

constrained property. Despite these risks, staff recommend adding the property to the Register to give the house a chance at conservation. Both Heritage Burlington and Staff believe it has cultural heritage value and interest and is a candidate for restoration and adaptive reuse. If no action is taken, the William Ghent/Jabez Bent House can be demolished.

Option 3- Designate (Not recommended)

1. That Council direct the Director of Community Planning to consult the Heritage Burlington Advisory Committee regarding 795 Brant Street's eligibility for heritage designation under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, Section 29 and report back to a Council with the Committee's recommendation;

If Council wishes to pursue heritage designation, the *Ontario Heritage Act* requires that it specifically consult with the Heritage Burlington Advisory Committee about the property's eligibility for heritage designation. At the March meeting, the Committee only considered whether the property should be added to the Register and did not make any recommendation about designation. If the Committee makes a recommendation to designate, then Council can state an intention to designate the property and authorize the City Clerk to prepare a designation bylaw. Staff do not recommend that Council immediately initiate heritage designation and recommend that the City pursue the voluntary conservation of the William Ghent/Jabez Bent House through negotiations with the applicant to increase the chance of a mutually agreeable outcome. Adding 795 Brant Street to the Register gives the property some protection from immediate demolition, while preserving the City's ability to pursue designation if no voluntary solution is found. Stating an intention to designate could be perceived as an overly forceful action intended to frustrate the redevelopment of the Site. Heritage Burlington chose not to recommend designation to avoid this perception.

Financial Matters:

If Council directs the Director of Planning to retain a qualified heritage consultant to complete a heritage evaluation and statement of significance, the Community Planning department will need to allocate approximately \$5,000-\$10,000 of its budget to complete the study.

Total Financial Impact

Not applicable.

Source of Funding

Community Planning 2022 department budget.

Other Resource Impacts

If the property is added to the Register, staff will spend additional time pursuing the conservation of the property in negotiation with the owner of 795 Brant Street. If negotiations are unsuccessful and the applicant serves a notice of intention to demolish on the City Clerk or submits a complete Zoning Bylaw or Official Plan Amendment application, staff would prepare an additional report assessing the property's eligibility for heritage designation.

Climate Implications

Not applicable.

Engagement Matters:

Heritage Burlington has considered the matter and recommended that the City add the property to the Register.

Conclusion:

The William Ghent/Jabez Bent House is a 168-year-old farmhouse associated with a major historic farming operation by a significant local family. The building's original form, scale and massing is intact, as is the original builder's brickwork, fenestration and composition of the front and side elevations. Alterations to the building over time are reversible and the building is a candidate for adaptive reuse. Staff recommend that Council consider including the property on the Register and authorizing staff to negotiate for the building's conservation.

Respectfully submitted,

John O'Reilly, MCIP, RPP
Planner II- Heritage
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Appendices:

- A. Aerial Photo
- B. Heritage Burlington Committee Property Evaluation - 795 Brant Street, Heritage Burlington Committee, 2022
- C. Heritage Burlington Committee Minutes, March 9, 2022
- D. Heritage Burlington Committee Memorandum, June 10, 2015
- E. Staff Report to Development and Infrastructure Committee Meeting, July 6, 2015
- F. Development and Infrastructure Committee Minutes- July 6, 2015
- G. City Council Minutes- July 15, 2015
- H. Millington & Associates Notice of Intention to Demolish, date stamped June 4, 2015
- I. Opinion on cultural heritage matters and designation under Part IV of the *Ontario Heritage Act*, 795 Brant Street, by David J. Cuming, dated May 27, 2015
- J. Historic Photographs
- K. Excerpts from *The Garden of Canada, Burlington, Oakville and District* by Martha Craig
- L. 1924 Fire Insurance Map

Notifications:

Brant Investment Holdings Inc.
3156 Princess Boulevard
Burlington, Ontario, L7N 1G4

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.