

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 44-2009

A By-law to designate a part of the property municipally addressed as 398 Mountain Brow Road East, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act* (R.S.O. 1990, chapter O.18, as amended).

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 (as amended) authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the municipal heritage committee (Heritage Burlington LACAC) supports the designation of the property described herein (s. 29(2));

AND WHEREAS a Notice of Intention to Designate has been published in the Burlington Post on the 1st day of February, 2008 and served, by registered mail, in accordance with the Act (s. 29(3));

AND WHEREAS seven parties, including the Estate of Robert Elstone, served notices on the City Clerk of objections to Council's Notice of Intention to designate on February 20, 22, 25 and 29, 2008 respectively(s. 29(5));

AND WHEREAS Council referred the objections to the Conservation Review Board for a hearing and report (s. 29(7));

AND WHEREAS the City entered into Minutes of Settlement with the owner of the Property on January 15, 2009 regarding the owner's objection to Council's Notice of Intention to designate the property;

AND WHEREAS the objections to the Conservation Review Board were withdrawn on December 22 and 29, 2008, January 5, 2009, April 15, 2009 and May 8, 2009 respectively (s. 29(13));

AND WHEREAS upon the withdrawal of all of the objections the Conservation Review Board has discontinued the hearing of the objections (s. 29(15));

AND WHEREAS upon the withdrawal of all of the objections Council may pass a by-law designating the property to be of cultural value or interest (ss. 29(6),(15)).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. THAT, part of the property at 398 Mountain Brow Road East (Woodhill) being Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T), more particularly described in Schedule "A", is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.

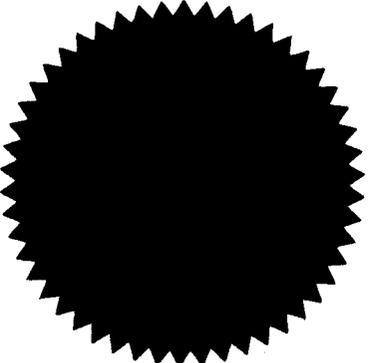
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2. The City Clerk shall cause a copy of this by-law to be registered against the part of the property described in Schedule "A" to this by-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this by-law to be served upon the owners of the property at 398 Mountain Brow Road East (Woodhill) and upon the Ontario Heritage Trust and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Burlington as required by the *Ontario Heritage Act* (s. 29(14)).
4. THAT this by-law shall take effect on the date of its passing

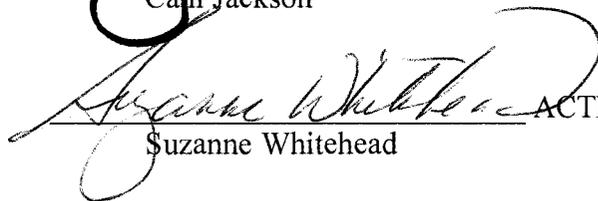
ENACTED AND PASSED THIS 15th day of June, 2009





Cam Jackson

MAYOR



Suzanne Whitehead

ACTING CITY CLERK

SCHEDULE "A"

Statement of Cultural Heritage Value or Interest: "Woodhill"

Woodhill is recommended for designation pursuant to Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Cultural Heritage Value or Interest.

Legal Description:

Pt Lot 4, Con 2 EF, designated as PART 1, 20R-18235, City of Burlington, Regional Municipality of Halton, Part of PIN 07194-0069(T)

Description of Historic Place:

"Woodhill", situated on the edge of the Niagara Escarpment, is located east of Waterdown Road, on Mountain Brow Road in North Aldershot. As the property's name implies, the site of "Woodhill" is a wooded hill. The landscape is rural and has sweeping views of the Burlington Bay/Hamilton Harbour. The access drive from Mountain Brow Road East, down to the plateau upon which the buildings sit, is a curving forested trail. The property supports a one and one-half storey, stucco-clad stone farmhouse built in the Regency style as well as several outbuildings associated with past farm use as well as improvements such as a tennis court, swimming pool and cabana. The house was built for Adam Fergusson, advocate, statesman and agriculturalist, in 1833. Some of the original design elements and context remain. A stone icehouse, built into the Escarpment, remains.

Statement of Cultural Heritage Value or Interest:

The property at 398 Mountain Brow Road East is recommended for designation pursuant to Part IV of the Ontario Heritage Act based on its historical and associative value; its contextual value; and its design value.

Historical and Associative Value:

The property is particularly significant for its association with Adam Fergusson, advocate, statesman and agriculturalist and its association with his son, Adam Johnson Fergusson Blair, advocate and statesman.

Born in 1783 at Woodhill, Perthshire, Scotland, Adam Fergusson, established himself early in life as a learned gentleman-advocate. A founding director of the Highland Agricultural Society as well as a founder of the first Scottish Veterinary School at Edinburgh, Fergusson first visited Upper Canada in 1831. The purpose of his visit was to investigate, on behalf of the Highland Agricultural Society, the state of agriculture in Upper Canada and the potential for emigration for Scottish farmers and crofters.

Fergusson's findings were published in 1832 and reprinted in 1833 as an appendix to his own work, *Practical notes made during a tour in Canada, and a portion of the United States*. A reform-minded individual, Fergusson was impressed with the opportunities for immigrants, and

at the age of 50 brought his second wife, Jessie Tower, his seven sons and one daughter, a manservant and tutor to Upper Canada in the summer of 1833 (Fergusson's first wife and mother of his children, Jemima Johnson Blair, died at age 30 following the birth of her eighth child in 1824). The Fergusson family settled on 122 acres near the village of Waterdown in East Flamborough Township where he built his home, "Woodhill". During the same year, Fergusson and James Webster purchased 7,367 acres in Nichol Township on part of which they established the Town of Fergus. The pair established grist and saw mills, the management of which was transferred to Fergusson's son George. Fergusson, however, maintained his principal residence at "Woodhill".

A staunch supporter of Britain, Fergusson commanded the Gore Regiment during the Rebellion of 1837. Fergusson is credited with having had a moderating effect on William Lyon Mackenzie and his rebellion against the Family Compact. In 1839, Fergusson was appointed for life to the Legislative Council of Upper Canada (and later the Legislative Council for United Canada). Fergusson further demonstrated his loyalty to the British crown when he opposed annexation to the United States in 1850. Fergusson was chairman of the Reform conventions of 1857 and 1859 and together, with George Brown, William McDougall, and others, Fergusson prepared the resolutions for the 1859 convention which condemned the union as a failure and advocated constitutional changes leading to confederation.

A farmer by avocation, Fergusson's commitment to improving the conditions and quality of Upper Canadian agriculture by encouraging selective livestock breeding, the development of new feeds, crop rotation, soil analysis, and improved drainage techniques did not wane. He was one of the first to import pure-bred, short-horned cattle from Britain. Later, "Woodhill" became a "model" farm, introducing East Flamborough farmers to grains other than wheat. As early as 1843 he advocated a central agricultural society for Canada West and served as the first president of the Agricultural Association of Upper Canada organized in 1846. From its inception in 1850 until his death in 1862, Fergusson was a leading member of the Board of Agriculture of Upper Canada. It was through this organization that an annual exhibition was developed: the forerunner to the Canadian National Exhibition. In 1852, an Act of Parliament established the Bureau of Agriculture with Fergusson as the inaugural chair (official predecessor of the Minister of Agriculture).

A senator of the University of Toronto from 1856 until his death, Fergusson encouraged the establishment of a chair of agriculture at the university and was credited with bringing Dr Andrew Smith from Scotland to found the veterinary school at Guelph which opened in 1863.

Fergusson died at "Woodhill" in 1862. The family burial plot is located at St. Luke's Anglican Church in Burlington.

Fergusson's second son, Adam Johnson Fergusson Blair, was born in Perthshire in 1815. Following the emigration of his family to Upper Canada, Fergusson Blair was called to the Canadian Bar in 1839. Not unlike his father, Fergusson Blair established himself early in life as a statesman. Appointed in 1842 as the first judge of the County of Wellington, he later ran successfully as a Reform candidate for the District of Waterloo (unseating his father's former business partner, James Webster). He served in this position until 1854. From 1860 until his death in 1867, Fergusson Blair served as Legislative Councillor, Brock division. It was in 1862, following the death of his father, that Fergusson Blair returned to Woodhill to take up residence. A vocal supporter of the Great Coalition between George Brown and John A. MacDonald, Fergusson Blair was rewarded for his support of Confederation by John A. MacDonald with appointment to the first Senate of the Dominion of Canada in 1867. It was later that year, at the

age of 52, that Fergusson Blair died. Fergusson Blair is buried in the family plot at St. Luke's Anglican Church in Burlington.

Given the important role that both men played in the North American experiment that later became the Dominion of Canada, it is not surprising that "Woodhill" itself is reputed as having been a "busy spot":

Woodhill was a busy spot... After the Union of Upper and Lower Canada in 1841, Woodhill became part of Canada West in the Province of Canada. Many meetings were held there and high ranking dignitaries were entertained including Premier Robt. Baldwin, Wm. Blake, and W.L. MacKenzie (Dyer, Laird of Woodhill, p. 69).

Contextual Value

The geographic context of "Woodhill" is the brow of the Niagara Escarpment. The extant buildings of "Woodhill" have siting reflective of its pioneer farm past. Oriented to the south, the house has views (save the maturing vegetation) of gently rolling hills, Burlington Bay and Hamilton Harbour, as well as the property's grazing lands. These elements provide the visual context of "Woodhill". As a large rural parcel, the property supports the unique rural character of North Aldershot.

Design Value

Unlike his affluent contemporaries, Adam Fergusson did not retain an architect to design and construct his family's residence at "Woodhill". Rather, Fergusson retained Charles Allan, a Scottish builder, also from Perthshire. Allan, constructed a relatively unadorned and simple one and one-half storey, gable-roofed stone building to which two separate 19th century additions were subsequently constructed, expanding the total floor area of the building to approximately 5000 square feet. The design of the residence was principled on simple Scottish masonry.

The foundation and walls are of stone construction with an interior finishing of plaster and exterior rendering (painted stucco). Woodhill is thought to have been built in three stages progressing from the southernmost mass northward. Rough hewn heavy timber joists, a wide plank subfloor and stone cistern remain in the basement.

The southernmost mass is a symmetrical three bay elevation. At some point (pre-1880/1920) a dormer window was inserted in the half-storey above. The door and window surrounds are dressed stone: the windows have painted wrought iron hinge clasps. Shutters have been removed. The corners of this mass are also dressed stone. A four-panel heavy wood door remains with a radial fanlight transom above. On the west elevation of the southernmost mass, the stone window sills have tooled margins. Most of the wooden sash windows (6 over 6 remain).

Early photographs depict an open verandah with extensive trellis work on the southern exposure of the southernmost mass. As well, a glass-enclosed conservatory was located at the southwest corner of the southernmost mass. This mass, including the verandah, constituted the "served" portion of the house (e.g. library, drawing room, dining room, master bedroom) with the longer perpendicular north-south running mass as the "serving" portion (e.g. kitchen, circulation corridor, servants' staircase and quarters). Early photographs also depict a shed roof kitchen addition on the east elevation of the northernmost mass, believed to have housed a stove and bake oven. This area has since been altered with the removal of the shed roof addition and the

insertion of a gable end (occurred prior to 1946). Today, this east elevation is the functional “front” of the building.

In all three gable ends (two at the east elevation, one at the west elevation) there are paired upper floor windows centred approximately on the bisecting vertical line of the sloped roofs. On the ground floor of each gable end a single window sits in the approximate centre of the end with an eccentrically placed door opening. In all three gable ends this door opening is located at the far south side of each gable end. The chimneys on the southern most mass are also centred on the gable end. The north gable (east elevation) is clad in aluminum siding with newer windows within the gable (the north gable is not a character-defining element/heritage attribute). At the south gable on the east elevation, one opening appears to have been closed and re-stuccoed (perhaps at the time that the northerly gable was added to the east elevation).

Original wooden soffits and fascia board have been replaced with aluminum. A series of 5 dormers was added to the west elevation in 1945, designed by architect Arthur Wallace.

Very little change to the ground level floor plan has been made since Fergusson’s time. However there have been a number of renovations and alterations made over time as shown on Appendix ‘A’. There are two stairways. The family’s stairs in the “served” portion are larger and better lighted. The secondary or servants’ stairway within the circulation corridor is narrow and winding. A set of servants’ bells (non-functional) remain in the circulation corridor (each bell corresponding to a separate room within the served portion of the house). An interior transom with “eared” moulding at the entrance to the servants’ stairway and quarters remains.

Interior window shutters also remain throughout the ground level. Plank flooring within the southernmost mass remains as does 12” – 14” high baseboard moulding. There are three fireplaces within the southernmost mass; one is covered with an intricately stamped iron cover reputed to have been wrought by the same ironworker who crafted the fireplace covers at Dundurn Castle. Plaster ceiling mouldings remain within the served portion, notably within the formal entryway and the drawing room (room at southeast corner of the southernmost mass).

Heritage Attributes

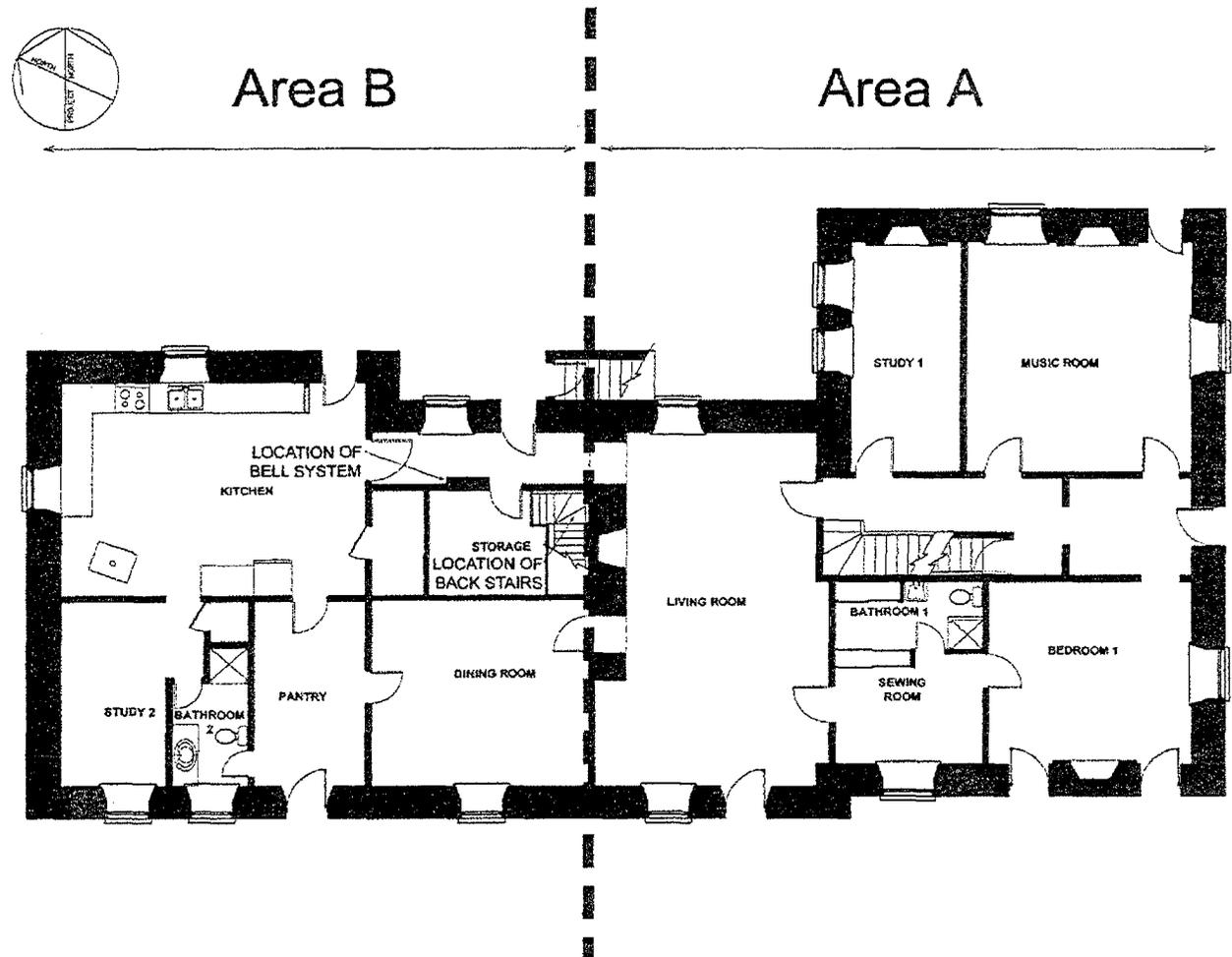
Exterior Heritage Attributes Important to the Preservation of Woodhill are:

- Siting of the residence and icehouse on a plateau allowing vistas of Lake Ontario, the grazing lands, the pond, the forested lands, and the escarpment
- The scale of the house and its division into formal (head of the building) and informal (tail) portions
- The morphological relationship between the formal front volume (southern-most mass) and the extended tail of the building
- South exposure of formal front elevation
- The scale of the northern portion of the building, including its length, volume and mass
- The symmetry of the southern-most mass including window openings, chimneys and centrelines
- The masonry detailing on the southern-most mass including the tooled ashlar corner stones, the tooled ashlar door and window surrounds, the tooled stone sills, the chimneys, the wrought-iron shutter mounting hardware, and the fanlight over the front (south-facing) door

Interior Attributes Important to the Preservation of Woodhill are in Area A and only the back stairway and bell system in Area B (as shown in Appendix 'A') are:

- Floor plan containing formal space, including the front stairway, in Area A, and including only a back stairway (which may be a supplemental stairway access) and servants' bell system (non-functional)
- Ceiling heights at the ground floor level in Area A
- Interior millwork and transoms, including original interior shutters where they exist, doors and hardware in Area A
- Plank flooring where it exists in Area A
- Decorative plaster ceiling mouldings throughout the ground floor where they exist in Area A
- Intricately stamped fireplace cover in Area A

APPENDIX A



Properties

PIN 07194 - 0069 LT Affects Part of Prop
Description PT LT 4 , CON 2 EF DESIGNATED AS PART 1 PLAN 20R18235; BURLINGTON/E
 FLAM TWP
Address 398 MOUNTAIN BROW ROAD EAST
 BURLINGTON

Applicant(s)

This Order/By-law affects the selected PINs.

Name THE CORPORATION OF THE CITY OF BURLINGTON
Address for Service 426 Brant Street
 Burlington, Ontario
 L7R 3Z6

This document is being authorized by a municipal corporation Cam Jackson, Mayor and Suzanne Whitehead, Acting City Clerk.

This document is not authorized under Power of Attorney by this party.

Statements

This application is based on the Municipality By-Law No. 44-2009 dated 2009/06/15.

Schedule: See Schedules

Signed By

Tami Ann Price 426 Brant Street acting for Signed 2009 08 04
 Burlington Applicant(s)
 L7R 3Z6
Tel 9053357600
Fax 9053357842

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

THE CITY OF BURLINGTON 426 Brant Street 2009 08 04
 Burlington
 L7R 3Z6
Tel 9053357600
Fax 9053357842

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00

File Number

Applicant Client File Number : 501-06