



DEVELOPMENT AND INFRASTRUCTURE DIVISION

Planning and Building Department

TO:	Chair and Members of the Community Development Committee
SUBJECT:	Owner's Request to Remove a Non-Designated Property from the Municipal Register: 372/374 Brant Street

Report Number:	PB-04/10	Report Date:	December 16, 2009
Author:	Alana Mullaly	Date to Committee:	January 18, 2010
Telephone:	(905) 335-7600	Ext.	7870
Date to Council:	February 1, 2010		
Ward Affected:	1 2 3 4 5 6 All	File Number:	501-06.6

APPROVALS:

_____	_____	_____
Department Head	General Manager	City Manager

To be completed by the Clerks Department

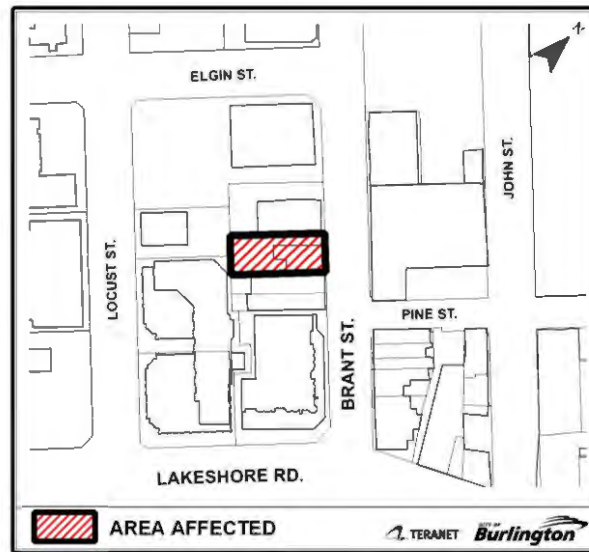
Committee Disposition & Comments	
01– Approved 02 – Not Approved 03 – As Amended 04 – Referred 05 – Deferred 06 – Received & Filed 07 – Withdrawn	
Council Disposition & Comments	
01– Approved 02 – Not Approved 03 – As Amended 04 – Referred 05 – Deferred 06 – Received & Filed 07 – Withdrawn	

1.0 RECOMMENDATION:

THAT the owner's request to remove 372/374 Brant Street from the Municipal Register be refused; and

THAT 372/374 Brant Street remain on the Municipal Register as a non-designated property pursuant to Section 27 of the *Ontario Heritage Act*.

Location Sketch



2.0 PURPOSE:

The purpose of this report is to advise Council that the owner of 372/374 Brant Street has requested that the property be removed from the Municipal Register. This report briefly outlines the cultural heritage value of the property and recommends that the property remain on the Municipal Register as a non-designated property.

3.0 BACKGROUND AND RELATIONSHIP TO STRATEGIC PLAN:

3.1 Process to Address Owner's Request to Remove Non-Designated Property from the Municipal Register

In September 2009, via staff report PB-3/09, staff stated:

*(If a property has been incorrectly included on the Register (e.g. the property does not have any cultural heritage value or interest) then it should clearly be removed. Unlike requests to remove property related to a proposed demolition, **the litmus test of whether to remove a non-designated property pertains to whether or not the property has cultural heritage value or interest** (e.g. not whether the property is worthy of designation at that specific point in time).*

Staff recommended that the following process for addressing requests to remove non-designated properties from the Municipal Register be adopted by Council:

- i. *Owner/applicant submits, in writing, a request to remove a non-designated property from the Register. This letter will be submitted to the attention of the Director of Planning and Building.*
- ii. *Planning staff, in consultation with Heritage Burlington, assesses the cultural heritage value of the property.**
- iii. *Planning staff authors a report to Council via the Community Development Committee recommending one of the following options:*
 - a. *That the property has cultural heritage value or interest and therefore has been appropriately included on the Municipal Register and should therefore remain on the Municipal Register as a non-designated property;*
 - b. *That the property does not have cultural heritage value or interest and has been erroneously included on the Municipal Register and therefore should be removed; or*
 - c. *That the property is worthy of designation pursuant to the Ontario Heritage Act and therefore Council is recommended to proceed with a statement of intention to designate.*

**Not necessarily the preparation of a full heritage evaluation report, rather sufficient information to ascertain whether the property is of cultural heritage value or interest (e.g. design or physical value, historical value, and/or contextual value).*

Staff advised that a reasonable time period in which to assess and report to Council on requests unrelated to demolition was 90 days.

At its regular meeting on September 28, 2009, Council approved the following recommendation:

APPROVAL OF THE PROCESS TO ADDRESS PROPERTY OWNER'S REQUESTS TO REMOVE PROPERTIES FROM THE MUNICIPAL REGISTER

THAT the processes described in Planning & Building Department report PB-03/09, dated July 30, 2009, to address requests to remove non-designated properties from the Municipal Register, be adopted. (PB-03-09-1)

At its regular meeting on November 30, 2009, however, Council approved the following staff direction:

DIRECTION REGARDING THE PROCESS OF DESIGNATING HERITAGE PROPERTIES

THAT the Director of Planning & Building be directed to undertake a review, in consultation with Heritage Burlington, of the process used for making recommendations to Council regarding requests by owners of properties listed on the Municipal Register to have their properties removed from the Register. (Councillor Goldring) (CD-20-09)

Until such time as Council modifies or adopts a new process for dealing with requests to remove properties from the Municipal Register, staff will use the September 28th, 2009 Council approved process identified above.

3.2 Future Focus VII

The inclusion of non-designated properties on the Municipal Register, and the Council-approved process for addressing requests to remove non-designated properties from the Municipal Register is consistent with the City's Strategic Plan and specifically, with the following goal statement:

Support and celebrate the arts, culture and heritage assets and resources of the community, including international relationships (2.3);

Collaborate with Heritage Burlington to:

Develop a community awareness program related to the importance of the City's built heritage (and) develop and maintain a City of Burlington heritage inventory database (2.3d).

4.0 DISCUSSION:

4.1 Cultural Heritage Value of 372/374 Brant Street - The Williamson Furniture and Undertaker Business

Description of Historic Place

Built in 1877, 372/374 Brant Street is located on the west side of Brant Street, north of Lakeshore Road in downtown Burlington. The 2-storey semi-detached masonry building is among the last remaining historic "main street Ontario" commercial buildings within Burlington.

Statement of Cultural Heritage Value:

The cultural heritage value of 372 Brant Street resides in its physical value, its historical value and its contextual value.

Design or Physical Value: 372/374 Brant Street is a semi-detached building. The unit at 372 Brant Street is a two-storey end-gabled 3-bay masonry building with stepped masonry parapet walls on the north and south elevations. A decorative cornice with decorative brackets remains. 374 Brant Street is a two-storey, flat-roofed masonry building with a single second storey

window and commercial display window at grade. 374 Brant is also adorned with a decorative cornice and brackets. The front façade of 372/374 Brant Street is clad in stucco. The scale and massing of the building is consistent with historic “main street Ontario” commercial architecture.

Historical Value: Between 1877 and 1938, 372 Brant Street housed an undertakers business. Between 1901 and 1938, Edward Williamson, and later his son Edgar, operated the business from 372 Brant Street serving as Wellington Square’s funeral directors. Edward also built coffins in a workshop behind the funeral parlour.

The flat-roofed southerly mass was used for a furniture business, also operated by the Williamsons. Edgar and his family lived above the furniture business until 1912.

In 1938 the Williamson funeral business was purchased by Wilbert J. Smith. Smith relocated the business to a building further north on Brant Street (present day 485 Brant Street). In 1978, Donald S. Smith, son of Wilbert, became the business’ sole owner. Smith Funeral Home continues to operate from this location today.

Contextual Value: 372/374 Brant Street are among the last intact references to Wellington Square’s historic “main street” architecture. Together with the former Hotel Raymond (380 Brant Street), the commercial buildings at 368 and 370 Brant Street, and the historic commercial buildings on the east side of Brant Street (353-361 Brant), 372/374 Brant plays an important role in defining and maintaining the historic character of lower Brant Street.

4.2 Ontario Heritage Act and Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest

In assessing cultural heritage value, staff refers to Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest. Ontario Regulation 9/06 outlines 3 types of heritage value:

- i. Design or Physical Value
- ii. Historical or Associative Value
- iii. Contextual Value

Although, this regulation was enacted to assist in the assessment of cultural heritage value within the context of designation, staff suggests that the types of heritage value that are identified in Ontario Regulation 9/06 (e.g. design, historical and contextual values) also provide a framework for understanding the cultural heritage value of most built heritage resources. As such, staff refers to Ontario Regulation 9/06 in considering the addition and deletion of non-designated properties from the Municipal Register.

In respect to 372/374 Brant Street, staff is of the opinion that the cultural heritage value of the property resides in its physical value, its historical value and its contextual value. Specifically, the scale and massing of the property reflects historic “main street Ontario” architecture. The property is associated with Wellington Square’s evolution as a townscape and the property plays a role in defining and maintaining the character of lower Brant Street.

5.0 FINANCIAL MATTERS:

There are no financial matters arising from staff's recommendation. The *Ontario Heritage Act* does not contemplate an objection process in respect to requests to remove non-designated properties from the Municipal Register.

6.0 ENVIRONMENTAL MATTERS:

There are no environmental matters arising from staff's recommendation.

7.0 COMMUNICATION MATTERS:

7.1 Municipal Heritage Committee (Heritage Burlington)

In accordance with Section 27(1.3) of the *Ontario Heritage Act*, Heritage Burlington has reviewed the owner's request to remove 372 Brant Street from the Municipal Register. Heritage Burlington's comments are appended to PB-4/10 as Appendix 2.

7.2 Notice Requirements

There are no notice requirements contained within the *Ontario Heritage Act* pertaining to the retention or deletion of non-designated properties from the Municipal Register. It is staff's normal practice to advise the property owner of the date on which the Community Development Committee will consider the application to remove the property from the Municipal Register, to provide a copy of the staff report, and to advise of Council's decision.

8.0 CONCLUSION:

Based on the cultural heritage value of 372/374 Brant Street, staff is of the opinion that the inclusion of the property on the Municipal Register is warranted. Provided that the property remains on the Municipal Register as a non-designated property, staff and Council will have up to 60 days to fully evaluate the cultural heritage value of the property should an application for demolition be received. Staff regards inclusion of 372/374 Brant Street on the Municipal Register as a proactive conservation measure given the contextual value of this property relative to the overall cultural heritage value of the adjacent historic buildings (as well as the Brant Street properties located between Pine Street and Lakeshore Road).

Staff therefore recommends that the owner's request to remove 372/374 Brant Street from the Municipal Register be refused.

Respectfully submitted,

Alana Mullaly
Heritage and Development Planner

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Appendices:

Appendix 1: Owner's Request to Remove Property from Municipal Register
Appendix 2: Comments from Heritage Burlington
Appendix 3: Historic Photographs

Staff / Others Consulted:

Name	Telephone
Heritage Burlington	Via Clerks Department

Notifications:

Name	Mailing or E-mail Address
Emshih Developments Inc.	895 Brant Street, Suite 7 Burlington, ON L7R 2J6
Ms. Jane Ann Newson, Chair, Heritage Burlington	Via Clerk's Department

Special Instructions:

Regular Agenda

Appendix 1
Owner's Letter



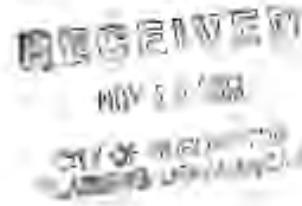
EMSHIH DEVELOPMENTS INC.

888 Brant Street, Suite 7
Burlington, ON
L7R 2J8

Tel: (905) 638-3006
Fax: (905) 632-3337

November 23, 2008

City of Burlington
425 Brant Street
P.O. Box 5013
Burlington, Ontario
L7R 3Z6



Attention: Director of Planning and Building

To Whom It May Concern:

Re: 372 Brant Street

Emshih Realty Inc. as owners of the above noted building, formally request that 372 Brant Street be removed from the Municipal Registry as this building is not designated under the Ontario Heritage.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

Dr. Michael Shin

Appendix 2
Comments from Heritage Burlington



December 11, 2009

Reference your email dated November 26, 2009 regarding the request to remove a non-designated property from the Municipal Register namely:

1. 372 Brant Street

Heritage Burlington has reviewed this request and offers the following comments for your report for the January 18 CDC meeting:

Heritage Burlington opposes the removal of the properties at 372 Brant Street based on the historical and design value. *(Please note that 372 and 374 Brant Street are the same building and their addresses refer to the internal partitioning that was done to accommodate two separate tenants.)*

Building at 372 Brant has a rich well-detailed history. It and its neighbour 374 served as a mortuary from 1877 until 1938. A furniture manufacturing operation also co-existed from 1877 until 1920. Architecturally a brick faced (now stuccoed) two storey commercial building dating from 1877. Structure is end gabled with corbel ends (shared on north side with 374); brackets under cornice; single second storey window with modest curved hood (windows replaced).

Jane Ann Newson
Chair Heritage Burlington

Appendix 3
Historic Photographs



372-374 and 380 Brant Street, 1906



Commercial Streetscape 1914 (353-361 Brant Street, present day Lakeside Pastry at north to former Royal Bank building)



DEVELOPMENT AND INFRASTRUCTURE DIVISION

Planning and Building Department

TO:	Chair and Members of the Community Development Committee
SUBJECT:	Owner's Request to Remove Non-Designated Property from the Municipal Register: 380 Brant Street

Report Number:	PB-05/10	Report Date:	December 15, 2009
Author:	Alana Mullaly	Date to Committee:	January 18, 2010
Telephone:	(905) 335-7600	Ext.	7870
		Date to Council:	February 1, 2010
Ward Affected:	1 2 3 4 5 6 All	File Number:	501-06.6

APPROVALS:

_____	_____	_____
Department Head	General Manager	City Manager

To be completed by the Clerks Department

Committee Disposition & Comments	
01- Approved 02- Not Approved 03- As Amended 04- Referred 05- Deferred 06- Received & Filed 07- Withdrawn	
Council Disposition & Comments	
01- Approved 02- Not Approved 03- As Amended 04- Referred 05- Deferred 06- Received & Filed 07- Withdrawn	

1.0 RECOMMENDATION:

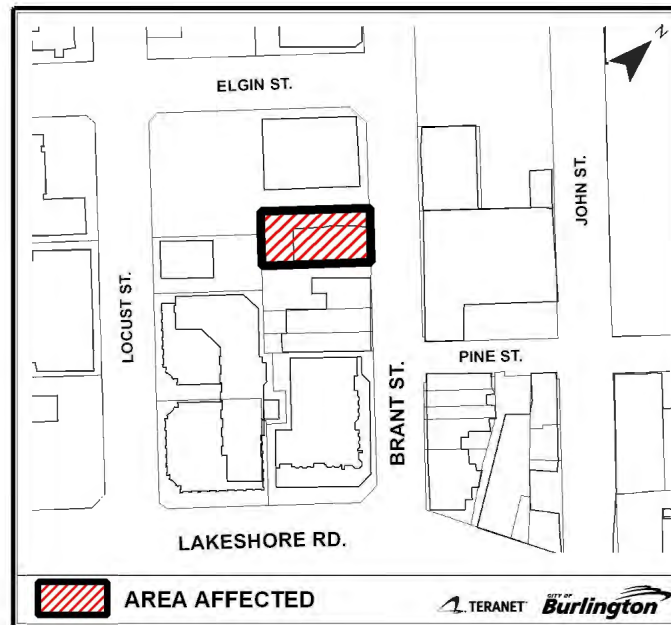
THAT the owner's request to remove 380 Brant Street from the Municipal Register be denied;
and

THAT Council state its intention to designate the property at 380 Brant Street, Burlington,
pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, section 29; and

THAT if there are no objections to the statement of intention to designate in accordance with
Section 29(6) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, the City Clerk be

authorized to present the designation by-law to Council designating the property at 380 Brant Street, Burlington, pursuant to Part IV of the *Ontario Heritage Act*; and

THAT if there are any objections in accordance with Section 29(7) of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18, to the statement of intention to designate 380 Brant Street, Burlington, the City Clerk be authorized and directed to take the necessary action.



2.0 PURPOSE:

The purpose of this report is to advise Council that the owner of 380 Brant Street has requested that the property be removed from the Municipal Register (non-designated property). Further, the report outlines the cultural heritage value of the property and, based on this value,

recommends that Council state an intention to designate the property pursuant to Part IV of the *Ontario Heritage Act*.

3.0 BACKGROUND AND RELATIONSHIP TO STRATEGIC PLAN:

In accordance with Council's approved process for dealing with requests to remove non-designated properties from the Municipal Register (PB-3/09), the owner of 380 Brant Street has submitted a letter to staff requesting that the property be removed from the Municipal Register (see Appendix 1).

The use of the Municipal Register as a heritage conservation planning tool is consistent with the City's Strategic Plan, specifically with the following goal statement:

Support and celebrate the arts, culture and heritage assets and resources of the community, including international relationships (2.3);

Collaborate with Heritage Burlington to:

Explore opportunities and develop plans for the preservation and integration of heritage properties important to the City (2.3e).

4.0 DISCUSSION:

4.1 Cultural Heritage Value of 380 Brant Street – The “Burlington Hotel” and later The “Hotel Raymond”

Description of Historic Place

380 Brant Street is located on the west side of Brant Street, north of Lakeshore Road within downtown Burlington. The property supports a three-storey commercial brick building constructed circa 1860.

Statement of Cultural Heritage Value: The cultural heritage value of 380 Brant Street resides in its design value, its historical value and its contextual value.

Design or Physical Value:

The building's façade is divided in a classic 3-part scheme: base, body and cap, typical of historic “main street” commercial architecture in Ontario. This scheme provides both legibility and a pedestrian oriented scale. Clad in red brick, the building has a flat roof and boxed cornice (now obscured by aluminum flashing). Monochromatic brick quoins adorn the front elevation. The third-storey windows are round-headed with radiating brick voussoirs and rusticated stone sills. A replacement 2nd storey verandah is generally in keeping with the original (no longer extant). The first storey has been significantly altered and is currently stucco-clad.

Historical or Associative Value:

One of 13 licensed “houses of public entertainment” in December 1860; the Burlington Hotel was owned and operated by Elias de Garmo and family. In an 1867 advertisement, the establishment was promoted as “the best and most comfortable house in the Village”. By the turn of 20th century, the establishment had been sold to Art Truman. Truman operated the establishment as the Hotel Raymond until at least 1925. The “house of public entertainment” use continued in various iterations including the popular “Coronation Hotel and Tavern”, named in honour of Queen Elizabeth’s 1953 coronation. The building continues to support a restaurant with residential apartments above.

Contextual Value:

One of two Brant Street hotels (the second being the Queen’s Hotel at present day 400 Brant Street), the building at 380 Brant Street is among the last historic commercial structures on Brant Street. Together with the 2 brick commercial buildings to the immediate south (368 and 370 Brant), and the 5 masonry commercial buildings at 353-361 Brant Street, the building is part of the last intact reference to an historic commercial streetscape within Downtown Burlington. These flat-roofed commercial buildings reflect Wellington Square’s evolution from a small village to a growing town. The height and style of these buildings reflect the typical historic Ontario commercial streetscape: a rarity in Burlington where many of the frame and masonry commercial buildings on Brant Street have been lost. 380 Brant Street is a local landmark.

Character-Defining Elements or Heritage Attributes:

- Building’s scale (3-storey, 5 bay);
- Brick quoins;
- 3rd storey rounded-headed openings with radiating brick voussoirs and headers;
- Boxed cornice with dentil detail

4.2 Ontario Heritage Act and Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest

In assessing a property’s relative cultural heritage value, staff refers to Ontario Regulation 9/06 - Criteria for Determining Cultural Heritage Value or Interest. Ontario Regulation 9/06 outlines 3 types of heritage value:

1. Design or Physical Value
2. Historical or Associative Value
3. Contextual Value

Staff is of the opinion that the cultural heritage value of 380 Brant Street resides in its design value, its historical value and its contextual value. Specifically, the following Ontario Regulation 9/06 criteria are satisfied:

1. The property has design value or physical value because it,
 - i) Is a rare, unique, representative or early example of a style, type, expression, material or construction method,
2. The property has historical or associative value because it,
 - i) Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
3. The property has contextual value because it,
 - i) Is important in defining, maintaining or supporting the character of an area,
 - ii) Is physically, functionally, visually or historically linked to its surroundings,
 - iii) Is a landmark

Staff is of the opinion that the cultural heritage value of 380 Brant Street satisfies Ontario Regulation 9/06. As such, the property merits designation pursuant to Part IV of the *Ontario Heritage Act*.

5.0 FINANCIAL MATTERS:

There are no financial matters arising from staff's recommendation to state an intention to designate 380 Brant Street. If, however, an objection to Council's statement of intention to designate is received, costs associated with a Conservation Review Board hearing might ensue.

6.0 ENVIRONMENTAL MATTERS:

There are no environmental matters arising from staff's recommendation.

7.0 COMMUNICATION MATTERS:

7.1 Municipal Heritage Committee (Heritage Burlington)

In accordance with Section 27(1.3) of the *Ontario Heritage Act*, Heritage Burlington has reviewed the owner's request to remove 380 Brant Street from the Municipal Register. Heritage Burlington's comments are attached to PB-5/10 as Appendix 2.

7.2 Notice Requirements

Should Council accept staff's recommendation to state its intention to designate 380 Brant Street, the *Ontario Heritage Act* (Section 29, 1.1) requires that notice of the intention be given to the City Clerk and that notice be served on the owner of the property; the Ontario Heritage Trust; and published in a newspaper having general circulation in the City. The notice must contain:

- a) An adequate description of the property so that it may be readily ascertained;
- b) A statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and

- c) A statement that notice of objection to the designation may be served on the City Clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.

8.0 CONCLUSION:

Based on the cultural heritage value of 380 Brant Street, the property's inclusion on the Municipal Register is justified. Based on assessment of the property's cultural heritage value relative to Ontario Regulation 9/06, the property is worthy of designation pursuant to Part IV of the *Ontario Heritage Act*. Staff therefore recommends that the owner's request to remove the property from the Municipal Register be denied and that Council state its intention to designate the property.

Respectfully submitted,

Alana Mullaly
Heritage and Development Planner

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Appendices:

Appendix 1: Owner's Request to Remove 380 Brant Street from the Municipal Register
Appendix 2: Comments from Heritage Burlington
Appendix 3: Historic Photographs of 380 Brant Street (Hotel Raymond)

Staff / Others Consulted:

Name	Telephone
Heritage Burlington	Via Clerks Department

Notifications:

Name	Mailing or E-mail Address
Emshih Developments Inc.	895 Brant Street, Suite 7 Burlington, ON L7R 2J6
Ms. Jane Ann Newson, Chair, Heritage Burlington	Via Clerks Department

Special Instructions:

Regular Agenda

Appendix 1
Owner's Letter



EMSHIH DEVELOPMENTS INC.

895 Brant Street, Suite 7
Burlington, ON
L7R 2J8

Tel: (905) 639-9006
Fax: (905) 632-3337

November 23, 2009

RECEIVED

NOV 26 2009

City of Burlington
426 Brant Street
P.O. Box 5013
Burlington, Ontario
L7R 3Z6

CITY OF BURLINGTON
PLANNING DEPARTMENT

Attention: Director of Planning and Building

To Whom It May Concern:

Re: 380 Brant Street

Emshih Developments Inc. as owners of the above noted building, formally request that 380 Brant Street be removed from the Municipal Registry as this building is not designated under the Ontario Heritage

Should you have any questions or concerns, please do not hesitate to contact the under signed,

Yours truly,

A handwritten signature in black ink, appearing to read 'Dr. Michael Shih', written over a horizontal line.

for Dr. Michael Shih

Appendix 2
Comments from Heritage Burlington



December 11, 2009

Reference your email dated November 26, 2009 regarding the request to remove a non-designated property from the Municipal Register namely:

1. 380 Brant Street

Heritage Burlington has reviewed this request and offers the following comments for your report for the January 18 CDC meeting:

Heritage Burlington opposes the removal of the property at 380 Brant Street based on the historical and design value.

The structure at 380 Brant has operated as a inn/hotel from 1860. Architecturally, a three-storey commercial building constructed in 1860, which is increasingly rare on our downtown street. Recent renovations have opened the second story balcony providing excellent views of original second floor façade and third storey windows. Situated next to 374 and 372 the three are representative of a late nineteenth century street front.

Jane Ann Newson
Chair Heritage Burlington

Appendix 3
Historic Photographs – Hotel Raymond



Hotel Raymond circa 1910



Hotel Raymond (foreground) and Queen's Hotel circa 1918