



SUBJECT: Eligibility of 977 Unsworth Avenue for heritage designation

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-18-23

Wards Affected: 1

File Numbers: n/a

Date to Committee: February 28, 2023

Date to Council: March 21, 2023

Recommendation:

State an intention to designate the property at 977 Unsworth Avenue under Part IV, Section 29 of the Ontario Heritage Act in accordance with the statement of significance by Megan Hobson, dated November 10, 2022; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 977 Unsworth Avenue, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft designation by-law to Council for approval within 120 days after the date of publication of the notice of intention to designate 977 Unsworth Avenue, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the notice of intention to designate pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6).

PURPOSE:

The purpose of this report is to provide information, analysis and a recommendation regarding the eligibility of 977 Unsworth Ave. for heritage designation under section 29 of the *Ontario Heritage Act* (OHA) in accordance with the statement of significance by Megan Hobson, dated Nov. 10, 2022 (See Appendix A). The report also presents the

Heritage Burlington Advisory Committee's recommendation about the property from their meeting on Jan. 11, 2023. The property owner supports the designation.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
-

Background and Discussion:

977 Unsworth Ave. is listed on the City of Burlington Municipal Register of Cultural Heritage Resources. The property is occupied by a two-storey Tudor-style house (the "Albert Unsworth House"), constructed in 1932 by businessman Albert Unsworth. Albert was a pioneer in commercial greenhouse farming. He developed a unique tomato variety and supplied tomatoes for the royal train during King George VI's visit to Canada. Also situated on the lot are a greenhouse, a shed and a pool, however these features are not included in the designation bylaw.



On Oct. 8, 2020, the owner of 977 Unsworth Ave. applied to the Committee of Adjustment for consent to sever the property into three large lots, with the heritage registered house maintained on the middle lot (see Appendix C- 977 Unsworth severance sketch). The two exterior lots, abutting on both sides of the subject property, will be vacant properties sold for future redevelopment. Included in the application was a heritage impact statement by heritage consultant Megan Hobson, who found that the Albert Unsworth House was

worthy of heritage designation. The impact statement did not include a detailed rationale for the designation (also known as a statement of significance).

On June 30, 2021, the Committee of Adjustment refused the consent application because it did not believe the severance met Provincial Planning legislation, Municipal planning policies or the specific criteria of s. 51(24) of the Planning Act ("Act"). Heritage was not cited as a reason for refusal. This decision was then appealed to the Ontario Land Tribunal, who approved it on May 10, 2022 with conditions.

At the May 17, 2022 City Council meeting, Council passed a motion directing staff to hire a qualified heritage consultant to complete an evaluation of the property and provide a statement of significance:

Direct the Director of Community Planning to evaluate the eligibility of 977 Unsworth Avenue for heritage designation by hiring a qualified heritage consultant to complete a heritage property evaluation and statement of significance and, if the evaluation indicates the property is of cultural heritage value or interest, consult the Heritage Burlington Advisory Committee for feedback and then report back to council with a recommendation. (SD-16-22)

Prior to the meeting, the owner's agent wrote a letter confirming the owner's support for the designation, conditional on the interior of the building, the stone steps in the front yard, and the two vacant lots on either side of the house being excluded from the designation. The owner also asked that conditions of the consent be cleared prior to the designation proceeding.

At their May 11, 2022 meeting, the Heritage Burlington Advisory Committee approved funding for the preparation of a statement of significance from their budget:

Authorize an expenditure not to exceed \$1,500 to commission Megan Hobson to complete a statement of significance for 977 Unsworth Avenue.

On July 22, 2022, a demolition permit for the greenhouse was issued (File No. 2020 462599 000 00 SO).

In October 2022, heritage consultant Megan Hobson found that 977 Unsworth Ave. was eligible for heritage designation and circulated a statement of significance for the property. The draft was sent to the committee for review and comment.

On January 11, 2023, the committee passed the following motion in support of designating 977 Unsworth Ave.:

Whereas 977 Unsworth Avenue meets the criteria for determining cultural heritage value or interest under Ontario Regulation 9/06, the Heritage Burlington Advisory Committee recommends that City Council proceed to designate the property under section 29 of the Ontario Heritage Act.

Strategy/process

Heritage Designation Process

Under Part IV of the *Ontario Heritage Act*, the City can designate a property using a municipal bylaw provided that the property meets prescribed criteria for determining whether a property is of cultural heritage value or interest. There are nine prescribed criteria found in [Ontario Regulation 9/06](#).

If the property meets at least two of the criteria, a statement is prepared defining the property's heritage value, its character-defining heritage attributes and how each attribute contributes to the cultural heritage value or interest of the property. The heritage committee must be consulted before Council can issue a "notice of intention to designate", which is served on the owner and published in a newspaper. The owner can object to the City's notice of intention to designate, requiring Council to reconsider its original decision. If Council considers the objection, but decides not to withdraw the notice, it can proceed to pass a designation bylaw. The City must then serve the bylaw on the owner and publish notice of the bylaw in a newspaper. After notice is published, anyone who objects to the bylaw can submit an appeal to the Ontario Land Tribunal by giving the Tribunal and the City Clerk notice of the appeal accompanied by the rationale for their objection.

Once the property is designated, the owner must apply to Council for permission to demolish or alter the property's heritage attributes. Through the Delegated Authority By-law (By-law 07-2022, Schedule C), Council has delegated to Community Planning staff the authority to approve heritage permits for alterations. Only Council may refuse a heritage permit for alteration or decide if it should be demolished or removed.

Eligibility of 977 Unsworth Ave. for Heritage Designation

The heritage consultant recommends the property for heritage designation because it meets more than two criteria for heritage designation. Below is the heritage consultant's rationale for designation under each category of designation criteria.

1. Design Value or Physical Value

The Albert Unsworth House meets designation criteria 1 and 2, because it is a good representative example of a Neo-Tudor style dwelling and displays a high degree of craftsmanship. Tudor details include the Tudor arch and panelled door at the front entrance, the multi-paned casements windows, the two-storey bays with a flat roof, and the picturesque roofline and tall chimney. The stonework is striking and combines irregularly sized blocks, smooth faced ashlar, and carved and cast stone trim and

ornamentation. The steeply pitched roofs have slate tiles with copper flashings and ornate downspouts characterized by a high degree of craftsmanship in the varied use of materials.

2. Historical Associative Value

The property meets criteria 4 due to its association with Albert Gorton Unsworth (1906-1986) who was significant to the community of Burlington by virtue of the size and good reputation of his business. Albert was co-owner with his father George Unsworth of Unsworth & Son, one of the earliest commercial greenhouse operations in Ontario. The business was established in the late 1880s by George Unsworth who was an early pioneer in growing vegetables under glass, specializing in tomatoes, lettuce, and cucumbers. In the 1920s, George Unsworth's son Albert joined the business and it underwent a major expansion in which a two-storey brick packing plant and boiler house was built and a row of six large greenhouses built behind, supplied by heat from the boiler house. By 1940, Unsworth & Son had a total of 120,000 square feet or about three acres under glass.

3. Contextual Value

The property meets criteria 7 and 8, because it is important to supporting the character of the surrounding neighbourhood and has historical links to it. The Albert Unsworth House was located deliberately on the same property as the greenhouses, so he and his father could supervise the operation. The Unsworth house predates residential development in this area and are located on Unsworth Avenue, a street that is unique in because of its central boulevard and row of silver maples planted by George Unsworth in the early 1900s. The Albert Unsworth House is contextually linked to the adjacent George Unsworth House at 336 Plains Rd. W. that was also a component of the Unsworth & Son greenhouse complex and was built for his father around the same time.

Heritage Attributes

If Council chooses to move forward with the heritage designation, the exterior features of the house would be protected. No interior features are included. The location of the house on the property would become a protected attribute under a future designation bylaw. The full list of attributes is itemized in the attached statement of significance.

Options Considered

Option 1- State a Notice of Intention to Designate the Property (Recommended)

According to heritage consultant Megan Hobson, 977 Unsworth Ave. meets the test for heritage designation under section 29 (1) of the *Ontario Heritage Act*. Protection of the property is consistent with provincial policy directing that municipalities shall conserve significant built heritage resources (Provincial Policy Statement, 2020, Policy 2.6.1) and the City's Official Plan principles and policies respecting heritage conservation. Notably,

Part II, Section 8.1(a) of the City's Official Plan states that: "cultural heritage resources of significant cultural heritage value shall be identified and conserved."

Option 2- Do not pursue heritage designation and remove property from the Heritage Register (Not Recommended)

Council could choose this option if it is not convinced of the property's heritage value. Staff do not recommend this option because the consultant study has found that the heritage property meets the criteria for heritage designation. Provincial policy and the City's Official Plan each contain policies supporting the conservation of significant built heritage resources like 977 Unsworth Ave.

Financial Matters:

Total Financial Impact

If the City chooses to heritage designate the property, the owner will become eligible to apply for the annual Heritage Property Tax Rebate Program, in which eligible residential properties receive a 40% rebate on their property taxes, including City, regional and school board components.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications

Not applicable.

Engagement Matters:

Staff presented the statement of significance for 977 Unsworth Ave. to the Heritage Burlington Advisory Committee at their meeting of Jan. 11, 2023. Members discussed the matter and were in full agreement that this property be designated. They passed the following motion:

Whereas 977 Unsworth Avenue meets the criteria for determining cultural heritage value or interest under Ontario Regulation 9/06, the Heritage Burlington Advisory Committee recommends that City Council proceed to designate the property under section 29 of the Ontario Heritage Act.

Conclusion:

Heritage professional Megan Hobson has reviewed 977 Unsworth Ave. and concluded that it meets the test for heritage designation under section 29 (1) of the *Ontario Heritage Act*. The Provincial Policy Statement, 2020 and the City's Official Plan, 1997 each contain policies obligating the City to conserve cultural heritage resources of significant cultural heritage value. Staff therefore recommend that Council state an intention to heritage designate 977 Unsworth Ave.

Respectfully submitted,

John O'Reilly, MCIP, RPP, CAHP
Planner II- Heritage
(905) 335-7777 ext. 7427

Appendices:

- A. Statement of Significance and Appendices for 977 Unsworth Avenue by Megan Hobson dated November 10, 2022
- B. Correspondence from owner's agent- 05-16-22
- C. 977 Unsworth severance sketch

Notifications:

Property owner

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.