



SUBJECT: Eligibility of 400 Brant Street for Heritage Designation

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-18-24

Wards Affected: 2

Date to Committee: February 5, 2024

Date to Council: February 13, 2024

Recommendation:

State an intention to designate the property at 400 Brant Street under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance for 400 Brant Street attached to community planning department report PL-18-24 as Attachment C; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 400 Brant Street, 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 400 Brant Street, 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 present City Council with a recommendation from the Heritage Burlington Advisory Committee to heritage designate 400 Brant St., known until recently as the Queen's Head Restaurant and Bar. This report was originally presented to the Nov. 14, 2023, City Council meeting, but Council deferred a decision on the designation of the property until Q1 of 2024.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
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Background and Discussion:

This report was originally considered by City Council at their meeting of Nov. 14, 2023, under the “Urgent Business” section of the agenda. While council was generally supportive of the report, councillors were concerned that the report had gone directly to Council, instead of being discussed at a standing committee. They made the following motion deferring the report:

Refer the report regarding Eligibility of 400 Brant Street for Heritage Designation (PL-67-23) to Community Planning, Regulation and Mobility Committee in Q1 of 2024 to come back with the balance of item 12.4 e

400 Brant St. is in downtown Burlington on the west side of Brant Street at the northwest corner of the intersection of Brant Street and Elgin Street. It is adjacent to Civic Square and Burlington City Hall. Situated on the property is a three-and-a-half-storey brick veneer building (the “Queen’s Hotel”), constructed in 1860. The ground floor featured hospitality uses for most of its 163-year history, including the Queen’s Head Restaurant and Bar from 2003 to 2023. Although the upper two storeys contain rental apartments today, the building was designed as a hotel. Initially called the Zimmerman House, it was renamed the Queens Hotel, and then the Sherwood Hotel.

At their meeting of Sept. 13, 2023, the Heritage Burlington Advisory Committee (“HBAC”) voted to recommend that City Council heritage designate 400 Brant St. The trigger for HBAC’s review was public concern about the permanent closure of the Queen’s Head Restaurant and Bar.

Under its terms of reference, HBAC can advise City Council and city staff on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic, natural or scenic interest, all matters to which the Ontario Heritage Act refers, and on all matters assigned to it by City Council in relation to the above noted matters.

Strategy/process/risk

Heritage Designation Process

Under Part IV of the *Ontario Heritage Act*, the City can designate a property through a municipal bylaw provided that the property meets at least two of nine criteria in Ontario Regulation 9/06.

If it meets the criteria, a statement of significance is prepared describing the property's heritage value, its "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 go ahead and pass a designation bylaw. Then it must serve the bylaw on the owner and publish notice of the bylaw in a newspaper. After notice is published, anyone who objects to the designation can submit an appeal to the Ontario Land Tribunal by giving the Tribunal and the City Clerk notice of the appeal and reasons 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 given Community Planning staff permission to approve heritage permits for alterations, but only Council may refuse a heritage permit for alteration or decide if it should be demolished or removed.

Reasons for Designation

The property at 400 Brant St. is recommended for designation pursuant to Part IV of the Ontario Heritage Act based on its design and physical value, historical and associative value; and its contextual value. It is believed to meet seven of nine criteria under Ontario Regulation 9/06.

The original portion of the Queen's Hotel exhibits design value in the orderly composition of its exterior façade, its chamfered corner emphasizing the intersection of Brant and Elgin Streets and its U-shaped plan, which allows natural light and ventilation to all interior rooms at the second and third floor. Its masonry façade displays a high degree of craftsmanship. It is a good, representative example of a 19th century hotel whose U-shaped plan and dormer windows are indications of its former use.

400 Brant St. has historical and associative value for its association with the Zimmerman family, its historic uses as a hotel with a ground floor restaurant or pub, and for the information it reveals about Burlington's economy in the 1800s. It was constructed during the economic boom of the 1860's, when Wellington Square's lumber industry was thriving, and a tourism industry had emerged along Burlington Beach. The area had become popular with vacationing city dwellers who could now access Wellington Square by rail.

The Queen's Hotel has contextual value for its design qualities and location on a prime landmark location on Brant Street at the corner of Elgin Street. It has contextual value because it is important in defining, maintaining and supporting the character of Civic Square. Its north elevation frames the south end of the square, making it a valuable historical element of this public space. Because of its height, massing and position on a

corner adjacent to Civic Square, all sides of the building are visible, which enables it to stand out as a landmark from the surrounding fabric of the city.

Heritage attributes of the property are associated with the exterior elements of the 1860 design and include:

- Its location at the corner of Brant Street and Elgin Street;
- The chamfered corner of the building, which emphasizes the intersection of the two streets;
- The location and visibility of the north elevation, which frames the south side of Civic Square;
- The open space surrounding the building and the rear (west) setback that enables the building to be viewed from all sides;
- U-shaped plan, which allowed natural light and ventilation to the historic hotel rooms;
- Window openings with segmental arches and projecting sills;
- Gabled dormers above the third storey, which provide natural light and ventilation to the half level;
- Truncated hipped roof with eaves supported by decorative brackets;
- Larger window openings at the ground floor corresponding to the historic hospitality uses including a restaurant and pub;
- Stretcher bond brick veneer over a frame structure; and
- Vertically aligned window openings on all elevations, especially the pattern of windows at the second and third levels of the Brant Street and Elgin Street elevations.

Alterations

While building condition and historical integrity are not listed as criteria under Ontario Regulation 9/06 and the fundamental elements of the Queen's Hotel's historical design are intact, the building has experienced some significant changes in its life. Below is a side-by-side photo comparison of the Queen's Hotel in 1915 compared to its present appearance and a list of many of the observed changes to the building:

Left: Cropped photo of Queen's Hotel in 1915;

Right: Present day image;



- Sometime before 1973, a wooden porch that used to wrap around the ground floor, and a canopy at the second storey of the building were removed;
- The main corner entrance of the building was infilled;
- The original two-over-two windows at the upper storeys of the building and the ground floor window units have been replaced;
- The brick has been painted;
- Brick chimneys at the roof level have been removed;
- Sometime before 1973, a one-storey addition was constructed, extending from the west elevation towards the west property line;
- A signage band and lighting were added above the ground storey; and
- A permanent outdoor patio structure was constructed along Elgin Street.

Options Considered

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

400 Brant St. meets seven criteria under Ontario Regulation 9/06 and can be designated by the City under section 29 (1) of the *Ontario Heritage Act*. Council could choose this option if it agrees that the building merits individual designation.

Option 2- Do not pursue heritage designation (Not recommended)

Council could choose this option if it disagrees that the property meets at least two of the prescribed criteria under Ontario Regulation 9/06, or if it wishes not to designate the building at this time.

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 per cent rebate on their property taxes, and eligible commercial properties can receive a 20 per cent rebate on their property taxes, including City, regional and school board components. 400 Brant St. is a mixed-use building with residential and commercial components, so both rates would apply. In 2023, the owner of 400 Brant St. paid \$38,271.87 in property taxes. If designated, the property would be eligible for an estimated property tax rebate of \$8,600.

Source of Funding

The Heritage Tax Rebate Program receives annual funding from the City's Operating Budget.

Other Resource Impacts

Ontario Land Tribunal Appeals

If the City designates the Queen's Hotel under Part IV of the Ontario Heritage Act as recommended in this report, the owner of the designated property will have the right to appeal the designation to the Ontario Land Tribunal. Staff would attempt to negotiate a settlement of such an appeal for consideration by Council, but should any proceed to a contested hearing, the City would be required to incur additional costs associated with defending the designation at the Tribunal.

Climate Implications:

Not applicable.

Engagement Matters:

On Sept. 13, 2023, the Heritage Burlington Advisory Committee evaluated the property and passed a motion recommending that Council designate 400 Brant St.:

Whereas 400 Brant Street 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.

Staff have attempted to contact the owner of the property by phone, mail and email, but have not received a response.

Conclusion:

400 Brant St. meets seven criteria for heritage designation under O.Reg 9/06 and is eligible for heritage designation. The property is a good, representative example of a 19th century hotel that is a landmark and has significant historical associations and contextual value to the area. Heritage designation is recommended.

Respectfully submitted,

John O'Reilly, MCIP, RPP, CAHP
Supervisor of Site Plan Review
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Appendices:

- A. Photographs (PL-18-24)
- B. Historic Photographs (PL-18-24)
- C. Draft Designation Bylaw and Statement of Significance- 400 Brant St.(PL-18-24)

Notifications:

Sherwood Holdings Inc. (address to be provided by Planner)

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.