



SUBJECT: Recommendation to designate 518 Brant Street

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-31-24

Wards Affected: 2

Date to Committee: May 13, 2024

Date to Council: May 21, 2024

Recommendation:

State an intention to designate the property at 518 Brant St. under Part IV, Section 29, of the Ontario Heritage Act and in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes for 518 Brant Street which is attached to community planning department report PL-31-24 as Appendix B; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 518 Brant St., in accordance with subsections 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to introduce the necessary by-law to designate the property as being of cultural heritage value or interest to Council which will be enacted in accordance with subsection 29 (8) of the Ontario Heritage Act, provided no objections are received; 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 the Ontario Heritage Act, subsections 29 (5) and 29 (6), such that the Director of Community Planning may report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

PURPOSE:

The purpose of this report is to present City Council with a recommendation from the Heritage Burlington Advisory Committee to designate 518 Brant St., shown in Appendix A, under Part IV, Section 29 of the *Ontario Heritage Act*.

Vision to Focus Alignment:

- Designing and delivering complete communities
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Background and Discussion:

518 Brant St. (the “Property”) is located in downtown Burlington, on the west side of Brant Street between Birch Avenue and Caroline Street. Situated on the property, is a two-and-a-half storey building that was constructed circa 1910 in an Edwardian Classical style with a hipped roof with front gable feature. The original residential building was converted to a commercial use in the mid-twentieth century.

518 Brant St. was evaluated by A.S.I., who was retained by the City of Burlington to complete a range of heritage evaluations and make conservation recommendations in relation to prioritized individual properties and groupings of properties in the downtown area as part of the Downtown Burlington Heritage Study and Engagement Program. The Downtown Burlington Heritage Study and Engagement Program was initiated in the fall of 2022 and was conducted through 2023.

At the Heritage Burlington Advisory Committee (“HBAC”) meeting of Oct. 11, 2023, at which the recommendations of the Downtown Burlington Heritage Study and Engagement Program were presented by City staff and A.S.I., the HBAC voted to recommend that 518 Brant St. be designated.

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.

Report [PL-69-23](#), which went before Community Planning, Regulation & Mobility Committee on Dec. 5, 2023, presents the full findings and recommendations of the Downtown Burlington Heritage Study and Engagement Program (the “Study”) and summarizes the engagement undertaken during the Study. [Appendix D](#) of Report [PL-69-23](#) includes the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes for 518 Brant St. At the Dec. 12, 2023, Council meeting, Council deferred proceeding with the designation of 518 Brant St. through the following motion:

Defer the designation of 518 Brant St. to January 2024.

Following deferral, Community Planning staff conducted a site visit of the Property on March 20, 2024, and photographs from this visit can be found in Appendix C to this report.

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*, as amended by *Ontario Regulation 569/22*.

If the property meets at least two criteria, a Statement of Cultural Heritage Value or Interest (CHVI) and Description of Heritage Attributes are prepared. A municipality's municipal heritage committee must be consulted before Council can issue a Notice of Intention to Designate (NOID), which is served on the property owner, the Ontario Heritage Trust and published in a newspaper. The owner can object to the City's NOID, requiring Council to reconsider its original decision. If Council considers the objection and decides not to withdraw the NOID, the City can proceed with passing a designation by-law, to be served on the property owner and the Ontario Heritage Trust, and a notice of passing is to be published in the newspaper. After the notice is published, anyone who objects to the designation can submit an appeal to the Ontario Land Tribunal (OLT) by giving the OLT and the City Clerk, within 30 days after the date of publication, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

Once the property is designated, the owner must apply for a heritage permit to alter or demolish the property's heritage attributes. Through the City's Delegated Authority By-law (By-law 71-2023, 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 a heritage attribute can be demolished or removed.

Reasons for Designation

The property at 518 Brant St. is recommended for designation pursuant to Part IV of the *Ontario Heritage Act* based on its design and physical value and its contextual value. The Property is considered to meet two of nine criteria under *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*.

The property exhibits design/physical value in an architectural style and built form that is representative of early twentieth-century development patterns that characterized Brant Street, Downtown Burlington's long-standing primary commercial artery. The former residential building is representative of the Edwardian Classical style. The two-and-a-half-storey former residence maintains elements of the style through its overall fenestration pattern and arrangement of the front façade, footprint and massing, stone or cast concrete sills, segmental arch window shape used throughout, and hipped roof with front gable feature.

The Property exhibits contextual value as it supports and maintains the streetscape character of the west side of Brant Street between Caroline Street and Baldwin Street. The streetscape in this area is characterized by a combination of residential structures, now converted to commercial uses, dating to approximately the first quarter of the twentieth century, and low-scale commercial buildings and commercial strips.

For the full Statement of Cultural Heritage Value or Interest, see Appendix B to this report.

Heritage attributes that contribute to the cultural heritage value of the property at 518 Brant St. as a representative example of Edwardian Classical style and as an early twentieth-century residential built form typology include:

- The form, scale and massing of the building as a rectangular, two-and-a-half storey residential building typology;
- The hipped roof with overhanging eaves and front gable feature;
- Asymmetrical arrangement of the primary elevation;
- The red brick exterior;
- The segmental and semi-circular arch window openings with masonry sills;
- The decorative elements featured in the gable end of the primary elevation, including the wood shingle cladding and Palladian window;
- Bay and oriel windows;
- Setback of the residential built form from the street; and,
- Landscaped front lawn with configuration of a side driveway leading to rear of the property.

Heritage attributes that contribute to the contextual value of 518 Brant St. as it maintains and defines its surroundings include:

- The setback, placement, and orientation of the house in its original location on Brant Street;
- Landscaped lawn separating the roadway and primary building; and,
- Location of the driveway at the side of the house leading to the rear of the Property.

Alterations

Although, building condition and historical integrity are not listed as criteria under *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*,. as part of their Heritage Evaluations for Individual Properties, A.S.I. documented the evolution of the buildings on the property. The property at 518 Brant St. has undergone the following alterations:

- Prior to 1960, paving of the back and rear yard;
- 1960s, removal of the front porch;

- Between 2018 and 2019, the removal of a mature tree on the front lawn; and,
- Prior to the February 2023 site visit conducted by A.S.I., separating the front entrance into two doorways for the upstairs and downstairs tenants, removal of the single storey auto garage, the paving of the grass lawn in the rear and side of the building to accommodate parking, the addition of the awning, cladding the back one-storey addition in vinyl and the replacement of windows.

Options Considered

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

518 Brant St. meets two criteria under *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, and can be designated by the City under subsection 29 (1) of the *Ontario Heritage Act*. Council could choose this option if it agrees that the property merits designation.

Option 2 – Decline to Designate (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*, as amended by *Ontario Regulation 569/22*, or if it wishes not to designate the property at this time.

Financial Matters:

Total Financial Impact

If Council chooses to designate the property by municipal by-law, 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. 518 Brant St. is a commercial property so the 20 per cent rebate rate would apply. In 2023, property taxes levied for 518 Brant St were \$24,979.78. If designated, the property would be eligible for an estimated property tax rebate of approximately \$4,995.

Source of Funding

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

Other Resource Impacts

Ontario Land Tribunal Appeals

If 518 Brant St. is municipally designated under Part IV of the *Ontario Heritage Act* as recommended in Report PL-31-24, any person who objects to the by-law will have the right to appeal the designation to the Ontario Land Tribunal (OLT). Staff would attempt to negotiate a settlement of such an appeal for consideration by Council, but should the appeal proceed to a contested hearing, the City would be required to incur additional costs associated with defending the designation at the OLT.

Climate Implications:

Building Reuse

Not applicable.

Engagement Matters:

Consultation with the Property Owner

In August 2023, Community Planning staff emailed stakeholders a notice of the Downtown Heritage Study and Engagement Program next steps, including an invitation to the final consultation event, held on Oct. 2, 2023. On Sept. 15, 2023, the owner of 518 Brant St. responded, indicating their opposition to the potential designation of the Property. The owner provided a one-page assessment of the Property by heritage carpenter Doug Vickers of Vickers Restoration. See Appendix D, Correspondence from Property Owner for the full response from the Property owner and Mr. Vickers' assessment of the Property. The owner also indicated that they have retained built heritage specialist Kathy Stacey of KSA Architectural Solutions Inc. to represent their interests. Staff corresponded with Ms. Stacey as recently as April 2024.

It is the opinion of staff that despite the reconstruction, replacement or removal of some original features including single pane windows, the single front door and front porch, roof and siding shingles, as well as the addition of the vinyl siding addition, the Property meets two of the nine criteria in *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*, and is eligible for designation. Appendix B, Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes describes a number of remaining features that contribute to the cultural heritage value of the Property as a representative example of Edwardian Classical style and as an early twentieth-century residential built form typology, and that contribute to the contextual value as it maintains and defines its surroundings.

The current or future Property owner can choose to make appropriate alterations in the future, such as replacing the vinyl windows with modern wood windows that are more

compatible with the brick dwelling or removing or recladding the unsympathetic addition. As noted previously, the City of Burlington provides financial incentive programs to designated property owners to assist with appropriate conservation work.

Consultation with the Heritage Burlington Advisory Committee

On Oct. 11, 2023, the Heritage Burlington Advisory Committee considered A.S.I.'s evaluation of the Property as part of the Downtown Burlington Heritage Study and Engagement Program and passed a motion recommending that Council direct staff to implement the study's recommendations (which include the Part IV designation of 518 Brant St. under the *Ontario Heritage Act*):

Heritage Burlington Advisory Committee recommends that Council direct staff to implement the consultant's recommendations in the draft final report on the Downtown Heritage Study and Engagement Program, dated September 2023.

Conclusion:

The heritage report prepared by A.S.I. concluded that 518 Brant St. meets the criteria for heritage designation under *Ontario Regulation 9/06*, as amended by *Ontario Regulation 569/22*. Though the current Property owner has indicated they will not be in support of the recommended Part IV designation of the property under the *Ontario Heritage Act*, it is the recommendation of staff that Council proceed with the designation of the subject property, as it is eligible for designation. If the owner does not reconsider their support, they can formally object to the City's Notice of Intention to Designate, requiring Council to consider the objection through a future staff report.

Respectfully submitted,

Chloe Richer, MCIP, RPP, CAHP

Senior Planner, Heritage

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Appendices:

- A. Location Map
- B. Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- C. Photographs
- D. Correspondence from Property Owner

Notifications:

Planner will provide addresses.

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.