

SUBJECT: Recommendation to designate 3044 Lakeshore Road
TO: Committee of the Whole
FROM: Development and Growth Management
Community Planning

Report Number: DGM-22-25

Wards Affected: 4

Date to Committee: April 7, 2025

Date to Council: April 15, 2025

Recommendation

State an intention to designate the property at 3044 Lakeshore Rd. 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 3044 Lakeshore Rd. which is attached to development and growth management report DGM-22-25 as Appendix B; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 3044 Lakeshore Rd., in accordance with subsection 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.

Executive Summary

Purpose of report:

- The purpose of this report is to present City Council with a recommendation from the Heritage Burlington Advisory Committee to designate 3044 Lakeshore Rd. (the W. D. Flatt House) under Part IV, Section 29 of the *Ontario Heritage Act*.

Key findings:

- This report recommends designation of the built heritage resource at 3044 Lakeshore Rd. under Part IV of the *Ontario Heritage Act*. The Heritage Burlington Advisory Committee, in consultation with Heritage Planning staff, completed a research brief and an evaluation of the subject property's cultural heritage value to determine if it meets the heritage designation criteria of the *Ontario Heritage Act*.

Implications:

- **Financial**
 - If Council chooses to designate the subject property, the owner will become eligible to apply for the annual Heritage Property Tax Rebate Program. Further, adding heritage designations eligible for the Heritage Property Tax Rebate Program will result in increased 2026 budget requirements for the program.
- **Legal**
 - If Council passes a by-law designating 3044 Lakeshore Rd., any person who objects to the proposed designation will have the right to appeal the designating by-law to the Ontario Land Tribunal.
- **Engagement**
 - Staff have consulted the agent of the former/longstanding owner of 3044 Lakeshore Rd., who has indicated their interest in providing feedback on the Statement of Cultural Heritage Value or Interest. Staff contacted the former owner's agent three times from December 2024 to February 2025 and did not receive any feedback.
 - Staff have consulted the Heritage Burlington Advisory Committee, who have indicated their support for the proposed designation.

Recommendation Report

Background

3044 Lakeshore Rd. is located in the Roseland neighbourhood of Burlington, on the south side of Lakeshore Road between Guelph Line and Hart Avenue. Situated on the property is the W. D. Flatt House, a two-and-a-half-storey masonry structure in the Tudor Revival style with stretcher-bond brick at the lower level and weave-patterned buff brick between the exposed timbers of the upper level.

In the fall of 2024, 3044 Lakeshore Rd. was listed for sale following 60 years of ownership by the now previous owners. The sale of 3044 Lakeshore Rd. was brought to the attention of the Heritage Burlington Advisory Committee (HBAC) and Heritage Planning staff by members of the public, who were concerned about potential demolition of the dwelling as the property has not yet been designated under the *Ontario Heritage Act*, only listed on the City's Municipal Heritage Register ("the Register") as a non-designated property. Members of the HBAC worked with staff to research and evaluate the property per *Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest* (see Appendix C to this report).

The Register is reviewed on an ongoing basis. 3044 Lakeshore Rd. has remained on the Register for over fifteen years due to its physical/design, historical/associative and contextual value. The property was previously inventoried by the former Local Architectural Conservation Advisory Committee (now HBAC).

At their meeting on Dec. 17, 2024, HBAC discussed the Research Brief and Cultural Heritage Evaluation of the property. The owner's agent delegated at the meeting, requesting that staff consult with his clients on the draft Statement of Cultural Heritage Value or Interest (SCHVI). Staff provided the draft SCHVI on Dec. 18, 2024, and requested that should the property be sold, that the contact information for the City's Heritage Planner be provided to the new owners. Staff have not received any feedback to date on the SCHVI.

At the Jan. 8, 2025, HBAC meeting, the committee voted to recommend that 3044 Lakeshore Rd. be designated.

On Feb. 26, 2025, staff conducted a site visit of the subject property - photographs from this visit can be found in Appendix D to this report.

Analysis

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

Benefits:

- Cultural heritage in Ontario provides people with a sense of place, as per the *Provincial Planning Statement, 2024*.

- The *Burlington Official Plan, 2020* identifies the following benefits to conserving cultural heritage resources:
 - Cultural heritage resources help the community to understand its past, provides context for the present, and influences the future.
 - Cultural heritage resources create a sense of civic pride and contribute to the quality of life and enjoyment of the city by residents and visitors alike.
 - The conservation of cultural heritage resources also contributes to the overall sustainability of the city.

Considerations:

- The Province's Bill 23, the *More Homes Built Faster Act*, amended the *Ontario Heritage Act* and the impact will affect any non-designated property. The City has until January 1, 2027, to designate significant non-designated heritage properties before they are removed from the Municipal Heritage Register.
- 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*. The subject property is considered to meet six of nine criteria under O. Reg. 9/06, as amended. The property at 3044 Lakeshore Rd. is therefore recommended for designation pursuant to Part IV of the *Ontario Heritage Act* based on its design and physical value and its contextual value.
- If the property meets at least two criteria, a Statement of Cultural Heritage Value or Interest (CHVI) and Description of Heritage Attributes are prepared (Attachment B).
- 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 after considering an objection, Council 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.
- If the subject 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 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.

Additional Information:

- Staff requested that the previous owner’s agent share their contact details with the agent of the new property owners, should the new owners wish to provide any input on the Statement of Cultural Heritage Value or Interest.

Community Engagement and Communications:

- On Dec. 17, 2024, HBAC considered the evaluation of the subject property. The selling owner’s agent delegated, noting the owner wishes to provide input into the Statement of Cultural Heritage Value or Interest. As such, HBAC did not move a motion recommending designation of the property.
- At the next HBAC meeting on Jan. 8, 2025, staff had not received any input. The Committee moved the following motion, recommending designation of 3044 Lakeshore Rd.:

“Heritage Burlington Advisory Committee recommends that Council designate 3044 Lakeshore Road (the W. D. Flatt House) under Part IV of the Ontario Heritage Act, as the property contains physical/design value, historical/associative value and contextual value as an early 20th century, two-and-a-half-storey Tudor Revival style residence.”

- Between December 2024 and February 2025, staff have contacted the previous owners three times regarding any input on the Statement of Cultural Heritage Value or Interest. Staff have not received any feedback.

Option 2 – Decline to Designate the Property (Not Recommended)

Benefits:

- Not applicable.

Considerations:

- If the subject property is not designated by January 1, 2027, it will be removed from the City’s Municipal Heritage Register, as per Bill 23’s amendments to the *Ontario Heritage Act*.
- Staff do not recommend this option. In accordance with the evaluation and recommendation to designate the subject property, staff agree that the subject property meets six of nine criteria for designation under the *Ontario Heritage Act*.

Additional Information:

- Not applicable.

Community Engagement and Communications:

- The Heritage Burlington Advisory Committee was consulted regarding the recommended designation of the subject property and recommended that Council designate this property.
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Recommendation Details

- The property at 3044 Lakeshore Rd. is recommended for designation pursuant to Part IV of the *Ontario Heritage Act* based on its design and physical value, its historical and associative value and its contextual value. The subject property is considered to meet six of nine criteria under O. Reg. 9/06, as amended.
 - The subject property exhibits design/physical value as a two-and-a-half-storey masonry structure in the Tudor Revival style with stretcher-bond brick at the lower level and weave-patterned buff brick between the exposed timbers of the upper level.
 - The subject property exhibits historical/associative value due to its association with William Delos (“W. D.”) Flatt, a prominent local real estate developer specializing in “bay-shore and lake-shore water-front suburban properties” who played a key role in the paving of the former King’s Highway #2 (Lakeshore Road) in the early twentieth century.
 - The subject property exhibits contextual value as it is important in maintaining and supporting the character of the surrounding Lakeshore Neighbourhood, Roseland Park. In addition, the property has visual and historical links with Roseland Park and is a landmark.
 - For the full Statement of Cultural Heritage Value or Interest, see Appendix B to this report.
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Key Dates & Milestones

- Circa 2008: The City of Burlington’s Municipal Heritage Register (“the Register”) is created, and 3044 Lakeshore Rd. is believed to be among the first batch of properties added to the Register as non-designated properties.
 - Fall 2024: Members of the public contact Heritage Planning staff and the Heritage Burlington Advisory Committee regarding the real estate listing of the property.
 - Dec. 17, 2024: At the HBAC meeting, the previous owner’s agent delegates and expresses the owner’s wish to provide input on the Statement of Cultural Heritage Value or Interest.
 - December 2024 to February 2025: Staff reach out to the previous owner’s agent three times regarding input on the Statement of Cultural Heritage Value or Interest.
 - Jan. 8, 2025: HBAC moves motion recommending designation of the property.
 - Jan. 1, 2025: Sale of the property is completed.
 - Feb. 26, 2025: Staff conducted a site visit of the property - photographs from this visit can be found in Appendix D to this report.
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Implications

- **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. 3044 Lakeshore Rd. is a residential property so the 40 per cent rebate rate would apply. The 2024 property tax levy for 3044 Lakeshore Rd. is \$20,218. If designated, the property would be eligible for an estimated total property tax rebate of approximately \$8,080, with the City portion about \$4,045.
 - **Source of Funding**
 - The annual operating budget for the Heritage Property Tax Rebate Program is \$60,000. Actual cost in 2024 is approximately \$68,000 for 53 applicants. Approval of this report necessitates a 2026 budget increase of \$4,045 for the City portion of the tax rebate, along with the \$8,000 cost above budget to date. Additional heritage designations eligible for the Heritage Property Tax Rebate Program will require an increase in the 2026 budget for the program. Further, City staff will advise Regional staff of added funding requirements associated with the additional designated properties herein along with other recommended heritage designations under review by Council.
 - **Legal**
 - If Council passes a by-law designating 3044 Lakeshore Rd. under Part IV of the *Ontario Heritage Act*, as recommended in this report, any person who objects to the proposed designation will have the right to appeal the designating by-law to the Ontario Land Tribunal. The City may be required to incur additional costs associated with defending the designation at the Tribunal.
 - **Engagement**
 - Staff have yet to hear back from the previous owners or new owners regarding the Statement of Cultural Heritage Value or Interest. It is not clear if either party wishes to provide future input.
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References

- City of Burlington. (2024). Burlington Official Plan, 2020. Retrieved from <https://www.burlington.ca/en/planning-and-development/official-plan.aspx#Burlington-Official-Plan-2020>.
- Heritage Burlington Advisory Committee. (2025). *Research Brief and Cultural Heritage Evaluation: 3044 Lakeshore Road, Burlington, The W. D. Flatt House/Roseland Terrace*.

- Province of Ontario. (2024). Provincial Planning Statement, 2024. Retrieved from <https://www.ontario.ca/files/2024-10/mmah-provincial-planning-statement-en-2024-10-23.pdf>.
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Strategic Alignment

- Designing and delivering complete communities
 - Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
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Appendices:

- A. Location Map
- B. Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes
- C. Research Brief and Cultural Heritage Evaluation: 3044 Lakeshore Road, Burlington, The W.
D. Flatt House/Roseland Terrace.
- D. Photographs

Notifications:

Planner will provide addresses.

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.