
SUBJECT: Recommendation to designate 1371 Elgin Street and 0000 Lakeshore Road (St. Luke's Church and Cemetery)

TO: Committee of the Whole

FROM: Development and Growth Management
Community Planning

Report Number: DGM-18-25

Wards Affected: 2

Date to Committee: April 7, 2025

Date to Council: April 15, 2025

Recommendation

State an intention to designate the property at 1371 Elgin St. and 0000 Lakeshore Rd. (roll number 2402060604080000000) 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 1371 Elgin St. and 0000 Lakeshore Rd. which is attached to development and growth management report DGM-18-25 as Appendix B; and

Direct the Director of Community Planning to provide notice of Council's intention to designate 1371 Elgin St. and 0000 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 City's heritage consultant, ASI, and the Heritage Burlington Advisory Committee to designate 1371 Elgin St. and 0000 Lakeshore Rd. (St. Luke's Church and Cemetery) under Part IV, Section 29 of the *Ontario Heritage Act*.

Key findings:

- This report recommends designation of the built heritage resource and cultural heritage landscape at 1371 Elgin St. and 0000 Lakeshore Rd. (roll number 2402060604080000000) under Part IV of the *Ontario Heritage Act*. Heritage firm Archaeological Services Inc., retained by the City, completed an evaluation of the subject property and determined it warrants designation.

Implications:

- **Financial**
 - With designation of the property, the owner may be eligible for the annual Heritage Property Tax Rebate program. However, the property operates as a church and is exempt from property taxes therefore the heritage rebate program is not applicable.
- **Legal**
 - If Council passes a by-law designating the subject property, 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 with members of the congregation of St. Luke's Anglican Church. While members indicate they believe that the congregation is the best steward of the property and thus designation is not necessary, staff have developed a close and respectful working relationship with the members.
 - Staff have consulted the Heritage Burlington Advisory Committee, who have indicated their support for the proposed designation.

Recommendation Report

Background

1371 Elgin St. is located in downtown Burlington on the northwest side of Elgin Street between Nelson Avenue and Burlington Avenue. Situated on the property is a one-storey church building constructed in 1834 and a nineteenth-century cemetery. The frame construction church was built in a Carpenter Gothic style with a steeply pitched front gable roof and the cemetery forms a “U” around the north, east and west sides of the church building. 0000 Lakeshore Rd. comprises a related strip of land with an allée (a passage lined on both sides with trees) extending to Lakeshore Road.

The subject property was evaluated by Archaeological Services Inc. (ASI), who were 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 their meeting of Oct. 11, 2023, the Heritage Burlington Advisory Committee (HBAC) voted to recommend that Council direct staff to implement ASI’s recommendations in the Downtown Burlington Heritage Study and Engagement Program, including that St. Luke’s Church and Cemetery be designated.

Under its terms of reference, HBAC can advise City Council and 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 Standing Committee of Council on Dec. 5, 2023, presents the full findings and recommendations of the Downtown Burlington Heritage Study and Engagement Program and summarize the engagement undertaken during the Study. The recommendations related to St. Luke’s Church and Cemetery can be found in [Appendix A](#) of [Report PL-69-23](#) under Section 7.2 St. Luke’s Church and Cemetery. The heritage evaluation can be found in [Appendix C](#) of [Report PL-69-23](#). The Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes for the subject property can be found in Appendix B of Report DGM-18-25.

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 of Report DGM-18-25.

Analysis

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 consider the objection. If Council considers the objection and decides not to withdraw the NOID, it 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 notice of the appeal and the reasons for their objection.

Once a 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 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 a heritage attribute can be demolished or removed.

St. Luke's Anglican Church has proposed a "window-to-the-lake" opportunity featuring a new publicly accessible walkway through Church Ave. from Elgin St. to Lakeshore Rd. The recommended designation of the subject property will not have any significant impacts on this proposal. A Heritage Permit application would be required for alterations to the heritage attributes (protected features) located in the Church Ave. portion of the property:

- "The strip of land known as "Church Avenue" connecting the church building to Lakeshore Road, providing an uninterrupted view to Lake Ontario, including its alignment and axial relationship to the primary entrance of the church structure; and,
- Row of mature trees running along each side of Church Avenue south of Elgin Street."

Examples of alterations to this portion of the property which would require a Heritage Permit application include the erection of a structure that would interrupt the view to Lake Ontario (which is not part of the "window-to-the-lake" proposal) and the removal of mature trees from the identified row of mature trees.

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 property at 1371 Elgin St. and 0000 Lakeshore Rd. is recommended for designation pursuant to Part IV of the *Ontario Heritage Act* based on its design value or physical value, its historical value or associative value and its contextual value. It is considered to meet six of nine criteria under O. Reg. 9/06, as amended.

Additional Information:

- Although building condition and historical integrity are not listed as criteria under O. Reg. 9/06, as amended, as part of their Heritage Evaluations for Individual Properties, ASI documented the evolution of the buildings on the properties. The property at 1371 Elgin St. and 0000 Lakeshore Rd. has a history of approximately 190 years in terms of the church, surrounding churchyard and landscaped property, which has changed and evolved in various ways over this time. For a full description of the property and building evolution, see Appendix D to this report, an excerpt from the Downtown Burlington Heritage Study and Engagement Program report prepared by ASI.

Community Engagement and Communications:

- On Oct. 11, 2023, the Heritage Burlington Advisory Committee considered ASI's evaluation of the property as part of the Downtown Burlington Heritage Study and Engagement Program. The study recommended the designation of St. Luke's Church and Cemetery under Part IV of the *Ontario Heritage Act*. The Heritage Burlington Advisory Committee passed a motion recommending that Council direct staff to implement the study's recommendations:

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.

- In March 2024, staff met with representatives of the church congregation on-site to view the church property and answer questions the members had regarding the proposed designation. Staff agreed to defer moving forward with a staff report on the proposed designation to allow for an accessible washroom addition to be constructed. Staff met with members of the congregation a second time in January 2025 following construction of the accessible washroom addition to answer any questions about the designation

process, address any final concerns and view the addition. It is the preference of the church congregation that the recommended heritage attribute (protected features) “Row of mature trees running along each side of Church Avenue south of Elgin Street” be excluded to facilitate the removal of trees at the end of their life. Staff recommend this heritage attribute remain in the Statement of Cultural Heritage Value or Interest as it contributes to the cultural heritage value of the property.

Option 2: Decline to Designate (Not Recommended)

Benefits:

- Not applicable.

Considerations:

- Staff do not recommend this option. In accordance with ASI’s study report 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.

Recommendation Details

- 1371 Elgin St. and 0000 Lakeshore Rd. meets six criteria under O. Reg. 9/06, as amended, 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 property merits designation.
- The property exhibits design/physical value as an early example in the City of Burlington and the last remaining intact example of a Carpenter Gothic church in Downtown Burlington, as well as due to the rows of acacia trees that have been maintained since they were planted in 1840 and the uninterrupted view from the church building to Lake Ontario.
- The property exhibits historical value or associative value in its direct associations with the Brant-Kerr family and the Bates family, with early rectors (Thomas Greene and George Tebbs) and in its association with the formal establishment of Anglicanism in the area. In addition, the cemetery located on the property has the potential to yield information that would contribute to an understanding of the local nineteenth century and early twentieth century Anglican community in Burlington.
- The property exhibits contextual value due to being comprised of one of the earliest buildings in what is now a mature late-nineteenth-century residential subdivision, in its

physical, visual and historical links to its surroundings and as it is a landmark in Downtown Burlington.

- For the full Statement of Cultural Heritage Value or Interest, see Appendix B to this report.
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Key Dates & Milestones

- March 2019: Council identifies Downtown as a focus of re-examination. Terms of Reference for the Downtown Re-examination project identifies heritage conservation and protection of cultural heritage resources as priorities.
 - May 2019: ASI completed a Cultural Heritage Study for the Downtown, which included suggestions on what should be included in the Burlington Official Plan to best protect existing heritage resources.
 - Fall of 2022: Launch of the Downtown Burlington Heritage Study and Engagement Program (the “Study”).
 - Oct. 11, 2023: Heritage Burlington Advisory Committee meeting, the Study recommendations were presented by staff and ASI, and the committee voted to recommend that St. Luke's Church & Cemetery be designated.
 - Dec. 5, 2023: Report [PL-69-23](#) presented to Council the full findings and recommendations of the Study and summarized the engagement undertaken during the Study.
 - Dec. 12, 2023: Council deferred proceeding with the designation of 1371 Elgin St.
 - Mar. 20, 2024: Staff conducted a site visit of the subject property and met with members of the church congregation.
 - Jan. 16, 2025: Staff conducted a second site visit of the subject property and met with members of the church congregation; photographs from this visit can be found in Appendix C to this report.
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Implications

- **Total Financial Impact**
 - If Council chooses to designate the property by municipal by-law, given 1371 Elgin St and 0000 Lakeshore is classed as church property it is exempt from property taxes and the Heritage Property Tax Rebate Program does not apply.
- **Legal**
 - If Council passes a by-law designating the subject property 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**
 - See Community Engagement and Communications under Option 1 above.
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References

- City of Burlington. (2023). *Downtown Heritage Study and Engagement Program- final report and recommendations* (PL-69-23). Retrieved from <https://burlingtonpublishing.escibemeetings.com/Meeting.aspx?Id=2690e1b1-4198-41cc-86ff-a82e16f996a7&Agenda=Merged&lang=English&Item=16&Tab=attachments>.
 - 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>.
 - 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. Photographs
- D. Property and Building Evolution

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.