

FPD

F O T H E R G I L L P L A N N I N G & D E V E L O P M E N T I N C .

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December 11, 2024

Chloe Richer
Senior Planner, Heritage
Development & Growth Management
Heritage Burlington Advisory Committee
City of Burlington
426 Brant street, PO Box 5013
Burlington ON L7R 3Z6

Dear Chloe:

Re: 390 John Street – The Molinaro Group – Potential Heritage Designation

Please accept this correspondence as a request to not consider designating the above property as a heritage building. We believe that the consideration of a heritage designation of the building does not meet the designation criteria and is not consistent with future expectations for the redevelopment of this site and the immediately surrounding area.

Attached is a Heritage Report from McCallum Sather which assesses the property against the criteria for such a designation. The report concludes that:

“We acknowledge the City’s notice regarding the potential heritage designation of 390 John Street under the Ontario Heritage Act. Following a detailed review and analysis, we conclude that the property does not meet the criteria outlined in Ontario Regulation 9/06. The significant alterations to its design, materials, and structure have substantially diminished its architectural integrity, historical relevance, and contextual contribution within the Wellington Square area.

While Wellington Square is recognized for its historical importance in Burlington’s early development, the heritage value of this landscape depends on the preservation of properties that retain their original character and integrity. In its current state, 390 John Street no longer possesses the defining attributes required to contribute meaningfully to this historical narrative or to justify designation under the Ontario Heritage Act.

We respectfully request that the City consider this analysis when making its final determination regarding the property and explore alternative approaches for recognizing the broader significance of Wellington Square. We remain available to provide additional context or support as needed."

From a planning perspective, the retention and preservation of an older 2 ½ storey former industrial building is not consistent with the intent of the Provincial Policy Statement or the future direction for the redevelopment of the area as outlined in the City of Burlington Official Plan.

The 2024 Provincial Policy Statement encourage intensification of Urban Areas and the provision of a range and mix of housing and land uses through programs of intensification. This site is strategically located to accommodate a mixed use intensification project to help achieve the objectives of the Provincial Policy Statement. The potential designation and an attempt to preserve this building is contrary to the intent of the Provincial Policy Statement and will not allow the property to achieve the desired Provincial objective of contributing to a range and mix of housing through intensification.

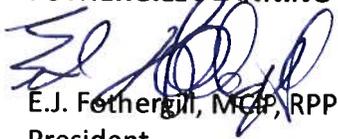
The Burlington Official Plan anticipates redevelopment of the site to include a multi-storey mixed-use building that would help contribute to the enhancement of this strategic location for growth in the City of Burlington. A heritage designation would impede the ability of the site to contribute to the future growth needs of the City in an area where intensification is encouraged and expected to occur.

The staff report notes that the building at 390 John Street is currently perceived as a landmark structure within the context of surrounding low-rise buildings in the area. However, in terms of long-term projections, it is anticipated that these sites will be redeveloped and any prominence the current building has at this time will no longer be present. The recent approval and ongoing construction of a multitude of high-rise mixed-use buildings in the area is a more accurate reflection of the future urban fabric of this area as opposed to the retention of a 2 ½ storey building.

For these reasons, we would ask that the City reconsider its intention to designate 390 John Street under the Ontario Heritage Act.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.


E.J. Fothergill, MCP, RPP
President

Encl.

Anna Kountouris
[REDACTED]
[REDACTED]

To: Chloe Richer
Senior Planner – Heritage
Planning & Development Department
City of Burlington
426 Brant Street
PO Box 5013
Burlington ON L7R 3Z6 **hand delivered and by email to Heritage@burlington.ca**

Dear Ms. Richer

Re: 444 Plains Road East

Shortlist of Heritage Designation Candidates

I am the registered owner of 444 Plains Road East. I am aware of the February 13 2024 City Council decision to include my property on the short list of properties in Burlington to be studied for possible heritage designation under the Ontario Heritage Act, Part IV. I also attended the June 25 2024 meeting on this subject at City Hall.

This is to advise and confirm that I do not agree with the study of my property for possible heritage designation.

To-date, no one has contacted me requesting access on my property for the purpose of study of possible heritage designation.

I confirm that I do not permit any consultant or City staff unauthorized access on to my property for the purpose of study of possible heritage designation. I am not aware of any right of entry onto my property for this purpose. If right of entry without owner consent exists, please advise.

I want to be informed of the results of any study of my property for the purpose of heritage designation and request a copy of any such study.

I also want to be informed of any future meetings, open houses, staff reports, notices of intent to designate and designation by-laws concerning my property.

Finally, I respectfully request your written confirmation of receipt of this letter. Kindly forward your confirmation to [REDACTED]

Sincerely,

Anna Kountouris



Burlington Central High School (1433 Baldwin): Accessibility Renos Building Permit

From Emma Abramowicz <EmmaA@eraarch.ca>

Date Thu 2/20/2025 11:34 AM

To Richer, Chloe <Chloe.Richer@burlington.ca>

Cc thibeaultf <thibeaultf@hdsb.ca>; wildfongm <wildfongm@hdsb.ca>; Thomas Hutcheson [Staff] <hutchesont@hdsb.ca>; Kasper Koblauch <KasperK@eraarch.ca>; Samantha Irvine <Samanthal@eraarch.ca>

 1 attachment (1 MB)

Burlington Central HS - Washroom Accessibility Upgrade Locations.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Chloe,

Thanks so much for the productive discussion just now.

The only ongoing maintenance project we anticipate conflicting with an April 2005 NOID for the Burlington Central High School is an active building permit for **Accessibility Renovations to Interior Washroom Facilities:**

- Building Permit #23 011806 GP
- Date Issued: January 16, 2025
- Planned Completion Date: September 2025

The project involves an upgrade to the existing student and staff washrooms to make them accessible, and the addition of new universal washrooms on the 2nd and 3rd floors. I'm attaching a drawing that shows the locations of the renovation areas in red boxes. There is no impact on any identified heritage attributes.

Per our conversation, we understand that you will be bringing the Staff Report for this property's designation to Council in Spring 2025, but that your plan would be to issue / publicize the NOID in October 2025, to nullify the requirement to void the active building permit under the OHA s. 30(1).

We appreciate this productive solution, and look forward to continuing to work with you on this file.

Best,
Emma

Emma Abramowicz | Senior Project Manager M.PI. CAHP

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November 13, 2024

City of Burlington Heritage Advisory Committee
426 Brant Street
PO Box 5013
Burlington ON L7R 3Z6

Dear Burlington Heritage Advisory Committee Members:

RE: City of Burlington Heritage Designation Project: 458 Elizabeth Street, Burlington ON

MHBC Heritage Planning staff will attend the Burlington Heritage Advisory Committee meeting held tonight on Wednesday, November 13 as a delegation in regard to the property at 458 Elizabeth Street.

The purpose of the delegation is to request that the Heritage Advisory Committee revise its motion on October, 2024 whereby the Committee recommended to Council that 6 properties be designated under Part IV of the *Ontario Heritage Act*, including the property at 458 Elizabeth Street. At the October meeting the Committee directed staff and the City's heritage consultant (Stantec) to review additional historical information available from the Burlington Historical Society. I understand this information has been reviewed and evaluated by heritage staff and Stantec and that this information does not result in justification for designation of 458 Elizabeth Street under part IV of the *Ontario Heritage Act*.

In our view, a recommendation by the Heritage Committee recommending the designation of 458 Elizabeth Street, in the absence of any technical support that the property meets the required criteria of the *Ontario Heritage Act* for designation, adds unnecessary confusion for Council. As a result, we request that the Heritage Advisory Committee put forward a motion which recognizes that the property at 458 Elizabeth Street does not meet the legislated criteria and therefore is not recommended to Council for designation.

I will speak to this issue at my delegated time at the meeting and be available for any questions.

Yours truly,

MHBC

Vanessa Hicks, MA, CAHP

Cultural Heritage Evaluation Report

458 Elizabeth Street/2031 James
Street & 468 Elizabeth Street,
City of Burlington

Date:
September 2023

(updated August 2024)

Prepared for:
Crystal Homes

Prepared by:
**MacNaughton Hermsen Britton
Clarkson Planning Limited (MHBC)**
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MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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Project Personnel

Dan Currie, MA, MCIP, RPP, CAHP	<i>Managing Director of Cultural Heritage</i>	Senior Review
Vanessa Hicks, MA, CAHP	<i>Associate</i>	Research, Author

Owner

Crystal Homes
c/o Kathy Di Silvestro
2031 James Street
Burlington ON L7R 1H2

Acknowledgement of Indigenous Communities

This report acknowledges that the Subject lands referred to as 468 Elizabeth Street and 458 Elizabeth Street/2031 James Street are situated on the traditional territory of the Haudenosaunee, Anishinaabe, Mississaugas, and the Neutral Peoples. This land is covered by the Brant Tract Treaty, No. 8 (Native Land, accessed online 2023).

Glossary of Abbreviations

CHL	<i>Cultural Heritage Landscape</i>
CHVI	<i>Cultural Heritage Value or Interest</i>
HIA	<i>Heritage Impact Assessment</i>
HCD	<i>Heritage Conservation District</i>
MHBC	<i>MacNaughton Hermsen Britton Clarkson Planning Limited</i>
MCM	<i>Ministry of Citizenship and Multiculturalism</i>
OHA	<i>Ontario Heritage Act</i>
OHTK	<i>Ontario Heritage Toolkit</i>
O-REG 9/06	<i>Ontario Regulation 9/06 for determining cultural heritage significance</i>
PPS 2020	<i>Provincial Policy Statement (2020)</i>

Executive Summary

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) was retained by Crystal Homes to prepare a Cultural Heritage Evaluation Report (CHER) for two properties located at 468 Elizabeth Street and 458 Elizabeth Street/2031 James Street, City of Burlington (also **referred to as the "subject lands"**). The subject lands include 19th century dwellings which have been adaptively re-used for commercial purposes. The property located at 458 Elizabeth Street/2031 James Street is currently listed (non-designated) under Part IV, Section 27 of the *Ontario Heritage Act* and is being considered for Part IV designation under the *Ontario Heritage Act* by the municipality. The property located at 468 Elizabeth Street currently has no heritage **status and is not included on the City's Heritage Register.**

The purpose of this report is to evaluate the subject lands and determine a) whether or not the properties are likely to meet the criteria under *Ontario Regulation 9/06* for designation under Part IV of the *Ontario Heritage Act*, and b) whether or not the subject lands are comprised, or part of, a significant Cultural Heritage Landscape.

Summary of Cultural Heritage Analysis

This report concludes that neither 468 Elizabeth Street nor 458 Elizabeth Street/2031 James Street meet the legislated criteria for designation under Part IV of the *Ontario Heritage Act*. Each of the properties located at 458/2031 James Street and 468 Elizabeth Street meet 1 criteria under *Ontario Regulation 9/06* given that they are considered representative of their architectural styles and therefore demonstrate design/physical value.

The subject lands are not part of a Cultural Heritage Landscape. This report demonstrates that the evolution of the context over time from residential to mixed-use has resulted in changes to the streetscape on both private and public lands. These changes have removed features indicative of an intact 19th century residential streetscape. The removal of 19th century buildings and features has had an impact on the character of the area. The context includes those areas where 19th century built fabric has been removed and has influenced the character of the area over time. The existing features of the streetscape are not worthy of conservation as a Cultural Heritage Landscape. Further, the report completed by ASI Ltd. as part of the **Downtown Burlington Cultural Heritage Landscape Study confirms that the "Downtown East" grouping** (which includes the subject lands) does not meet the criteria as a Cultural Heritage Landscape **given that the character of the area has changed over time and includes "remnants" of a 19th century streetscape** and is not eligible as a potential Heritage Conservation District, which is recognized a form of Cultural Heritage Landscape.

Summary of Recommendations

Given that both properties have been evaluated and meet 1 criteria under *Ontario Regulation 9/06*, it is recommended that the properties are not designated under Part IV of the *Ontario Heritage Act*.

1.0 Introduction

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) was retained by Crystal Homes to prepare a Cultural Heritage Evaluation Report (CHER) for the subject lands, which includes the properties located at 458 Elizabeth Street/2031 James Street as well as 468 Elizabeth Street. The subject lands include 19th century dwellings which have been adaptively re-used for commercial purposes.



468 Elizabeth Street: no heritage status



458 Elizabeth Street/2031 James Street:
Listed under Part IV, Section 27 of the
Ontario Heritage Act

The subject lands are located at the north-west corner of James Street and Elizabeth Street, in downtown Burlington. The subject lands are located at the west side of Elizabeth Street and are located in an area which incorporates a variety of land uses, including institutional, residential, and commercial.

468 Elizabeth Street can be described as a 0.09 acre rectangular shaped lot with frontage on Elizabeth Street. The property includes access and parking at John Street. The property is zoned Downtown Core (DC) which permits a range of uses, including retail commercial, service

commercial, office, community, hospitality, entertainment, and residential (in a commercial/office building). The property includes an adaptively re-used 19th century single detached building.

458 Elizabeth Street/2031 James Street can be described as a 0.16 acre rectangular shaped lot with access from Elizabeth Street and James Street. The property is zoned Downtown Core (DC). The property includes an adaptively re-used 19th century single detached building.



Figure 1: Aerial photograph of the Subject lands, outlined in red. (Source: MHBC, 2023)

1.1 Land Use and Zoning

The subject lands are located within the Urban Centre, as per the City of Burlington 2020 Official Plan, which is currently under appeal, including by Crystal Homes. The subject lands are also located within a  area recognized for primary growth. The subject lands are designated

“Downtown East Precinct” and “Downtown East Cultural Heritage Study Area” in the 2020 Official Plan (See below).



Figure 2: Excerpt of Schedule D, Burlington Official Plan (2020), Land Use – Downtown Urban Centre (Source: City of Burlington Official Plan, accessed 2023)

The 2020 Official Plan provides the following as it relates to the Downtown East Precinct in Section 8.1.1 (3.9):

The Downtown East Precinct will serve as the pre-eminent destination for office and major office uses, post-secondary educational and other learning facilities and provide significant opportunities for residential uses within mixed-use developments. Retail and service commercial uses will be the predominant use at grade along Mixed Use Streets, as shown on Schedule D-1: Downtown Retail Streets, of this Plan to serve the day-to-day needs of Downtown residents and employees. In addition, the precinct will be a focus for the provision of public use parking to support retail and office uses throughout the Downtown.

Development will primarily be in the form of tall buildings which are informed by historical development patterns and precedent within the precinct. However, development will be expected to transition to, as well as achieve compatibility with, the adjacent Low-Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan.

8.1.1(3.9.1) POLICIES

(a) The following uses may be permitted within the Downtown Core Precinct:

(i) office uses;

(ii) residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings;

(iii) retail and service commercial uses;

(iv) hotel uses;

(v) entertainment uses; and;

(vi) recreation uses.

(b) Development shall:

(i) not exceed a maximum building height of seventeen (17) storeys as shown on Schedule D-2: Downtown Urban Centre Heights, of this Plan subject to policy 8.1.1(3.9.1) d)

c) Any building containing residential units above the height of a mid-rise building, shall provide one floor of office space in a podium for every three additional floors to a maximum of 17 storeys.

(d) The City shall explore opportunities to partner in the provision of underground parking spaces dedicated for public use.

(e) Development shall transition to adjacent Low-Rise Neighbourhood Precincts, as shown on Schedule D: Land Use – Downtown Urban Centre of this Plan, and to the future public park between Pearl and Martha Streets north of James Street, as set out in Section 8.1.1(3.19.4) and the Downtown Placemaking and Urban Design Guidelines.

8.1.1(3.9.2) SITE-SPECIFIC POLICIES

(b) The City will undertake a cultural heritage evaluation of potential cultural heritage resources and potential cultural heritage landscapes in the Downtown in accordance

with policy 8.1.1(3.23)(d). Notwithstanding Sections 8.1.1(3.9.1) (b) and (c), for the lands identified as Downtown East Cultural Heritage Study Area on Schedule D, Land Use – Downtown Urban Centre, and Schedule D-2, Maximum Building Heights, of this Plan, the following shall apply:

(i) The minimum height of buildings shall be two storeys. The maximum height of buildings shall be four storeys.

(ii) Buildings up to a maximum of eight storeys and 29 m may be permitted where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of terracing above a low-rise street wall in accordance with Section 8.1.1(3.19) of this Plan, with further guidance provided by the Downtown Burlington Placemaking and Urban Design Guidelines.

In regards to the above-noted policies, the Cultural Heritage Landscape Study was completed in 2024 and the area was found not to represent a significant Cultural Heritage Landscape worthy of conservation. Therefore, the above-noted policies regarding undertaking an evaluation of potential Cultural Heritage Landscapes are now outdated.

The subject lands are zoned Downtown Core Zone (DC) which permits a range of retail commercial, service commercial, office, community, hospitality, entertainment, and residential uses.

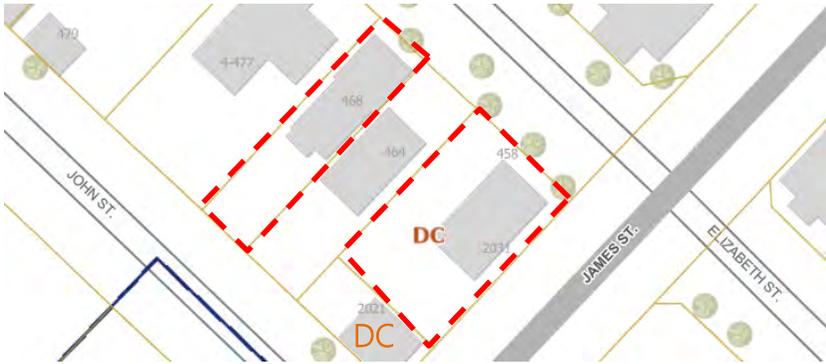


Figure 3: Zoning Map noting the subject lands (outlined in red), Zoned Downtown Core Zone (DC) (Source: City of Burlington Interactive Map, accessed 2023)

1.2 City of Burlington Cultural Heritage Landscape Study

The City of Burlington recently completed a Cultural Heritage Landscape (CHL) study within the **Downtown Mobility Hub area**. The study area and the location of “clusters” of potential heritage

resources identified by the consultants are noted in Figure 4. The subject lands were identified as part of the “Downtown East” cluster.

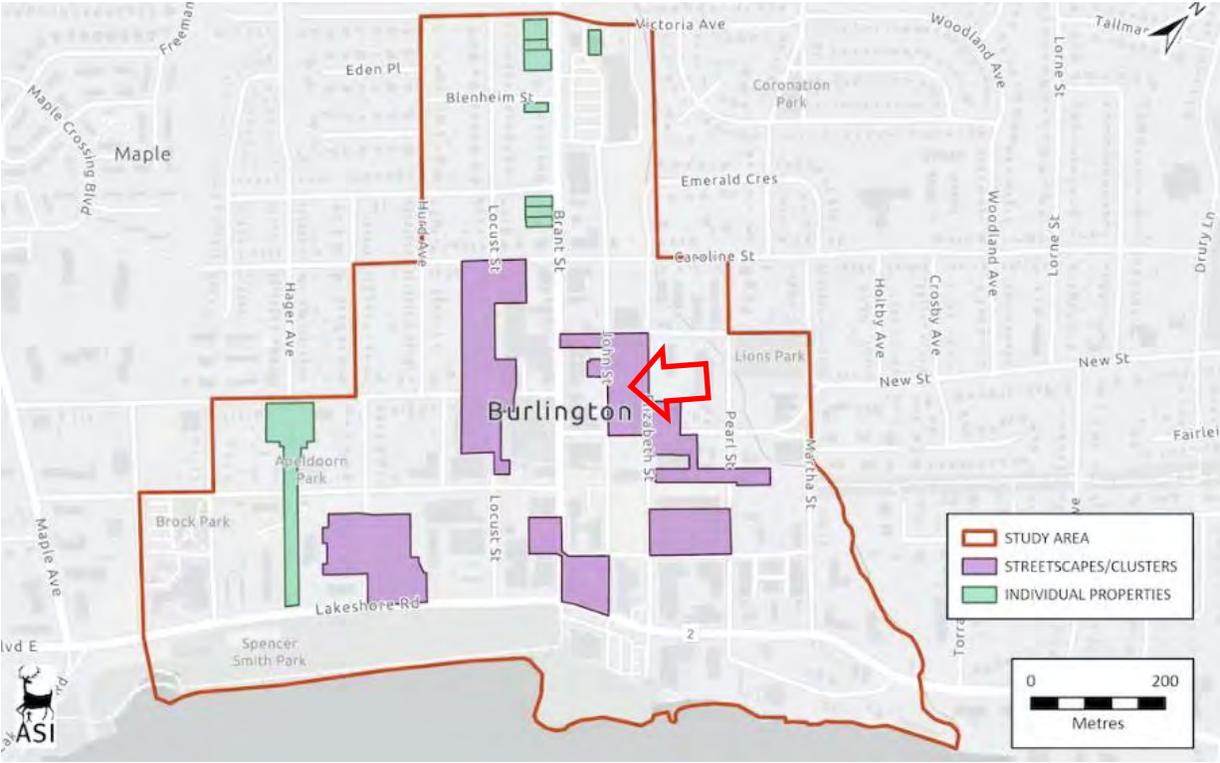


Figure 4: Map of the Study Area and “clusters” of potential heritage resources part of the CHL. Approximate location of the subject lands noted with red arrow. (Source: ASI, 2023)

The final recommendations of the Downtown Burlington CHL Study were released in September 2023 and the study has concluded. The report determined that the Downtown East grouping had changed over time and as a result of these changes, did not meet the definition of a Cultural Heritage Landscape and was not identified as a potential Heritage Conservation District.

A detailed summary of the findings of the City’s Downtown Burlington CHL Study are provided in Appendix E.

This Cultural Heritage Evaluation Report provides further evidence as to how the property at 458 Elizabeth Street/2031 James Street only meets 1 criteria under *Ontario Regulation 9/06* and does not meet the legislated criteria for designation under Part IV of the *Ontario Heritage Act*.

1.3 Heritage Status

458 Elizabeth Street/2031 James Street is currently listed on the City of Burlington Heritage Register. The property is currently being considered for Part IV designation under the *Ontario*

Heritage Act. The property located at 468 Elizabeth Street has no cultural heritage status and is **not included on the City’s Heritage Register and is not being considered for designation under Part IV of the Ontario Heritage Act.**

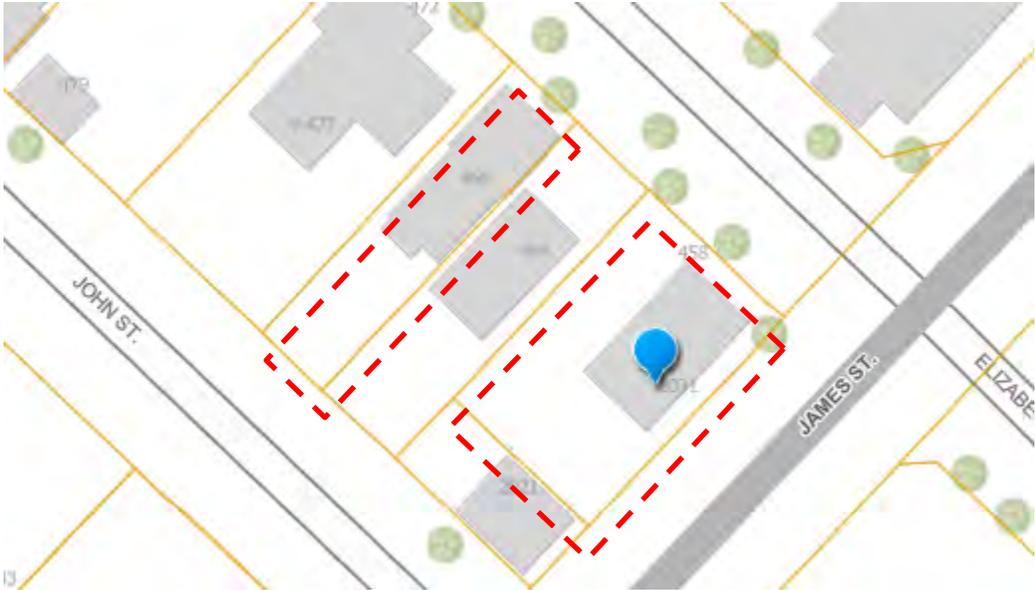


Figure 5: City of Burlington Interactive Map (Heritage Properties Layer) noting the location of the subject lands, outlined in red. The map indicates that the property at 458 Elizabeth Street/2031 James Street is listed on the Heritage Register (Source: MHBC, 2023)

2.0 Policy Context

This section provides an overview of the provincial and municipal policy framework which has guided this report.

2.1 The *Planning Act* and Provincial Policy Statement

The *Planning Act*, R.S.O. 1990, c.P.13 provides a number of provisions respecting cultural heritage and land development, either directly in Section 2 of the *Act* or through Section 3 respecting policy statements and provincial plans. The *Planning Act* outlines 18 spheres of provincial interest that relevant authorities in the planning process must consider. Regarding cultural heritage, Section 2 of the *Planning Act* provides that:

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, ...

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

The Provincial Policy Statement (PPS) was issued by the Province of Ontario and came into effect on May 1, 2020. In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act* the Province has refined policy guidance for land use planning and development matters in the PPS. When addressing cultural heritage planning, the PPS provides for the following:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The PPS provides definitions of the following relevant terms:

Built Heritage Resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's

cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural Heritage Landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning, or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Protected Heritage Property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Significant: e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

2.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), was approved under the *Places to Grow Act*, 2005, by the Lieutenant Governor in Council through Order in Council No. 641/2019. The Growth Plan came into effect on May 16, 2019. Amendment 1 (2020) to the

Growth Plan was approved by the Lieutenant Governor in Council through Order in Council No. 1244/2020 and took effect on August 28, 2020.

As per Schedule 2, the subject lands are within the Conceptual Built-up Area of the Growth Plan and identified as part of an Urban Growth Centre. Section 2.2.1 of the Growth Plan generally provides that the growth will be directed to settlement areas that have existing or planned municipal water and wastewater services and that can support the achievement of complete communities. Section 2.2.3 of the Growth Plan indicates that Downtown Burlington is to achieve a minimum density target of 200 residents and jobs per hectare by no later than 2031.

Section 4.2.7 of the Growth Plan provides the following policy for development and cultural heritage resources:

- 1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

2.3 *Ontario Heritage Act and Ontario Regulation 9/06*

The *Ontario Heritage Act (OHA)* is the guiding legislation for the conservation of significant cultural heritage resources in Ontario.

Part IV of the *OHA* provides that a municipality shall maintain a register of properties that are of cultural heritage value or interest (CHVI) which may include designated and non-designated properties. The property located at 458 Elizabeth Street/2031 James Street is listed under Section 27, but not designated under Part IV of the *Ontario Heritage Act*. The property located at 468 Elizabeth Street is not listed and is not being considered for potential designation under Part IV of the *Ontario Heritage Act*.

As per Section 29 (1) of the *OHA*, the municipal council may, by by-law, designate a property that is of CHVI provided the property meets the prescribed criteria contained within Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest. Ontario Regulation 9/06 (as amended) states that a property may be designated under Section 29 of the *Act* if it meets two or more of the following criteria for determining whether it is of CHVI:

- 1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.*
- 2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.*
- 3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.*

4. *The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.*
5. *The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
6. *The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
7. *The property has contextual value because it is important in defining, maintaining or supporting the character of an area.*
8. *The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.*
9. *The property has contextual value because it is a landmark.*

A property may be listed (non-designated) by the Council of the Municipality if it meets one or more of the criteria listed above.

It is important to note that as of January 2023, *Ontario Regulation 9/06* must also be applied as it relates to the evaluation of potential Heritage Conservation Districts (HCD). Here, at least 25% of properties within a proposed HCD must meet at least two criteria under *Ontario Regulation 9/06*.

2.4 Halton Region Official Plan

The Halton Region Official Plan, as updated to include the approved Amendments 48 and 49, provides policies related to cultural heritage resources. Part IV (Healthy Communities Policies) provides the following policies related to development and cultural heritage:

*165. The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for **present and future generations**...*

167. It is the policy of the Region to:

(1) Maintain, in conjunction with the Local Municipalities, local historical organizations, and municipal heritage committees a list of documented Cultural Heritage Resources in Halton...

(3) Require that development proposals on adjacent lands to protected Cultural Heritage Resources:

- a) study and consider the preservation, relocation and/or adaptive re-use of historic buildings and structures based on both social and economic costs and benefits;*
 - b) incorporate in any reconstruction or alterations, design features that are in harmony with the area's character and existing buildings in mass, height, setback and architectural details; and*
 - c) express the Cultural Heritage Resources in some way, including: display of building fragments, marking the traces of former locations, exhibiting descriptions of former uses, and reflecting the former architecture and uses...*
- (5) Encourage the Local Municipalities to prepare, as part of any Area-Specific Plan or relevant Official Plan amendment, an inventory of heritage resources and provide **guidelines for preservation, assessment and mitigative activities...***
- (8) Develop a coordinated heritage signage and heritage promotion program in Halton.*
- (9) Ensure that the protection of Cultural Heritage Resources has regard for normal farm practices.*

2.5 City of Burlington Official Plan

The existing, in-force City Official Plan was approved by the Ontario Municipal Board on October 24, 2008. The Official Plan text and maps were updated in the October 2019 office consolidation. Official Plan Amendment (OPA) 55 was adopted in order to bring the in-force Official Plan into conformity to the 2006 Growth Plan and to provide for growth to 2021.

Part II, Section 8 of the Official Plan addresses Cultural Heritage Resources in the City. The Official Plan includes various policies relating to the management and conservation of cultural heritage resources, including tangible features, structures, sites, or landscapes that, either individually or as part of a whole, are of historical, architectural or scenic value. It provides principles, objectives and policies for the conservation, identification and recognition of heritage resources.

Policies 8.3.3 a) and c) state that the City may maintain ***"an inventory of buildings, structures and cultural heritage landscapes designated under the Ontario Heritage Act or worthy of designation and buildings, structures and cultural heritage landscapes of architectural, historical and contextual interest shall be maintained in consultation with Heritage Burlington"***. It also states that ***"pursuant to the Ontario Heritage Act, the Planning Act, the Building Code Act or any other relevant legislation, the City may pass by-laws or adopt other measures for cultural heritage resource conservation and management."***

The Official Plan defines a Cultural Heritage Landscape as ***"a defined geographical area of heritage significance, which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological***

sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under The Ontario Heritage Act, and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.”

Policy 8.3.4 a) states that **"Cultural Heritage Landscapes may be conserved through designation as Heritage Conservation Districts under the Ontario Heritage Act where some or all of the following features have been identified:**

- (i) the District contains buildings that reflect an aspect of local history by nature of location and historical significance of setting;*
- (ii) the District contains buildings that are of a style of architecture or method of construction which is historically or architecturally significant to the City, Region or Province;*
- (iii) the District contains other important physical, environmental or aesthetic features that, are not sufficient for designation, but lend support in evaluating the criteria for designation; and,*
- (iv) the District is in an area of special association that is distinctive within the City and, as a result, adds to the character of the entire community.”*

Policy 8.3.4 d) states that **"prior to the designation of a Heritage Conservation District, City Council shall:**

- (i) consult with its municipal heritage committee (Heritage Burlington);*
- (ii) pass a by-law of intent to define and investigate an area;*
- (iii) prepare and adopt a Heritage Conservation District Plan that will contain policies and guidelines and incentives to encourage **conservation of the area's character and heritage attributes** and establish criteria for controlling demolition and regulating design; and*
- (iv) pass a by-law **designating the area as a Heritage Conservation District.**"*

It should be noted that due to recent changes to the OHA as a result of Bill 23, these policies need to be amended to reflect the current policies and requirements for designation of a Heritage Conservation District.

The new City of Burlington Official Plan was adopted by City Council in 2018 and approved by Halton Region in 2020. Much of the new Official Plan remains under appeal to the Ontario Land Tribunal.¹

Section 3.5 of the new Official Plan provides policies related to cultural heritage resources and development, including the following:

3.5.2(1) USE AND TREATMENT OF CULTURAL HERITAGE RESOURCES

...e) Cultural heritage resources shall be protected and conserved, in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada and other recognized heritage protocols and standards.

f) The City shall use criteria established by Provincial regulation under The Ontario Heritage Act for determining cultural heritage value or interest and for identifying and evaluating properties for listing on the Municipal Register and for designation under The Ontario Heritage Act. The City may further refine these criteria and provide guidelines for their use.

3.5.2(5) DEVELOPMENT POLICIES

a) All development shall consider cultural heritage resources and, wherever feasible, incorporate these resources into any development plans in a way that conserves the heritage attributes of the cultural heritage resource.

b) If development is proposed on any property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, the property, or portions of the property, may be considered for heritage designation or the entering into of a heritage conservation easement agreement, to secure conservation of cultural heritage resources.

*c) All options for the retention of cultural heritage resources in their original location should be exhausted before resorting to re-location. The following alternatives shall be given due consideration in order of priority: (i) on-site retention in the original use and location and integration with the surrounding or new development; (ii) on-site retention in an adaptive re-use; (iii) re-location to another site within the same development; and (iv) re-location to a sympathetic site within the city. The City will consider other **conservation solutions as appropriate...***

f) Approval of development on lands containing cultural heritage resources and/or within a cultural heritage landscape may be subject to conservation of the cultural heritage resource. Should the City, in consultation with its municipal heritage committee, determine that the proposal to alter, demolish or erect a structure that would detract

¹ This includes appeals made by Crystal Homes.

from, or indirectly impair the character, quality, heritage attributes or stability of a significant cultural heritage resource, the proposal shall be subject to the recommendations of a Heritage Impact Statement.

g) Cultural heritage resources that are to be removed, demolished, or significantly altered with the appropriate approvals from the City, shall be recorded for archival purposes with a history, photographic record and measured drawings, as appropriate, before alteration, removal or demolition. Such documentation shall be provided to the City for archival purposes.

3.0 Historical Context

3.1 First Nations

The area which would become the City of Burlington was inhabited by First Nation groups as early as 7,000-6,000 B.C.E. In the seventeenth century, the area was inhabited by Anishnaabe (Ojibway) known as the Mississaugas, which were a part of the Iroquois nation. During this era the area was referred to as **“Ganastoqueh”, or “Des-aas-a-deh-d” in other Iroquois dialects; this translates to mean, “Where the sand forms a bar”; Burlington Bay was known as “Macassa” (Canadian Encyclopedia, 2018).**

The Haudenosaunee (Iroquois Confederacy)² played a vital role in the seventeenth and eighteenth century during the struggle between the French and British; the Six Nations were an important part of the area that would develop into the City of Burlington (Canadian Encyclopedia, 2018).



Figures 6 & 7: (Left) Iroquois Confederacy including leaders from five Iroquois nations assembled in c.1570, French Engraving, Early 18th Century (Source: The Granger Collection, New York); (right) Painting of Joseph Brant, Thayendanegea, leader of the Six Nations (Source: George Romney, 1776).

During the American Revolution, there was a divide between the nations in the Confederacy; the Oneida and Tuscarora opposed supporting the British out of Niagara but the other nations followed Chief Joseph Brant’s Mohawk loyalists to defend the British. As a reward for Joseph Brant’s support of the British, he was awarded the Joseph Brant’s block which was patented to him in February of 1798.

² In 1722, becoming the Six Nations with the acceptance of the Tuscarora people along with the Mohawk, Oneida, Onondaga, Cayuga, Seneca (Encyclopedia Britannica).

The Block was enclosed by the Township of Flamborough to the west and Lake Ontario to the south. The extent of the northern portion of the Block was south of the northern boundary of the First Concession South of Dundas Street and extended east into Lot 18, which is where the subject lands are currently situated. **The land, dubbed “Brant’s Block”, consisted of 3,450 acres** of land. This land was sold for the purpose of settlement by Joseph Brant and the managers of his estate. Of the total acreage, 50 acres was allotted for his wife and their eight children (Heritage Burlington, 2018).



Figure 8: **Joseph Brant’s Block** (Source: Heritage Burlington, 2018)

This block established two communities on the shore of Lake Ontario: Wellington Square and Port Nelson. Their proximity to Lake Ontario positioned them as key supporters for the lumber and wheat industries (City of Burlington, 2018).

3.2 Euro-Canadian Settlement

One of the first European settlers to have visited the area was Rene Robert Cavalier, Sieur de La Salle (namesake of La Salle Park) and Louis Joliet, who were French explorers and fur traders. In 1669, they arrived in Burlington Bay on their return from Lake Superior taking the Grand River from Lake Erie. Proceeding the fall of Quebec City, British Major Robert-Rogers visited the area to take possession of the French military posts along with Captain Coote to **which Coote’s Paradise (currently Burlington Bay) was named after due to his fondness for wild game and waterfowl at the swamps off of Burlington Bay.**

In 1784, Captain Joseph Brant was awarded a large tract of land by the British for his contribution to the British force in the War of Independence with the United States. The tract of land was subdivided into lots and sold; this was the beginning of what would become the City of Burlington (Canadian Encyclopedia, 2018).

After the end of the American Revolutionary War, loyalist emigrants from the British Isles and Europe began to come to the area. Clearing of their lots was required in order to patent the deeds for the Crown Grants of land which primarily were established in Nelson Township.

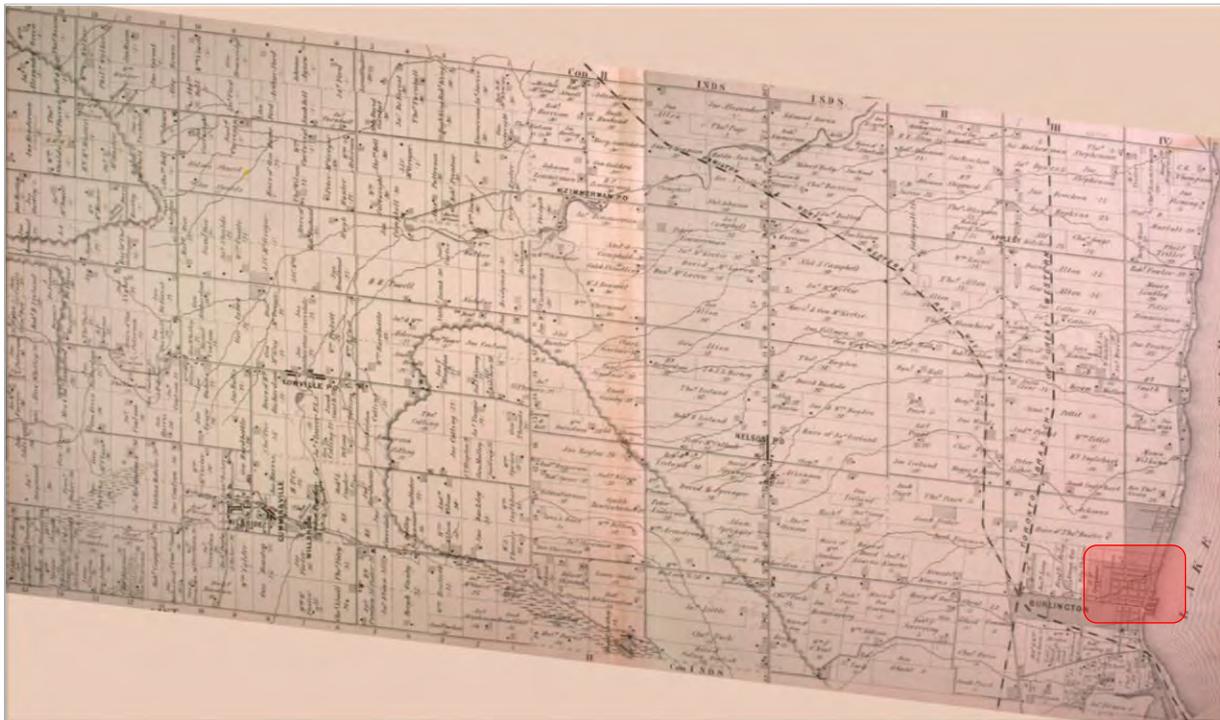


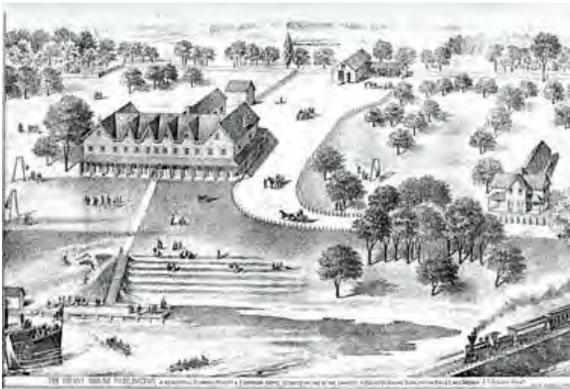
Figure 9: View of 1880 Canadian Historical Atlas Map of Nelson Township (Source: McGill University); Red box indicates area of Burlington in which the subject lands are situated.

Communities began to develop including: the Village of Zimmerman near the Twelve Mile Creek established by Henry Zimmerman, Cumminsville established by Titus Cummins and Appleby which was established by Van Norman, the Hamlet of Dakota, Village of Kilbride, Nelson (Hannahsville), Tansley  on Village (Heritage Burlington, 2018).

Pine and oak were the area's main production between 1820 and 1850; this transitioned to the production of wheat during the Crimean War. In the early twentieth century, Burlington had become primarily a farming community (Burlington Historical Society, 2018).

3.3 The City of Burlington

The City of Burlington is located at the head of Lake Ontario approximately fifty kilometres west of Toronto. **In 1801, Joseph Brant's home was constructed on the north shore of Hamilton Harbour (formerly Burlington Bay).** The construction of his home marked the beginning of development in the downtown core of the City of Burlington. This home throughout the years has been altered and was rebuilt to serve as a museum in 1942. Later, the home was moved to accommodate the Joseph Brant Hospital.



Figures 10 & 11: *(left) View of Joseph Brant's House; (right) View of Joseph Brant's original house* during the construction of Joseph Brant Hospital (Source: Heritage Burlington, 2018)

The parcels of land divided in **Brant's Block** (1798) were sold to various settlers. James Gage purchased 338.5 acres of land. In 1810, Gage completed a survey of his land which set out what would become Wellington Square. The early settlers occupied the land with agrarian practices as well as commercial canneries, ice harvesting and basket factories (Burlington Historical Society, 2018).

The nineteenth century economy was dependent on water transportation via Port Nelson, Wellington Square and Port Flamboro (Aldershot). Products included: wheat, lumber and quarried rock. This industry was augmented by the establishment of the railway in 1854. Unfortunately, timber reserves began to be depleted as steamships bypassed these ports for larger stops such as the ports in Hamilton and Toronto.

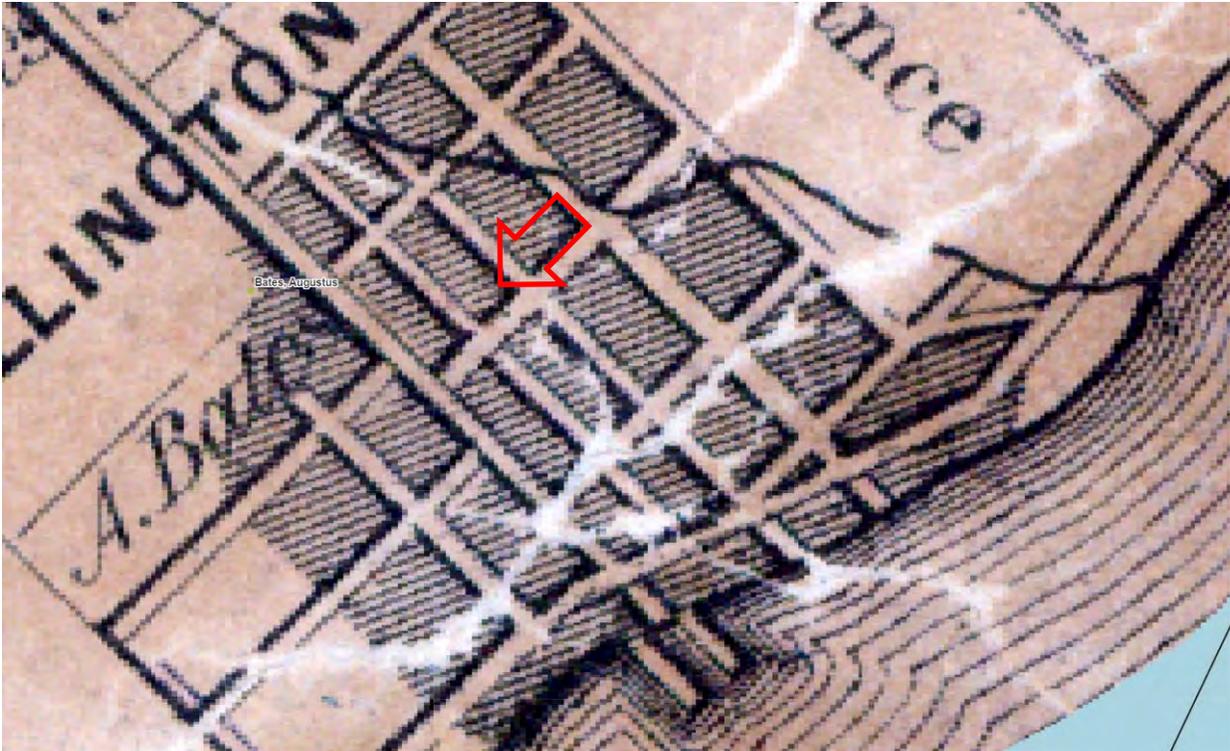


Figure 12: View of the Village of Burlington in the Township of Nelson Tremaine map of 1861. Approximate location of the subject lands noted with red arrow. (Source: Ontario Historical County Maps, University of Toronto)

Nevertheless, the area continued to grow and in 1873, Burlington was incorporated as a village which including the settlements of Port Nelson and Wellington Square. Figure 13 below shows the location on the subject lands.



Figure 13: Illustrated County Atlas Map of the Village of Burlington in the Township of Nelson Map of 1880 Canadian Historical Atlas. (Source: McGill University)

Between 1890 and 1915, the local agriculture industry transitioned into a market of gardening and fruit growing, labelling it the “Garden City” of southwestern Ontario. During this time period, Burlington was recognized as a town in 1914 (Canadian Encyclopedia, 2018). The town continued to grow and develop. And urban industrialism replaced agrarian practices and by the 1950s and 1960s, high-rise developments began to be constructed.



Figure 14: Aerial photograph of 1954 of Burlington (Source: Province of Ontario, Dept. of Lands and Forests, Surveys and Engineering Division, Courtesy of the University of Toronto)

In 1974, Burlington was incorporated as a city. **Several streets in the former Brant's Block are named after the notable people of the area (i.e. Brant, Ghent).**

3.4 Downtown Burlington, and the "Downtown East" Grouping

The purpose of the following sub-sections of this report is to provide an analysis of the evolution of the subject lands and context over time using primary data sources.

The Downtown Core Precinct was divided into lots by the early to mid-nineteenth century. The subject lands are part of Block E, Lot 6 (468 Elizabeth Street) and Lot 7 (458 Elizabeth Street/2031 James Street) (See Figure 16). The 1877 map of Burlington indicates streets and lots, but does not indicate any buildings.

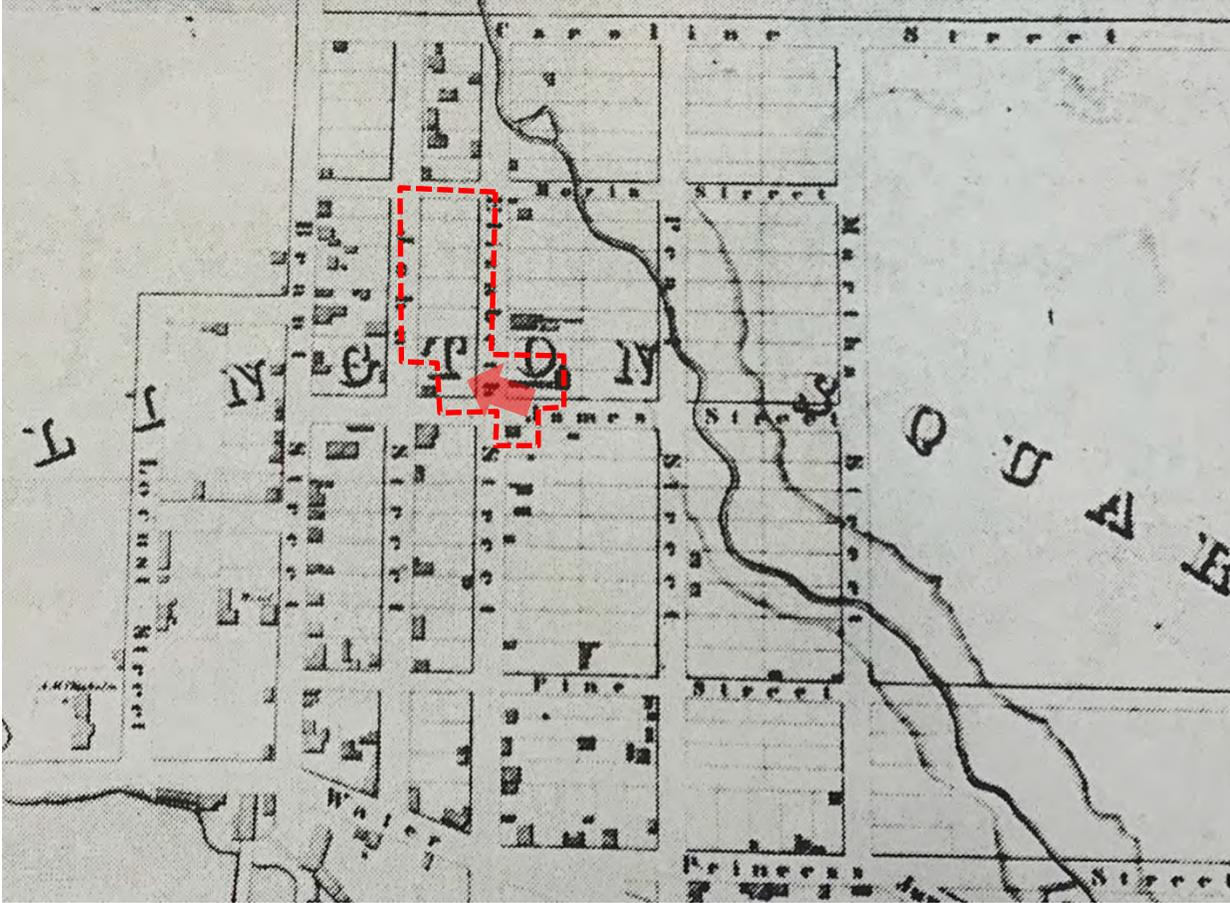


Figure 15: Excerpt of the 1836 Plan of the Village of Burlington, Wellington Square Station. Approximate location of the Downtown East CHL outlined with red dashed line. Approximate location of the subject lands at 458 Elizabeth Street/2031 James Street noted with arrow (Source: Courtesy of the Burlington Public Library)

The following map indicates the Blocks and patterns of development. The map does not indicate any buildings (See Figure 16).

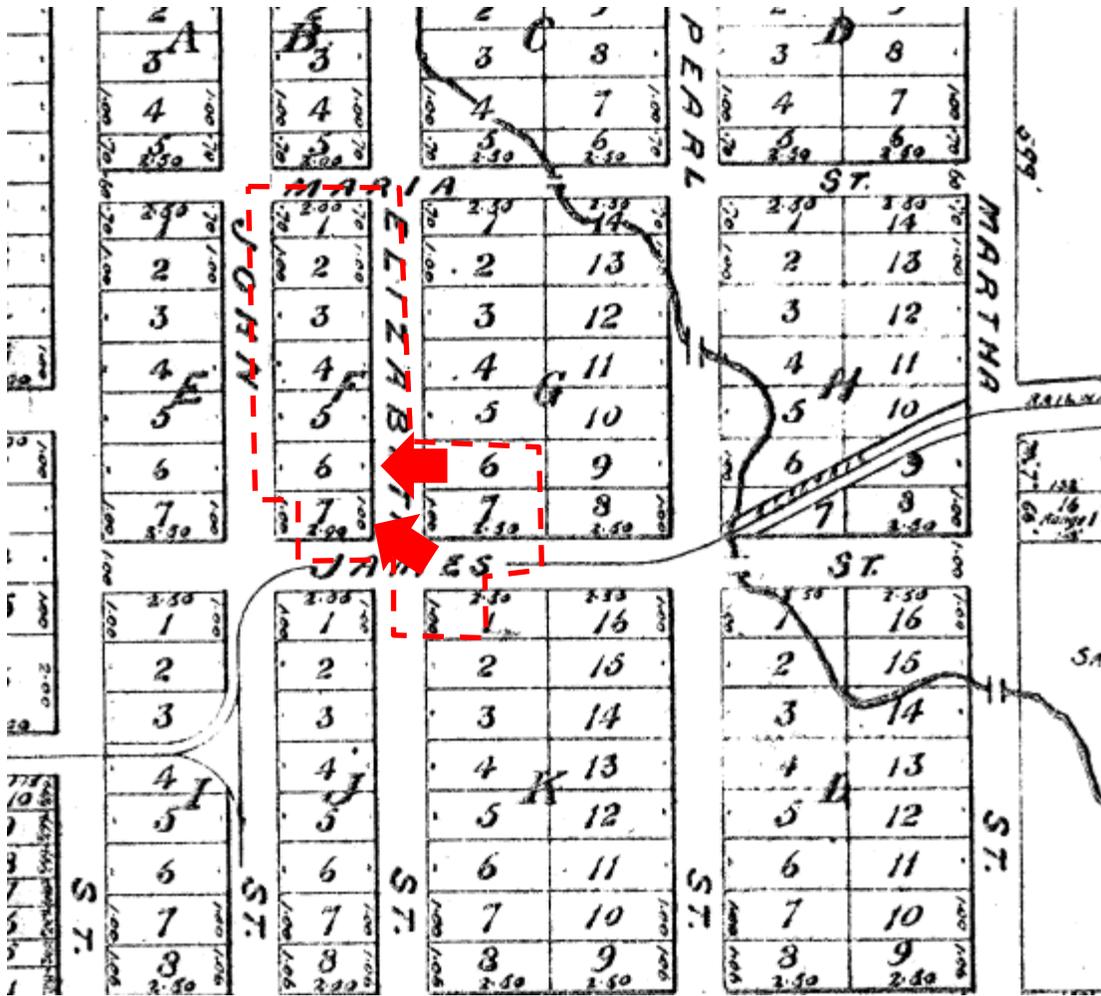


Figure 16: Excerpt of Plan 99, Brant's Block, City of Burlington (1900). Approximate location of the subject lands noted with red arrows (Source: Ontario Land Registry No. 20)

The earliest available map which notes the locations and details of buildings is the 1924 Fire Insurance Plan (See Figure 17). According to the map, the existing buildings located on the west side of Elizabeth Street were constructed by this time, with the exception of the apartment building at 464 Elizabeth Street. The majority of buildings on the east side of Elizabeth Street have been demolished and replaced with the existing multi-residential building at what is now 477 Elizabeth Street.

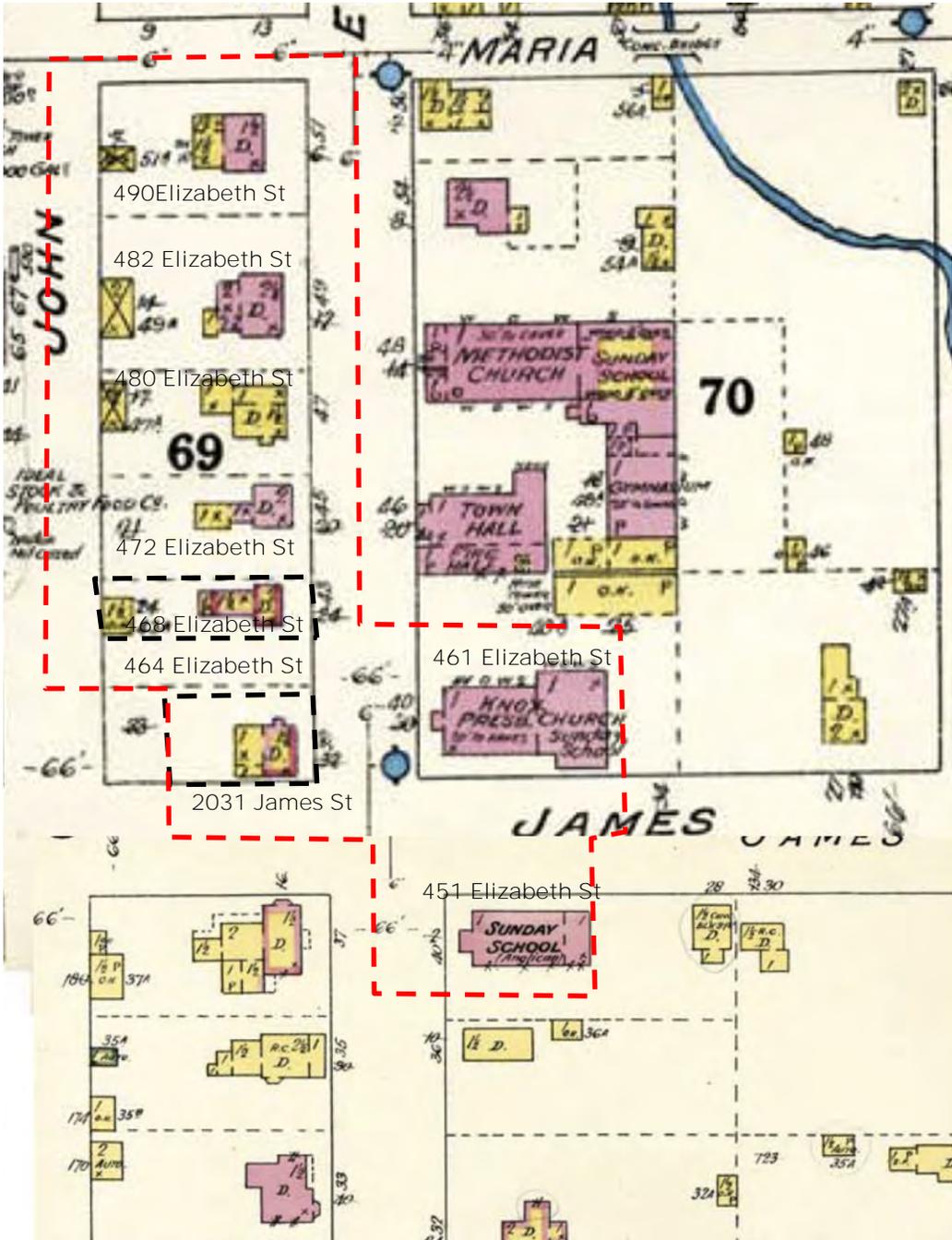


Figure 17: 1924 Fire Insurance Plan noting the boundary of the Downtown East Cultural Heritage Landscape (red dashed line) and the properties at 468 Elizabeth Street and 458 Elizabeth Street/2031 James Street, outlined in black (Source: Burlington Public Library).

Downtown Burlington continued to develop through the 19th century, and by 1960, the community had evolved to include higher density residential buildings, commercial streets, and mature residential neighbourhoods. The 1960 aerial photograph of Burlington demonstrates the

density of the area at this point in time. Although, the features of the subject lands are difficult to decipher in this photograph (See Figure 18).



Figure 18: 1960 Aerial photograph of Burlington. Approximate location of the subject lands noted with red arrow. (Source: University of Toronto)

The area has continued to evolve over time, and buildings were either removed or altered to suit adaptive re-use. By the end of the 20th century, the majority of buildings on the east side of Elizabeth Street had been removed, with the exception of the churches at 461 Elizabeth Street and 451 Elizabeth Street. The properties located within the identified CHL boundary have been altered to suit adaptive re-use, and as a result, the character of the streetscape has changed.

The aerial photograph below demonstrates that by 1998, the majority of amenity space, gardens, mature trees, and landscaped open space surrounding the dwellings have been removed and replaced with surface parking for commercial/retail or office uses. Large additions have been added to the rear and side elevations of buildings. Parking access has been provided along John Street or adjacent to the buildings at Elizabeth Street. The exception to this is the building at 490 Elizabeth Street, which has maintained its landscaped open space and features which are characteristic of its original residential use (See Figure 19). The removal of the former residential buildings at the east side of Elizabeth Street and the construction of the multi-residential building at 477 Elizabeth Street has also contributed to the change in character of the area.



Figure 19: 1998 Aerial photograph of Burlington. Approximate location of the subject lands noted in red. Boundary of the identified Downtown East Cultural Heritage Landscaped outlined in red. (Source: University of Toronto)

The subject lands have remained largely the same since the end of the 20th century. The existing features of the subject lands and the Downtown East CHL Area are noted in Figure 20 below.

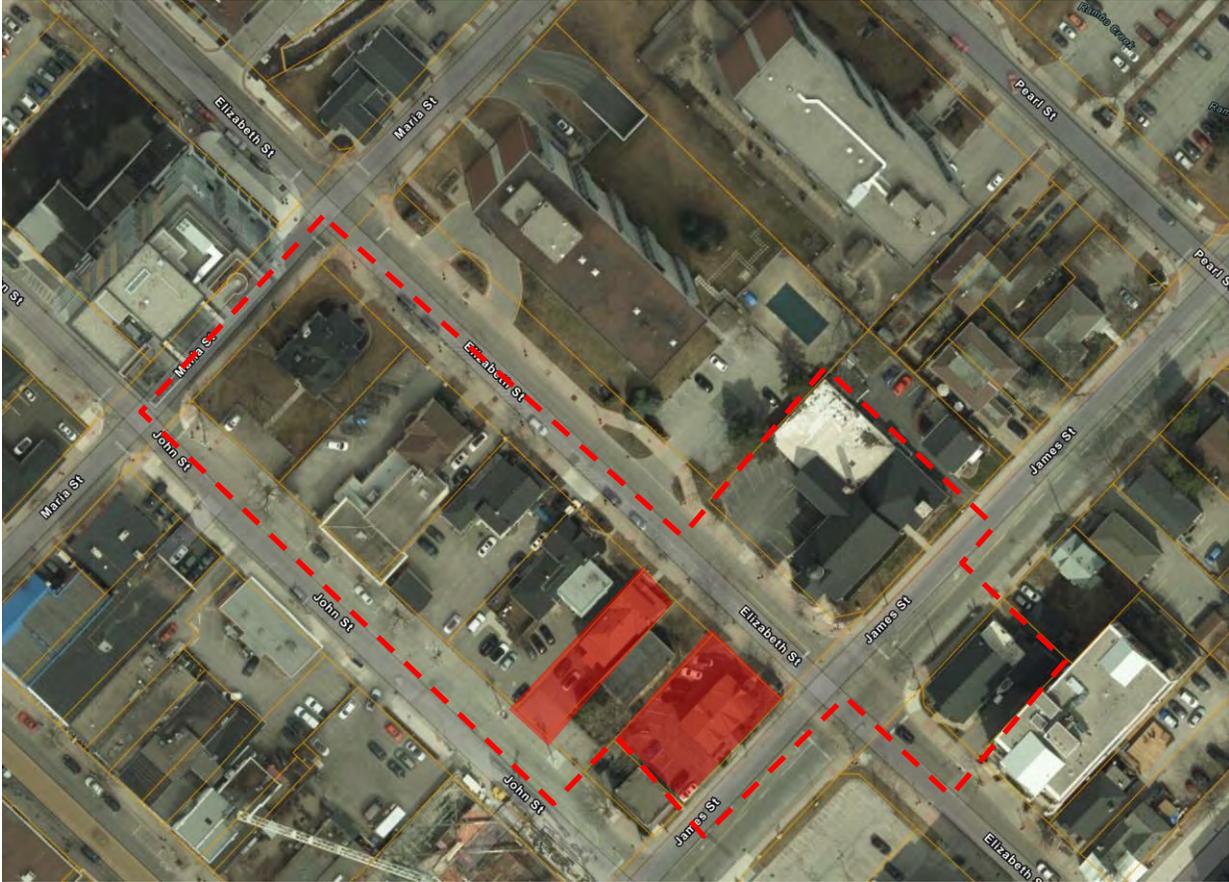


Figure 20: 2021 Aerial photograph of Burlington. Approximate location of the subject lands noted with red arrow. Boundary of the Downtown East CHL outlined with red dashed line. (Source: City of Burlington Interactive Map)

3.5 468 Elizabeth Street

According to title records, the property at 468 Elizabeth Street was part of the Joseph Brant estate until 1810, when 338.5 acres were granted to James Gage. Andrew Gage owned the lands when the 1854 Plan of Wellington Square was drafted. The property at 468 Elizabeth Street became part of Block E, Lot 6 in 1853. Andrew Gage sold all of Lot 6 to Patrick Moore in 1853. The property changed hands several times until 1869 when lot 6 was sold to James Bastedo. James sold to David Bastedo in 1870. At this time, the lot was severed into 1/5 of an acre. David Bastedo sold to Hannah Maria Bastedo, wife of James Bastedo.

According to tax assessment rolls for James Bastedo dated 1877, he is noted as a dentist by occupation, residing on "King No 6." Given that he did not reside on Elizabeth Street suggests that the existing building had not yet been constructed. Hannah Bastedo sold to William Kerns

for \$800.00 in 1882. The price of sale at this time suggests that a building was located on the lot, and was likely constructed between 1869 and 1882.

William Kerns sold in that same year to Frederick Bray for \$800.00. Frederick Bray owned the property from 1882 to 1913. He is noted in the 1911 census as residing on Elizabeth Street (See Figure 21). Therefore, it is likely that the existing building was constructed by this time.

Name	Age	Sex	Occupation	Birthplace
Dusfee Sarah	James St. Hall	Head	Feb 1836 77	England 1857
Wife Elizabeth	Pe Rice		May 1862 49	Ontario
Boys Frederick	Elizabeth M. Hall	Head	Jan 1821 89	Jersey 1857
Marjaret	A. Gripe		Nov 1831 80	Scotland
Elizabeth Belle	J. Gripe		Apr 1871 40	Ontario
Garbutt William	Elizabeth M. Hall	Head	Apr 1833 77	Ontario
Isabella	J. Gripe		June 1838 74	Ontario
Bernice Harris	Elizabeth M. Hall	Head	Jan 1866 44	Ontario

Figure 21: Excerpt of the 1911 Census of the City of Burlington noting Frederick Bray as a resident of Elizabeth Street, of no profession. (Source: Ancestry.ca)

The Estate of Frederick Bray was sold to Thomas Atkinson in 1913 for \$3,000.00. The considerable change in price from \$800.00 in 1882 to \$3,000.00 in 1913 suggests that the property was changed at this time. It is important to note that according to the 1924 Fire Insurance Plan, two dwellings are indicated on the subject lands. This includes the existing building on what is now 468 Elizabeth Street, as well as a 1 1/2 storey wood frame building fronting John Street. Therefore, one building was likely constructed between 1869 and 1882, and the second building was likely constructed between 1882 and 1913. Given that the features of the existing dwelling are indicative of the Edwardian period of construction, it is likely that the existing dwelling was constructed between 1882 and 1913 under ownership of Frederick Bray.

According to the 1924 Fire Insurance Plan, the existing building is noted as “43 Elizabeth Street”. The building can be described at this time as a 2 storey brick clad building with a 1 1/2 storey addition and a single storey addition to the rear. The 1 1/2 wood frame structure located adjacent to John Street and is addressed as “43 A Elizabeth”. Given that the rear addition noted in the 1924 Fire Insurance Plan is 1 1/2 storeys and not 2 storeys, it is likely that it the existing rear addition (Section “B”) was constructed between 1924 and 1957, when the building is noted in Burlington Voters lists as including a second unit (See Figure 22).

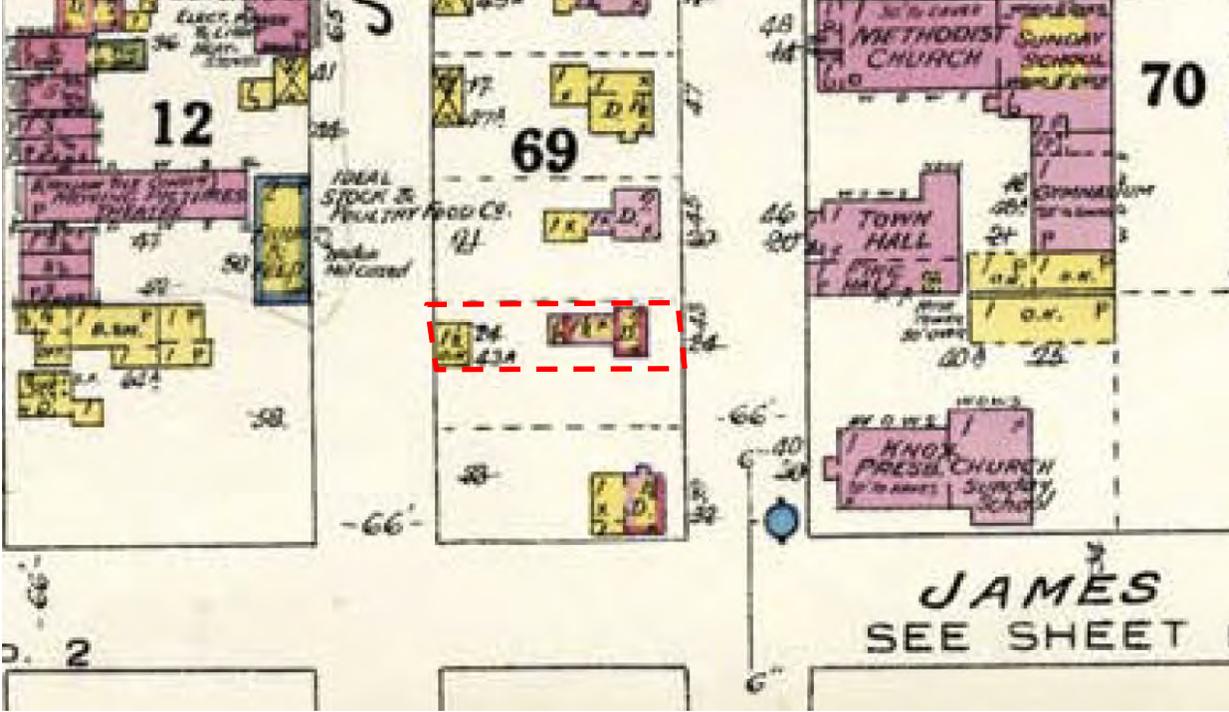


Figure 22: Fire Insurance Map of 1924 noting the subject property at 468 Elizabeth Street (Source: Burlington Public Library).

The property was mortgaged to Lilian Freeman in 1927 and subsequently, the property was transferred by Quit Claim Deed to Lilian Freeman in 1932. Freeman sold to Florence Bentley in 1945 for \$3,200.00. Florence Bentley is confirmed as residing at 43 Elizabeth Street (now 468 Elizabeth Street) in the 1957 Voters List of Burlington (See Figure 23). According to the 1957 Voters List, the building had been divided into two units, with Juanita and James Bentley residing at “43 ½” Bentley Street.

- 69 Beddome, Katherine, clerk, 72 Martha St.
- 70 Baldock, Ernest, labourer, 61 John St.
- 71 Baldock, Evelyn, h.w., 61 John St.
- 72 Bentley, James, salesman, 43½ Elizabeth St.
- 73 Bentley, Juanita, h.w., 43½ Elizabeth St.
- 74 Bentley, Robert, truck driver, 43 Elizabeth St.
- 75 Bentley, Wesley, salesman, 43 Elizabeth St.
- 76 Bentley, Florence, widow, 43 Elizabeth St.
- 77 Bull, Ronald C., car salesman, 10 Crosby Ave.

Figure 23: Excerpt of the 1957 Voters List of Halton (Burlington) noting Florence Bentley as a widow residing at 43 Elizabeth Street (now 468 Elizabeth Street) (Source: Ancestry.ca)

The lot was transferred to James Bentley in 1964. James Bentley sold to Ross Darby Colling in 1972. The property changed hands several times until being sold to Dawn Oak Developments in 2021.



Figure 24: 1998 aerial photograph of the 468 Elizabeth Street, outlined in red (Source: Ancestry.ca)

3.6 458 Elizabeth Street/2031 James Street

According to title records, the property at 458 Elizabeth Street/2031 James Street was part of the Joseph Brant estate until 1810, when 338.5 acres were granted to James Gage. Additional lands were granted to Andrew Gage in 1827, 1832, and 1834. **A portion of Brant's Block was granted to Nicholas MacDougall in 1811.**

According to the 1836 Map of the Village of Burlington (Wellington Square Station), a structure was located on part of Lot 3, near the corner of James Street and John Street. This structure does not currently exist on the subject property and has since been removed (See Figure 25).

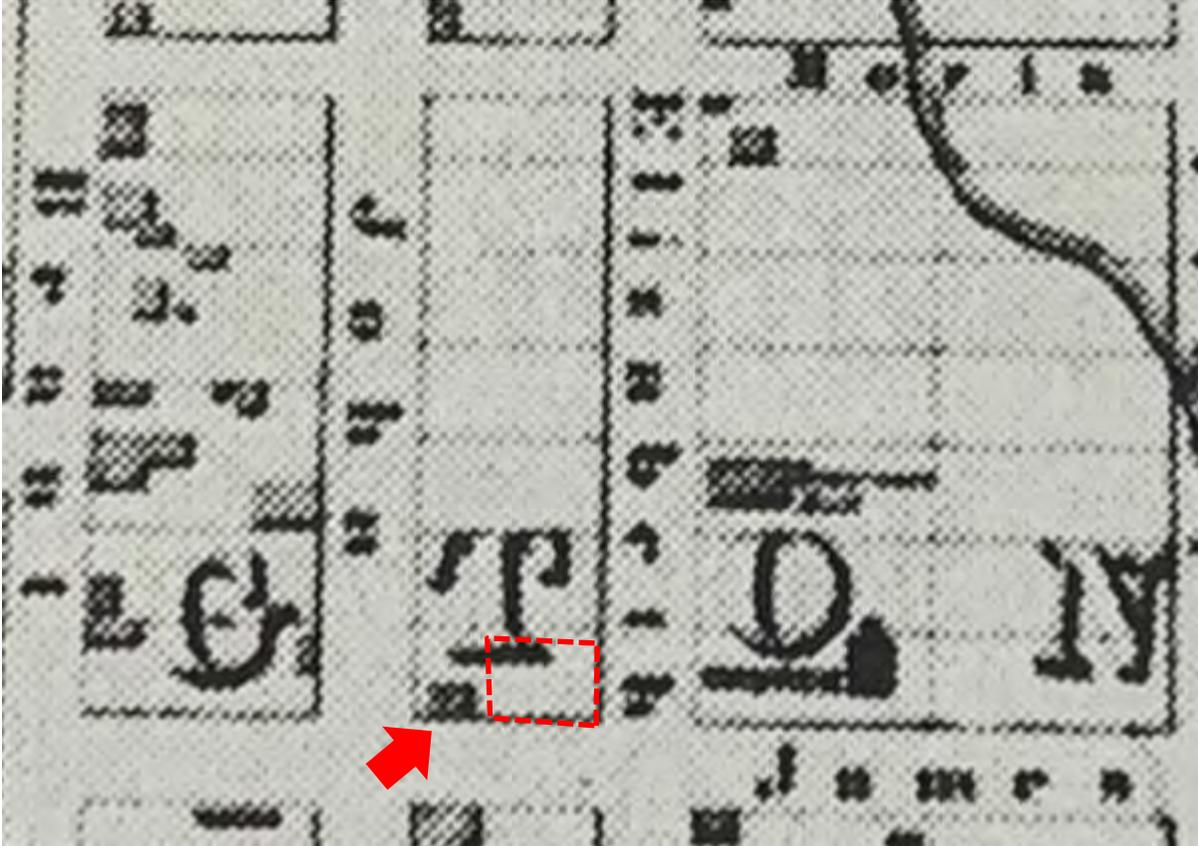


Figure 25: Excerpt of the 1836 Map of Burlington Square noting the subject property at 458 Elizabeth Street/2031 James Street (outlined in red). The location of a structure located within Lot 5 is noted with a red arrow (Source: Map provided courtesy of the Burlington Public Library).

Lot 5 was sold by Andrew Gage to Nelson Ogg in 1841. Ogg owned the property until 1847 when it was sold to William Sinclair. Sinclair owned the property from 1847 to 1872. Within this time, the lot became part of Block F, Lot 7.³ When the property was sold by members of the **Sinclair family in 1872 to Benjamin Eager, it was described as “Lot 7, Block F – 1/5 acre”.**

Benjamin Eager sold the 1/5 acre lot to James Eager in 1874. James Eager sold to John Taylor in 1874 for \$100.00. In 1878, the 1/5 acre lot was sold by John Taylor to John McHaffie for \$1,150.00. Given the considerable increase in price, it is likely that the existing welling was constructed for John Taylor between 1874 and 1878.

The property was sold by John McHaffie to George Long in 1882. The property was sold by Susan Waterworth to Annie Gibson in 1901. In 1906, Wiggins (formerly Gibson) sold to Tucker in 1906 for \$2,000.00. In 1912, the estate of Tucker was sold to John Heritage for \$2,300.00. Heritage owned the property until 1920 when it was sold to William Rae. William Rae is noted in

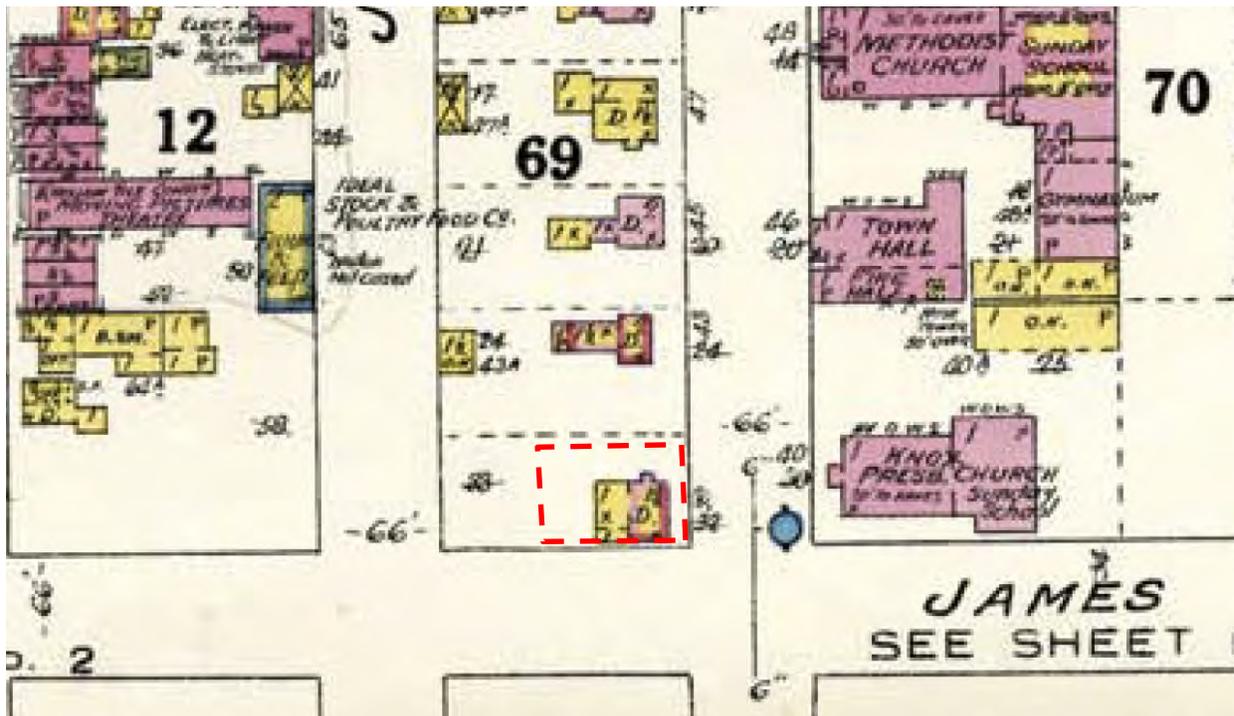
³ Given that Lot 5 was already granted to Ogg in 1841, it suggests that the subdivision of land predates 1854.

the 1921 census as residing in a brick dwelling on Elizabeth Street with his wife, daughter, and a nurse (See Figure 26).

32	Many Sarah			7	30			Head	W/S	(53)	Eng	
	Martin							Son	W/S	(21)	Eng	
33	Rae William			0	47	BS	B	67	Head	W/S	(29)	Ont
	Cather							wife	W/S	(34)	U.S.A	
	Lillian							daughter	W/S	(17)	Ont	
	Dell							nurse	W/S	(45)	Ont	
34	Edwards Genevieve			0	47	BS	BV	15	Head	W/S	(39)	Ont

Figure 26: Excerpt of the 1921 Census of the City of Burlington noting William Rae (salesman) as residing on Elizabeth Street with his wife, daughter, and a nurse. (Source: Ancestry.ca)

According to the 1924 Fire Insurance Plan, the property extended west and included frontage on Elizabeth Street, James Street, as well as John Street. The building is noted as a 1 ½ storey brick clad dwelling with a single store wood addition. The property was addressed as 39 Elizabeth Street (now 458 Elizabeth Street/2031 James Street) (See Figure 27).



Figures 27: Fire Insurance Map of 1924 noting 458 Elizabeth Street/2031 James Street (Source: Burlington Public Library).

Rae owned the property until 1942 when it was sold to Edwards for \$3,000.00. Edwards is confirmed as residing on the subject property as per the 1949 Voters List for the City of Burlington. At this time, the dwelling was addressed as 39 Elizabeth Street.

92	England, Albert, salesman, 39 Elizabeth St.
93	England, Mrs. Francis — 36 Elizabeth St.
94	Eastman, Clifford, teacher, 230 Brant St.
95	Eastman, Mrs. Jane — 230 Brant St.
96	Emerson, Mrs. Alice, housewife, 1 Water St.
97	Edwards, Mrs. Jane, housewife, 39 Elizabeth St.
98	Edwards, Miss Nina, secretary, 39 Elizabeth St.
99	Eckel, Miss Gertrude, teacher, 10 Emerald Cres.
100	Farquhar, G. Eric, telephone, 16 Emerald Cres.
101	Farquhar, Mrs. M. H. — 16 Emerald Cres.
102	Finch, George C. jeweller, 39 Wellington

Figure 28: Excerpt of the 1949 Voters Lists, Burlington, noting Jane and Nina Edwards residing at 39 Elizabeth Street (now 458 Elizabeth Street/2031 James Street) (Source: Ancestry.ca)

The property changed hands several times during the 20th century. The property was sold to George Buzza, who owned the property from 1967 to 1999. The property was later purchased by Crystal Homes in 2012.



Figure 29: 1998 aerial photo noting the 458 Elizabeth Street/2031 James Street outlined in red (Source: Ancestry.ca)

According to images provided by Google Streetview, the existing rear addition is contemporary and was constructed circa 2011. The previous addition was a wood frame building with front-end gabled roof and an addition to the south elevation providing access from James Street (See Figure 30).



Figure 30: 2007 Google Streetview of 458 Elizabeth Street/2031 James Street, looking north-east (Source: Google Streetview 2007, accessed 2023)

The existing addition constructed in 2011 is a wood frame addition with gabled roof, access from James Street, and clad in board and batten (See Figure 31). The addition has since been painted and updated.



Figure 31: 2011 Google Streetview of 458 Elizabeth Street/2031 James Street, looking north-east (Source: Google Streetview 2011, accessed 2023)

4.0 Description of Context & Subject Lands

The following provides a description of 458 Elizabeth Street/2031 James Street and 468 Elizabeth Street, respectively. This section also provides a description of the existing context.

4.1 Context Description

The subject lands are located along the west side of Elizabeth Street, north of James Street. The context of the area includes Elizabeth Street, James Street, Maria Street, John Street and surrounding areas. Given that the rear lot lines back onto John Street, it is reasonable to include John Street as part of the context. Likewise, the east side of Elizabeth Street is also part of the context as it informs the existing character of the streetscape.

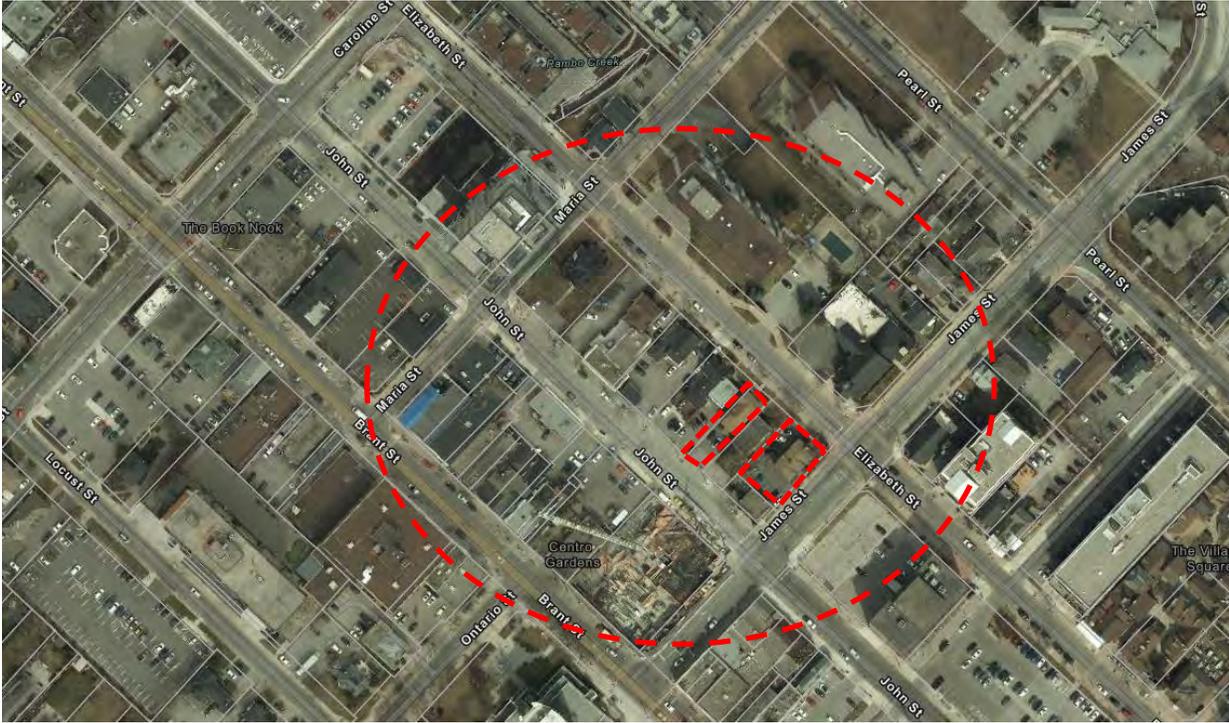


Figure 32: 2021 Aerial photograph of Burlington. Approximate location of the subject lands noted in red. General location of the context of the area outlined in red. (Source: City of Burlington Interactive Map)

The existing character of the area surrounding the subject lands is varied. The context includes a wide range of land uses, architectural styles, setbacks, lotting patterns, densities, and construction dates (i.e. from the 19th century to the 21st century). The character of the area includes and is defined by existing features such as on-street parking, additions to 19th century building stock to support commercial uses, surface parking, and high-rise multi-residential and mixed use developments (See Figures 33 – 36).



Figures 33 & 34: (left) View of Elizabeth Street streetscape looking south towards James Street, (right) View of high density residential development located at the east side of Elizabeth Street, across from the subject lands. (Source: MHBC, 2023)

The context of the area is primarily commercial and mixed-use with high density residential uses. The low density single detached residential uses from the area have been removed. Some single detached 19th century residential buildings remain but have been altered and adaptively re-used for commercial use.



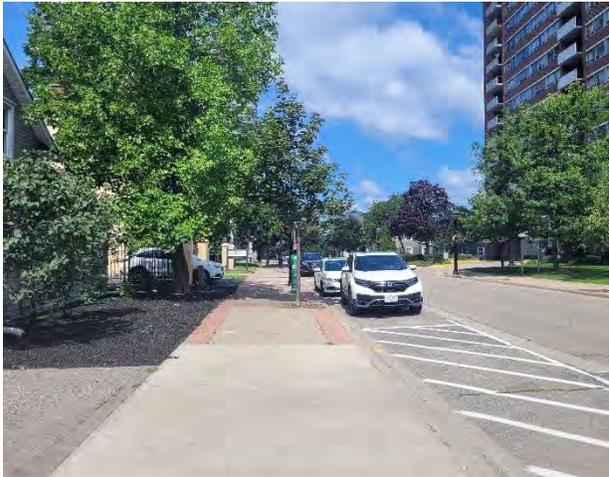
Figures 35 & 36: (left) View of institutional uses within the context of the area, at the north-east corner of James and Elizabeth Street, looking south-east (right) View of high density residential development located at the west side of John Street, across from the subject lands (Source: MHBC, 2023)

The context of the area includes high density developments of the late 20th and early 21st centuries, including (but not limited to) those located at 477 Elizabeth Street, 2025 Maria Street, as well as the Carriagegate development located at the north-west corner of John Street and James Street.



Figures 37 & 38: (left) View of Maria Street looking east towards Elizabeth Street, (right) View of high density residential and ground floor commercial uses located at the north side of Maria Street between Elizabeth Street and John Street (Source: MHBC, 2023)

As a result of the adaptive re-use of the buildings, and the transition in use and density of the area over time, the character of the area has changed. The features indicative of a 19th century residential streetscape have either been removed or altered. Some 19th century residential buildings and churches remain, but only along the west side of Elizabeth Street and near the intersection of James Street and Elizabeth Street.



Figures 39 & 40: (left) View of Elizabeth Street, looking south towards James Street, (right) View of Elizabeth Street, looking north along the west side of the street towards Maria Street, (Source: MHBC, 2023)

According to a review of available maps and plans, the Elizabeth Street has been widened to accommodate on-street parking. The streetscape has been altered to provide wide sidewalks with street trees and contemporary light standards. Mature trees have also been removed from public and private lands as demonstrated by the 1960s aerial photograph.



Figures 41 & 42: (left) View of the south elevation, (right) View of south elevation, (Source: MHBC, 2023)

The construction of new additions to the side and rear of several adaptively re-used 19th century dwellings located along the west side of Elizabeth Street, and the removal of the majority of landscaped open space for the installation of surface parking has had an impact on the character of the area. This results in the removal of 19th century features which contribute to the identification of the area as an intact historical streetscape.



Figures 43 & 44: (left) View of surface parking provided at 482 Elizabeth Street, looking west towards John Street, (right) View of south elevation of buildings located on the west side of Elizabeth Street, looking south-east (Source: MHBC, 2023)

The exception to the established streetscape pattern is the property at 490 Elizabeth Street, which has been adaptively re-used for commercial purposes, but has retained its landscaped open space and has integrated minimal space for surface parking at the rear of the lot at John Street.



Figures 45 & 46: (left) View of 490 Elizabeth Street, looking west towards front façade, (right) View of rear yard at 490 Elizabeth Street, looking east from John Street, (Source: MHBC, 2023)

4.2 468 Elizabeth Street

The property located at 468 Elizabeth Street can be described as a 0.09 acre narrow rectangular shaped lot with frontage on Elizabeth Street to the East and John Street to the west. The property includes a single detached dwelling facing east towards Elizabeth Street. The building includes two additions to the rear and surface parking accessed at John Street.



Figure 47: Aerial photograph of the property at 468 Elizabeth Street noting the various sections and additions (Source: Google maps, accessed 2023)

The dwelling was constructed in various sections described in this report as “A”, “B”, “C”, “D”, and “E”. Section “A” was likely constructed circa 1913. The building has been adaptively re-used and is currently vacant. Documentation provided in this report demonstrates that the building was divided into two apartments by the early to mid. 19th century. Therefore, section “C” was likely constructed prior to the 1950s. Section “B” is a verandah which includes features indicative of the craftsman style and was likely a later addition to the building. Sections “D” and “E” appear to be more contemporary and was likely constructed at some point in the mid. to late 19th century.

Identifier	Construction Date	Description
A	Bet. 1882 and 1911	Original 19 th century Edwardian dwelling
B	Early 20 th century	Craftsman style verandah
C	Likely early 20 th century	Rear addition
D	20 th century	Rear addition
E	20 th century	Basement access

The building can be described as a 2 storey wood frame building with brick veneer and was likely constructed in the Edwardian architectural style between 1882 and 1913 for Frederick Bray. Given the architectural style of the building, it is likely that it was constructed closer to 1911. The building is constructed with light brown/beige brick with a side-gabled roof and verandah at the front elevation. The front façade includes an asymmetrical door and two large rectangular-shaped tall French inspired windows. French style windows and doors were carried over into the Regency period and up to the Edwardian period (Blumenson, 1990). The front verandah includes a slanted roof with front gable and brick and cobblestone columns. The verandah includes features which are characteristic of the craftsman style. The second storey of the front elevation includes rectangular-shaped windows with brick voussoirs. The building includes wood-frame windows at the front elevation, however it cannot be conclusively determined whether or not they are original or are reproductions.



Figures 48 & 49: (left) View of the front and north elevations, looking south-west (right) Detail view of front elevation noting the long rectangular windows and cobblestone/brick verandah, (Source: MHBC, 2023)

The north and south elevations of the building are difficult to photograph given the narrow alleyways adjacent. The south elevation includes four rectangular shaped windows with brick voussoirs and concrete sills. An external brick chimney is situated at the south elevation.

The south elevation of the dwelling includes window openings at the second storey that have been altered into smaller window openings. The first elevation includes a door, likely providing access to a unit. Another rectangular shaped window is provided at the second storey.



Figures 50 & 51: (left) Detail view of windows at the second storey, front elevation, (right) View of south elevation, looking north-east (Source: MHBC, 2023)

The north elevation of Section "A" includes a person door, likely providing access to a basement, and a window at the second storey. The north elevation of Section "C" includes five window openings. Two window openings at the first storey, one of which has been converted from either a larger window or a door opening. The second storey includes two rectangular shaped windows and a smaller square-shaped window opening.

The west elevation of Section "D" includes a single storey brick addition with two large arched square shaped window openings at the west elevation. The second storey of Section "D" is wood frame with vinyl siding and includes a set of 4 rectangular shaped window openings at the west elevation. Section "E" includes a concrete block and wood frame addition with window openings facing west. The small door in Section "E" likely provides access to a basement.



Figures 52 & 53: (left) View of north elevation, looking south-east, (right) View of rear (west) elevation, looking east (Source: MHBC, 2023)

4.3 458 Elizabeth Street/2031 James Street

The property located at 458 Elizabeth Street/2031 James Street can be described as a 0.16 acre lot which includes a single detached dwelling which has been adaptively re-used as an office. The property includes surface parking along the north and west lot lines, accessed from Elizabeth Street and James Street. The building is constructed in Sections described in this report as "A" and "B".

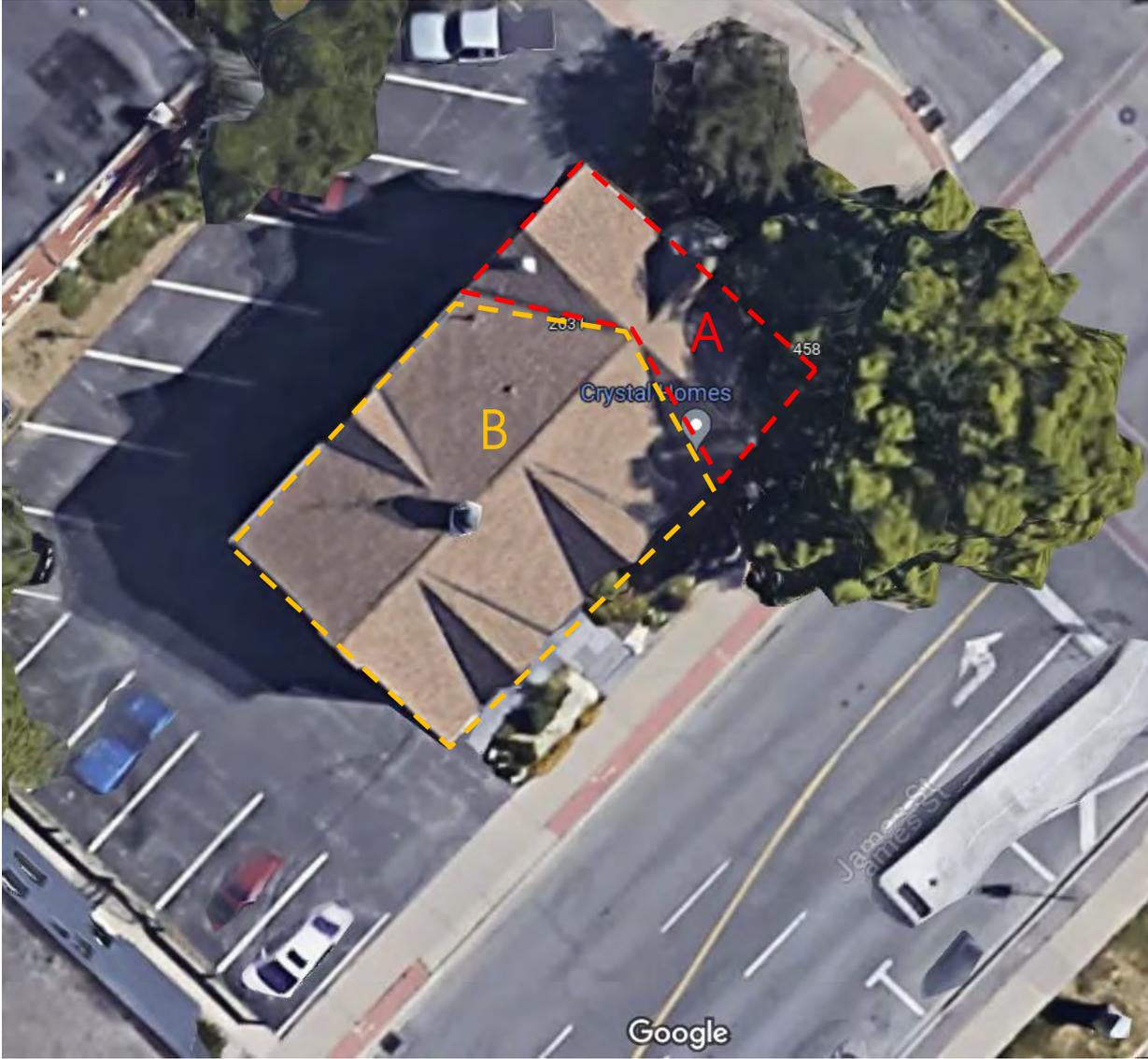


Figure 54: Aerial photograph of the property at 468 Elizabeth Street noting the various sections and additions (Source: Google maps, accessed 2023)

Section “A” of the building can be described as a 1 1/2 storey wood frame building clad in red brick constructed in the Gothic Revival cottage style between 1874 and 1878 (Section “A”).
 Section “B” can be described as a 2 storey wood frame addition with gabled roof lines and clad in board and batten. This addition was constructed in 2014.

Identifier	Construction Date	Description
A	1874 – 1878	Gothic Revival Cottage
B	Circa 2014	Contemporary Addition

The original portion of the dwelling includes a side-gabled roof and steeply pitched central gable with arched window opening. The front elevation faces east towards Elizabeth Street and includes a central door with large transom. Two false shutters are located on either side of the door and suggest the previous location of sidelights. Two large rectangular shaped windows are located on either side of the door. Each window includes a brick voussoir, a stone sill, and false shutters. All windows have been replaced with contemporary windows and the existing un-operational shutters are contemporary provided for decoration.



Figures 55 & 56: (left) View of front (east) and north elevations, looking south-west from Elizabeth Street, (right) Detail view of front elevation, looking west, (Source: MHBC, 2023)

The north elevation of Section "A" includes a set of three window openings at the first storey. The replacement of bricks in this area suggests that the window is not original. Large windows of this size are also not indicative of the Gothic Revival cottage architectural style. Two arched rectangular shaped windows similar to the front elevation are found at the second storey within the **attic gable**. **The north elevation of the contemporary addition (Section "B") includes an entrance and square shaped window opening at the first storey.** A second square shaped window and a rectangular shaped window are located above.



Figures 57 & 58: (left) View of north elevation, looking west towards John Street, (right) Secondary view of north elevation, looking east towards Elizabeth Street, (Source: MHBC, 2023)

The rear (west) elevation of the contemporary addition includes a gently sloped gable roof. Two rectangular shaped windows are provided at the first storey, with two windows located above at the second storey.



Figures 59 & 60: (left) View of the rear (west) and south elevations, looking north-east from James Street, (right) Detail view of west and south elevations, (Source: MHBC, 2023)

The south elevation of Section "A" of the structure includes an external red brick chimney which extends above the peak of the roof gable. Two rectangular shaped windows are provided on either side of the chimney at the second storey. The first storey includes a false shutter, which is likely covering the remains of an original window, likely bricked-over.



Figures 61 & 62: (left) View of the south elevation of Section "B", (right) View of south elevation of Section "A", (Source: MHBC, 2023)

5.0 Evaluation of Cultural Heritage Resources

The following sub-sections of this report provide an evaluation of the subject lands as per Regulation 9/06 of the *Ontario Heritage Act*. These criteria have been adopted as standard practice in determining significant Cultural Heritage Value or Interest.

5.1 Evaluation Criteria

5.1.1 Ontario Regulation 9/06

Ontario Regulation 9/06 prescribes that that:

A property may be designated under section 29 of the Act if it meets two or more of the following criteria for determining whether it is of cultural heritage value or interest:

The property has design value or physical value because it,

- 1. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
- 2. displays a high degree of craftsmanship or artistic merit, or*
- 3. demonstrates a high degree of technical or scientific achievement.*

The property has historical value or associative value because it,

- 4. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
- 5. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
- 6. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*

The property has contextual value because it,

- 7. is important in defining, maintaining or supporting the character of an area,*
- 8. is physically, functionally, visually or historically linked to its surroundings, or*
- 9. is a landmark.*

It is important to note that as of January 2023, *Ontario Regulation 9/06* must also be applied as it relates to the evaluation of potential Heritage Conservation Districts (HCD). Here, at least 25% of properties within a proposed HCD must meet at least two criteria under *Ontario Regulation 9/06*.

The Ministry of Citizenship and Multiculturalism (formerly the Ministry of Heritage, Sport, Tourism and Culture Industries) has not published a guiding document on the interpretation and appropriate application of the above-noted criteria. The Ontario Heritage Toolkit (which is currently under revision) does not provide an in-depth analysis of the above-noted criteria and how/where they should be interpreted and applied. However, the Ministry published the Heritage Identification & Evaluation Process document in 2014, which provides an in-depth analysis of the criteria under *Ontario Regulation 9/06* and how they are intended to be interpreted and applied. Section 4.0 of the document (2014) **identifies that “The relevant information documented through the research should be evaluated against each of the criteria as described in both *O.Reg 9/06* and *O. Reg 10/06* to determine the property’s CHVI and level of significance.” Given that the document considers the criteria under *Ontario Regulation 9/06* as well as *10/06*, aspects of the document can reasonably be applied to the evaluation of potential cultural heritage resources located on the subject lands.**

5.1.2 Provincial Policy Statement (PPS) 2020

Section 2.6.1 of PPS (2020) identifies the following:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

PPS identifies that “significant” means,

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Under the *Ontario Heritage Act*, properties are determined to have Cultural Heritage Value or Interest under *Ontario Regulation 9/06*. Properties may only be considered for designation under Part IV of the *Ontario Heritage Act* where they meet 2 or more criteria.

Provincial Policy Statement (2020) defines a Cultural Heritage Landscape as follows,

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning

or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

The above-noted definition of a Cultural Heritage Landscape identifies that there are technical criteria for identifying potential Cultural Heritage Landscapes. Also, that potential Cultural Heritage Landscapes are evaluated *under Ontario Regulation 9/06*.

5.1.3 Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada

The Parks Canada Standards & Guidelines for the Conservation of Historic Places in Canada, 2010 (Standards & Guidelines) provide additional guidance on the identification and evaluation of Cultural Heritage Landscapes. The Standards & Guidelines define cultural landscape as follows:

Any geographical area that has been modified, influenced, or given special cultural meaning by people.

The Standards & Guidelines also provide the following which aids in the identification of a Cultural Heritage Landscape. Here, a Cultural Heritage Landscape may be:

- Designed: intentionally created by humans;
- Organically evolved: in response to social, economic, administrative or religious forces interacting with the natural environment. They fall into two sub-categories:
 - Relict: where an evolutionary process came to an end. Its significant distinguishing features are, however, still visible in material form;
 - Continuing: where the evolutionary process is still in progress. They exhibit significant material evidence of their evolution over time.
- Associative: which are distinguished by the power of their spiritual, artistic, or cultural associations rather than their surviving material evidence.

Further, the Standards & Guidelines note that **“Cultural landscapes are often dynamic, living entities that continually change because of natural and human-influenced social, economic, and cultural processes.”** (pg. 49). Also, that **“In a cultural landscape, the setting often corresponds to the visible boundaries (whether natural or human-made) that encompass the site. In most cases, the setting goes beyond the boundaries of the historic place and understandably, interventions within the broader setting, such as the addition of a high-rise building in the sight line of a heritage district, can affect its heritage value.”** (pg. 50).

The Standards & Guidelines identifies that a Cultural Heritage Landscape often includes a combination of one or more of the following:

- Land patterns and evidence of traditional practices;
- Spatial organization;
- Visual relationships;
- Circulation;
- Ecological features;
- Landforms;
- Water Features; and
- Built Features.

5.2 Evaluation of Cultural Heritage Value or Interest

5.2.1 468 Elizabeth Street

Physical/Design Value

The property at 468 Elizabeth Street is considered a modest representative example of the Edwardian architectural style. In order for a building to be considered representative, it should “illustrate or exemplify a style (shared characteristics that make up a recognizable look or appearance of a building or constructed landscape – typical of a particular group, time or place).” (MCM, 2014). Given that the building has been altered over time to include features of the Craftsman architectural style, it is no longer considered exemplary of one particular style. The alterations to the building during the early 20th century were likely undertaken to convert the building to multi-residential use. This includes the construction of the front porch and the rear additions. Available guidance on *Ontario Regulation 9/06* provided in the Ontario Heritage Toolkit identifies that the addition of features of other architectural styles to a building may either add, or detract from its CHVI. The addition of a verandah, including one which includes materials and features of the Craftsman style, to a 19th century building is not considered unique or rare in the context of Ontario. The addition of the verandah does not add to the CHVI of the property.

The building was constructed between approximately 1882 and 1911 and is not considered early for its context.⁴ The building is not considered rare, or unique. Other examples of Edwardian buildings are provided within the context of the City of Burlington.

The building does not demonstrate a high degree of craftsmanship or artistic merit. It was constructed using materials and methods which were commonplace at its time of construction. The building does not demonstrate a high degree of technical or scientific achievement.

Historical/Associative Value

⁴ Buildings constructed prior to the Confederation of Canada in 1867 are often considered “early”, and can be applied to the context of downtown Burlington.

The property at 468 Elizabeth Street does not demonstrate historical/associative value. According to the historical documentation provided in this report, the existing building at what is now 423 Elizabeth Street was likely constructed between 1882 and 1913 under the ownership of Frederick Bray. According to available census records, the original portion of the building (**Section "A"**) was constructed by 1911. Frederick Bray is noted as 89 years of age, of no profession. Earlier census records note that Frederick Bray was a farmer of English descent. Frederick Bray died in 1912 and the property was sold. The property changed hands several times with relatively short periods of ownership until 1921, when the property was owned by Freeman until approximately 1945. It is likely that Freeman converted the dwelling into units. There is no evidence to suggest that the property has a strong and/or direct historical/associative value for a theme, event, person, belief, or institution that is significant to the community. The property is not likely to yield further information that would contribute to the understanding of the community. The builder/designer of the dwelling is not known, but could be added to the historic record should this information become available in the future.

Contextual Value

The property at 468 Elizabeth Street does not support, maintain, or define the character of the area. As demonstrated in this report, the context of the area includes a wider boundary than what is noted in the Cultural Heritage Landscape Study (ASI, 2023) **as the "Downtown East Precinct"**. The character of the area is varied and has transitioned from 19th century low-density single detached residential to one of mixed-use which includes both the adaptive re-use of 19th and early 20th century building stock along the west side of Elizabeth Street as well as the removal of historic building fabric to permit the construction of high rise mixed-use and residential developments. Therefore, the building is part of an area for which the context is varied, and not defined or maintained by 19th century building stock.

This report acknowledges that the final recommendations of the Cultural Heritage Landscape study (ASI, 2023), which identifies the following:

- The Downtown East grouping was identified in the CHL study as a remnant nineteenth-century residential and civic-institutional streetscape and is not considered a Cultural Heritage Landscape or potential Heritage Conservation District;
- The context has evolved over time, resulting in the loss of 19th century built fabric and streetscape patterns, with the exception of some 19th century parcel fabric and the general 1.5 to 2.5 scale/massing of detached structures which have been adaptively re-used;
- The use of land within the context of the area transitioned towards the end of the 20th century from residential/institutional to primarily commercial, with some mixed-use (residential/commercial).

It is important to note that the MCM (2014) provides the following guidance as it relates to criterion 7 of Ontario Regulation 9/06:

The property has contextual value because it is important in defining, maintaining, or supporting the character of an area:

- To meet this criterion, the property needs to be in an area that has a unique or definable character and it is desirable to maintain that character;*
- The research needs to consider how much or to what degree, the property contributes to determining, establishing, or affirming the character. For example, the research should consider what would happen to the character of the area if the property was considerably altered or lost; and*
- To determine if the property has contextual value, it is necessary to look at it in a broader setting, understand its relationship to the setting and its meaning to a community.*

The CHL study ultimately determined that the Downtown East study area is not an intact 19th century **residential streetscape. Instead, the area is a) considered a “remnant” of the 19th** century streetscape, b) the majority of its original streetscape features have been removed, and c) the area was not identified as an area which was worthy or desirable to be maintained. The Downtown East grouping, when considered in the broader context of Downtown Burlington, extends beyond what was identified in the CHL study. Instead, the area includes portions of John Street and the east side of Elizabeth Street, as described in this report. Therefore, the context of the area has changed over time and does not demonstrate contextual value.

The building located at 468 Elizabeth Street does not demonstrate contextual value for any physical, functional, visual, or historical relationship. The building is not physically linked to its surroundings (such as a bridge or path with function and purpose). The building is visible from the street, however the view is consequential and does not add CHVI to the property. The building does not demonstrate a direct or important historical relationship with its surroundings. The report completed by ASI Inc. suggests that there is a contextual/historical relationship between Elizabeth Street and Brant Street, where merchants and business owners would conduct business on Brant Street and reside on Elizabeth Street. However, no evidence was found in the historic record to confirm whether or not this relationship existed. The building is not considered a landmark within the local community and remains vacant.

5.2.2 458 Elizabeth Street/2031 James Street

Physical/Design Value

The property at 458 Elizabeth Street/2031 James Street is representative of the Gothic Revival cottage architectural style. The building is not considered early, given that it was constructed at

some point between 1874 and 1878.⁵ The dwelling is not considered rare or unique. According to Blumenson (1990), this style is prominent throughout the Province of Ontario, and is often **referred to as an “Ontario Cottage”**. The City of Burlington has other examples of this architectural style, including those which are designated or under the *Ontario Heritage Act*. This includes the following:

- 435 Pearl Street;
- 1631 Snake Road; and
- 468 Locust Street.

The dwelling located on the property does not demonstrate a high degree of craftsmanship, artistic merit, or technical/scientific achievement. The dwelling constructed using materials and methods which are characteristic of its time and does not go beyond a level of craftsmanship that was commonplace at the time.

Historical/Associative Value

The historic record does not provide any information which would suggest that either the property, or any of the former owners are related to an event, belief, person, activity, organization or institution which is significant to the community. The Ministry (2014) provides guidance on the interpretation of this criterion.⁶ Here, it states that an event, belief, person, **activity, organization or institution may be considered significant if it/they “... has made a strong, noticeable or influential contribution to the evolution or pattern of development and development in the community.” This could be accomplished in a number of ways, including involvement with local politics, organizations, significant land transactions and/or surveying, the creation of subdivisions, etc.** Guidance from the Ministry (2014) regarding the identification of any events, themes, beliefs, activities, or organizations states that the relationship to a theme must be a) direct, and b) is significant to the community because it has made a strong, noticeable, or influential contribution to the evolution or pattern of settlement and development in the community. The former use of the property has not made a specifically strong, noticeable, or influential contribution to the development of the community.

The property’s heritage attributes are not likely to yield further information which would contribute to the community or culture.⁷ The property has evolved over time and now functions as a commercial lot with an adaptively re-used 19th century dwelling. The site does not provide the opportunity to yield further information which would contribute to the understanding of the community. The designer or builder of the dwelling is identified in the ASI CHL report as John Taylor. However, there is no evidence to support that John Taylor is an important architect or

⁵⁵ In this context, buildings may be considered early when constructed prior to 1867 and Confederation of Canada.

⁶ Heritage Identification & Evaluation Process (MCM, 2014)

⁷ Note that Ministry guidance advises that this criteria is often associated with archaeological potential.

builder within the context of the City of Burlington. This conclusion is also provided in the ASI CHL report.

This CHER acknowledges that the final recommendations of the CHL study identify that the Downtown Burlington Heritage Study and Engagement Program Final Report (September 2023) identifies in Section 7.8 (page 96) that the property at 458 Elizabeth Street/2031 James Street *may* have **historical/associative value for its “association with the early settlement of the Village of Burlington”**. However, it should be noted that *Ontario Regulation 9/06* does not identify any criteria under historical/associative value for association with a time period. Whether or not a property is considered early is specifically related to design/physical value. As noted previously, the building is not considered early given that it was constructed between approximately 1874 and 1878. Further, the report completed by ASI identifies that that the earliest wave of development of Burlington is generally dated between the 1830s and the 1860s, with the development of Wellington Square, now part of Downtown Burlington. Further, the Ministry of Citizenship and Multiculturalism identifies that in order for a property to demonstrate criterion **no. 4, “the association must be direct, whether the property exemplifies or has strong evidence of its connection to a theme, event, belief, person, activity, organization or institution.”** The report completed by ASI provides no evidence as to how they property may be associated to the early settlement of the Village of Burlington, or how such an association would be direct, as defined by the Ministry of Citizenship & Multiculturalism.

Contextual Value

The property at 458 Elizabeth Street/2031 James Street does not support, maintain, or define the character of the area. As demonstrated in this report, the context of the area includes a wider boundary than what is noted by the City as **the “Downtown East Precinct”**. Here, the character of the area is varied and has transitioned from 19th century low-density single detached residential to one of mixed-use which includes both the adaptive re-use of 19th and early 20th century building stock along the west side of Elizabeth Street as well as the removal of historic building fabric to permit the construction of high rise mixed-use and residential developments. Therefore, the building is part of an area for which the context is varied, and not defined or maintained by 19th century building stock.

This report acknowledges that the final recommendations of the Cultural Heritage Landscape study (ASI, 2023), which identifies the following:

- The Downtown East grouping was identified **in the CHL study as a “remnant”**, rather than an intact nineteenth-century residential and civic-institutional streetscape and is not considered a Cultural Heritage Landscape or potential Heritage Conservation District;
- The context has evolved over time, resulting in the loss of 19th century built fabric and streetscape patterns, with the exception of some 19th century parcel fabric and the general 1.5 to 2.5 scale/massing of detached structures which have been adaptively re-used;

- The use of land within the context of the area transitioned towards the end of the 20th century from residential/institutional to primarily commercial, with some mixed-use (residential/commercial).

It is important to note that the MCM (2014) provides the following guidance as it relates to criterion 7 of *Ontario Regulation 9/06*:

The property has contextual value because it is important in defining, maintaining, or supporting the character of an area:

- *To meet this criterion, the property needs to be in an area that has a unique or definable character and it is desirable to maintain that character;*
- *The research needs to consider how much or to what degree, the property contributes to determining, establishing, or affirming the character. For example, the research should consider what would happen to the character of the area if the property was considerably altered or lost; and*
- *To determine if the property has contextual value, it is necessary to look at it in a broader setting, understand its relationship to the setting and its meaning to a community.*

The Downtown Burlington CHL study ultimately determined that the Downtown East study area is not an intact 19th century residential streetscape. Instead, the area is a) considered a “remnant” of the 19th century streetscape, b) the majority of its original streetscape features have been removed, and c) the area was not identified as an area which was worthy or desirable to be maintained. The Downtown East grouping, when considered in the broader context of Downtown Burlington, extends beyond what was identified in the CHL study. Instead, the area includes portions of John Street and the east side of Elizabeth Street, as described in this report. Therefore, when considering this wider context than what was identified in the CHL study, the area has been altered over time and is not considered a Cultural Heritage Landscape worthy of conservation.

The building located at 458 Elizabeth Street/2031 James Street does not demonstrate contextual value for any physical, functional, visual, or historical relationship. The building is not physically linked to its surroundings (such as a bridge or path with function and purpose, for example). The building is visible from the street, however the view is consequential and does not add Cultural Heritage Value or Interest to the property. The building does not demonstrate a direct or important historical relationship with its surroundings. The report completed by ASI Inc. suggests that there is a contextual/historical relationship between Elizabeth Street and Brant Street, where merchants and business owners would conduct business on Brant Street and reside on Elizabeth Street. However, no evidence was found in the historic record to confirm whether or not this relationship existed, specifically for the property at 458 Elizabeth

Street/2031 James Street. The building is not considered a landmark within the local community for its location, prominence, or visibility within its context.

Table 1, below, provides an overview of the evaluation conducted under *Ontario Regulation 9/06*.

Table 1: Evaluation of CHVI		
Ontario Regulation 9/06 Criteria	468 Elizabeth Street	458 Elizabeth Street/2031 James Street
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.	Yes. The property includes a modest representative example of the Edwardian architectural style.	Yes. The property includes a representative example of a Gothic Revival cottage.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No. The property includes structures which were constructed using materials and construction methods which were commonplace at their time of construction.	No. The property includes structures which were constructed using materials and construction methods which were commonplace at their time of construction.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.	No. The property does not demonstrate technical or scientific achievement.	No. The property does not demonstrate technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.	No. There is no evidence to support that there is any strong or direct association which would be considered significant to the community.	No. There is no evidence to support that there is any strong or direct association which would be considered significant to the community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	No. The property is not likely to yield further information. Guidance from the MCM notes that this criteria is often associated with Archaeological potential.	No. The property is not likely to yield further information. Guidance from the MCM notes that this criteria is often associated with Archaeological potential.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	Unknown. The builder/designer is not known, but should be added to the historic record should this information become available in the future.	No. There is no evidence to support that builder John Taylor meets the criteria as an important architect or builder.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	No. The property is not important in defining, maintaining, or supporting the context of the area, which includes a range of densities, land uses, architectural styles, and	No. The property is not important in defining, maintaining, or supporting the context of the area, which includes a range of densities, land uses, architectural styles, and features which

	features which all contribute to a varied streetscape character.	all contribute to a varied streetscape character.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.	No. The property is not physically, functionally, visually, or historically linked to its surroundings in any way which goes beyond its circumstantial location/setting that would add to its CHVI.	No. The property is not physically, functionally, visually, or historically linked to its surroundings in any way which goes beyond its circumstantial location/setting that would add to its CHVI.
9. The property has contextual value because it is a landmark. O. Reg. 569/22, s. 1.	No. The building is not considered a landmark to the local community.	No. The building is not considered a landmark to the local community.

5.1.3 Cultural Heritage Landscape Evaluation

The following provides further analysis of whether or not the subject lands are part of a significant Cultural Heritage Landscape as per the definition under PPS (2020). Whether or not a property is considered a significant CHL is determined under the *Ontario Heritage Act* (i.e. *Ontario Regulation 9/06*).

The subject lands are not considered part of a significant Cultural Heritage Landscape worthy of long-term conservation. This report has demonstrated that the context of the subject lands includes the surrounding areas, which has a character which is varied and has evolved over time.

The existing character of the area is not representative of a 19th century residential streetscape. Instead, the context of the area is in transition from residential to mixed-use, which includes the retention and adaptive re-use of 19th century and early 20th century residential buildings, as well as institutional structures. The evolution of the area over time from residential to mixed-use has resulted in changes to the streetscape on both private and public lands which have removed features indicative of a 19th century residential streetscape. This includes (but is not limited to) the following:

- Removal of 19th century features and buildings to support the construction of new high density residential and mixed-use developments;
- Widened streets and the accommodation of on-street parking;
- Installation of new street trees and light standards;
- Removal of mature trees on public and private lands;
- The construction of new additions to the side and rear of adaptively re-used dwellings to support adaptive re-use; and
- Removal of the majority of landscaped open space for the installation of surface parking.

Further, none of the existing buildings located within the context of the area currently used for residential purposes. The combination of these changes has had an impact on the character of the area. This results in the removal of 19th century features which contribute to the identification of the area as an intact historical streetscape. The exception to this pattern is the property at 490 Elizabeth Street, which has been adaptively re-used for commercial purposes, but has retained its landscaped open space on private lands and has integrated minimal space for surface parking at the rear of the lot at John Street.

The evaluation of the context of the area also considers guidance provided under the Standards & Guidelines. The Standards & Guidelines identify that a Cultural Heritage Landscape often includes a combination of land patterns/evidence of traditional practices, spatial organization, visual relationships, landforms, water features, ecological features, and built features. These **work together to create an area which has "...been modified, influenced, or given special cultural meaning by people."** The Downtown East Precinct includes a cluster of buildings which were constructed in the 19th century and remain in-situ. However, the context of the area should not be arbitrary and limited to those area which only includes 19th century built fabric. Instead, the context of the area includes those areas where 19th century built fabric has been removed and has influenced the character of the area.

6.0 Conclusions

This report concludes that the properties located at 458 Elizabeth Street/2031 James Street and 468 Elizabeth Street do not meet the legislated criteria for potential designation under Part IV of the *Ontario Heritage Act* as per *Ontario Regulation 9/06*. Each property meets one criterion given that they are considered representative of their architectural styles.

The subject lands are not part of a Cultural Heritage Landscape or potential Heritage Conservation District, **as supported by the findings of the City's Cultural Heritage Landscape** study. This report has demonstrated that the evolution of the area over time from residential to mixed-use has resulted in changes to the streetscape on both private and public lands which have removed features indicative of an intact 19th century residential streetscape. Those changes resulted in the removal of features which would contribute to the identification of the area as an historical streetscape which is worthy of long-term conservation.

As a result, neither of the properties warrant designation under Part IV of the *Ontario Heritage Act* and are not located within a significant Cultural Heritage Landscape.

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Appendix A - Location Map



**Figure
Aerial Map**

LEGEND

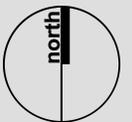
 Subject Lands

Date: August 2023

Scale: 1:500

File: 16191S

Drawn: PL



**2031 James St &
468 Elizabeth St**
City of Burlington
Ontario

K:\16191S Elizabeth and James Streets, Burlington\RPT\Report figures.ggz



**PLANNING
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& LANDSCAPE
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Appendix B – Downtown East CHL Summary

Downtown East

Preliminary Heritage Evaluation Results

Approach and Methodology for Evaluating Property Grouping to Determine Potential Cultural Heritage Value or Interest as a Cultural Heritage Landscape

- A number of resources were reviewed to describe the historical and/or ongoing development context for the subject groupings:
 - Historical maps (including fire insurance plans, historical atlases, and aerial photography)
 - City of Burlington Directories
 - Registered Plans and Surveys
 - Burlington Historical Society Online Archival Collection
 - Historical images
 - Newspaper Clippings
 - Emerging results from project engagement program
 - Secondary sources, including:
 - The Garden of Canada: Burlington, Oakville and District (Craig, 1902)
 - Burlington: Memories of Pioneer Days (Turcotte, 1989)
 - Burlington: The Growing Years (Turcotte, 1992)
 - The Burlington Historical Society Gazette
 - City of Burlington Heritage Properties Tours
 - Burlington: An Illustrated History (Loverseed, 1988)
 - From Pathway to Skyway Revisited: The Story of Burlington (Machan, 1997)
 - Burlington: Suburb to City (Keast, 1982)
 - Burlington: An Urban Study (McCallum, 1957)
 - Sounds by the Shore: A History of Burlington, Ontario, Canada (Reynolds, 1993)
 - Memories of Burlington: A Nostalgic View of Another Era (Evans, 2004)



Downtown East Grouping of Properties

- Images of Burlington: A Photographic Look Back to Another Time (Evans, 2008)
- Town of Burlington: Coronation Day (Souvenir Programme, 1953)
- A Development History of Burlington (Gallagher, n.d.)
- A Walking Tour of Heritage Burlington: Burlington Downtown Tour (Heritage Burlington, n.d.)
- A Walking Tour of Burlington Downtown (Burlington Historical Society, n.d.)
- Site Visits
 - Pedestrian survey of historical downtown area in January 2023
 - Photography and documentation of existing conditions of the property group from public right-of-ways in February 2023
- Identification of significant themes and periods within Downtown Burlington's historical development
- Application of provincial and municipal heritage evaluation criteria and definitions

DRAFT



Downtown East Grouping of Properties

General Characteristics

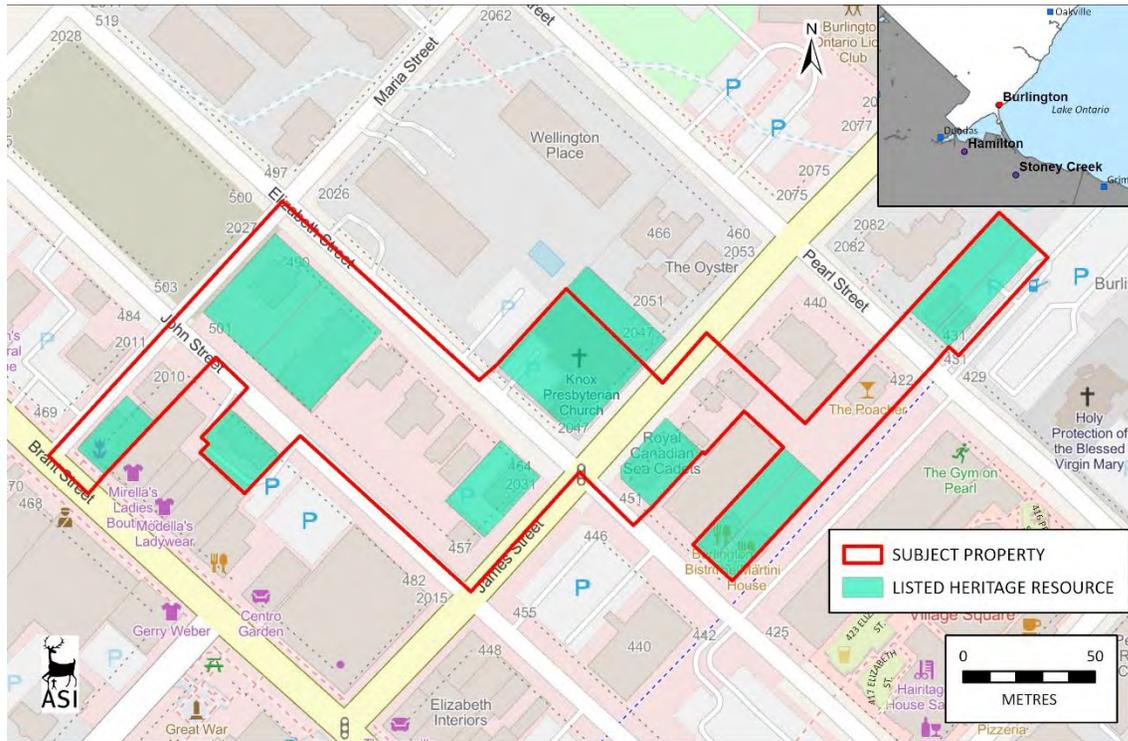


Figure 1: Location of the Downtown East grouping of properties within Downtown Burlington

- 11 of 19 properties are currently listed on the City of Burlington’s Heritage Register.
- Typically one-and-a-half to two-and-a-half storeys in height.
- Building setbacks vary based on historical uses. Historical residences and civic or institutional buildings are set back often with grassed lawns while commercial buildings are built close to lot line.
- Mid- and high-rise apartment and condominium buildings are located on properties adjacent to the study area.
- Late nineteenth- and early twentieth-century residential properties.
- Residential to commercial or mixed-use commercial/residential conversions.
- Some late nineteenth- and early twentieth-century commercial buildings.



Downtown East Grouping of Properties



Figure 2: Looking south on Elizabeth Street towards former residential properties (right) and Knox Presbyterian Church (left).



Figure 3: Similar view looking south on Elizabeth Street circa 1920 with the town hall (no longer extant) visible on the right [Burlington Historical Society].



Figure 4: Residences converted to commercial use on Elizabeth Street. Apartment and condominium buildings from the late twentieth and early twenty-first century are prominent in the view of the streetscape.



Figure 5: Residential buildings converted to commercial use on Pearl Street.



Figure 6: Commercial buildings and surface parking define the streetscape of John Street, located between Brant Street and Elizabeth Street.

Downtown East Grouping of Properties

Summary of Development and Change within the Grouping



Figure 7: West side of Elizabeth Street, looking north towards Maria Street, circa 1918. 482 and 490 Elizabeth Street, visible on the left, are still extant and their setbacks maintained along the streetscape [Burlington Historical Society]



Figure 8: Knox Presbyterian Church, located on the northeast corner of James Street and Elizabeth Street, pictured here circa 1906 is still extant today [Burlington Historical Society]

- The west side of Elizabeth Street, an early roadway in the Wellington Square settlement, developed as a residential streetscape with many of the mid and late nineteenth-century homes still standing today.
- The east side of Elizabeth Street, between Maria Street and James Street, was home to a number of churches, a town hall and a fire hall, which were constructed in the late nineteenth century. All but Knox Presbyterian Church and the former Methodist Episcopal Church (now the Royal Canadian Sea Cadet Corps Hall) on the corners of Elizabeth Street and James Street have since been demolished.
- This concentration of civic and institutional buildings located along Elizabeth Street since the late nineteenth century served the surrounding residential neighbourhood. Surrounding streets, such as Pearl Street and James Street, were infilled with residential buildings over the course of the twentieth century, adding density to the area.
- Elizabeth Street and the buildings it contained was integral to the social life and community development of Wellington Square/the Village of Burlington. In the late nineteenth and early twentieth century the street was lined with mature trees that provided a leafy canopy for the roadway.

Downtown East Grouping of Properties

- Those who lived on Elizabeth Street were often connected to the economy of Brant Street, with many residents running shops and businesses on the nearby commercial street. These important business owners with an Elizabeth Street address include: James Allen who owned a carriage workshop at 459 Brant Street; Thomas LePatourel who owned a drug store at 355 Brant Street; Henry Graham who owned a shoe store at 359 Brant Street; John Taylor who was a local mason; Dr. Austin Speers who was the Medical Officer of Health for the Town of Burlington; and Andrew Chisholm who was a general merchant, wharf operator, and owned an iron foundry in Wellington Square.
- Elizabeth Street and surrounding residential area remained relatively stable and continued to serve as a centre for social and community activity into the mid-twentieth century. It then experienced rapid change. Many nineteenth century buildings were removed by the mid 1960s. Houses dating to the nineteenth-century that remained standing were converted to commercial use.
- While many demolitions have occurred in this area, a small cohesive collection of buildings remain, together maintaining the historical streetscape, standing as a now rare and vanishing expression of the community that was established in the nineteenth and early twentieth century and supported development in historical Burlington. These properties are located at 451, 458, 461, 464, 468, 472, 478, 481 and 490 Elizabeth Street.



Figure 9: Town hall and fire hall pictured here on the east side of Elizabeth Street in 1925 would be demolished, along with the Methodist Church and several residences for the construction of an apartment building in the mid-twentieth century [Burlington Historical Society]



Figure 10: 482 Elizabeth Street circa 1950 when it operated as Burlington Public Library [Burlington Historical Society]

Downtown East Grouping of Properties

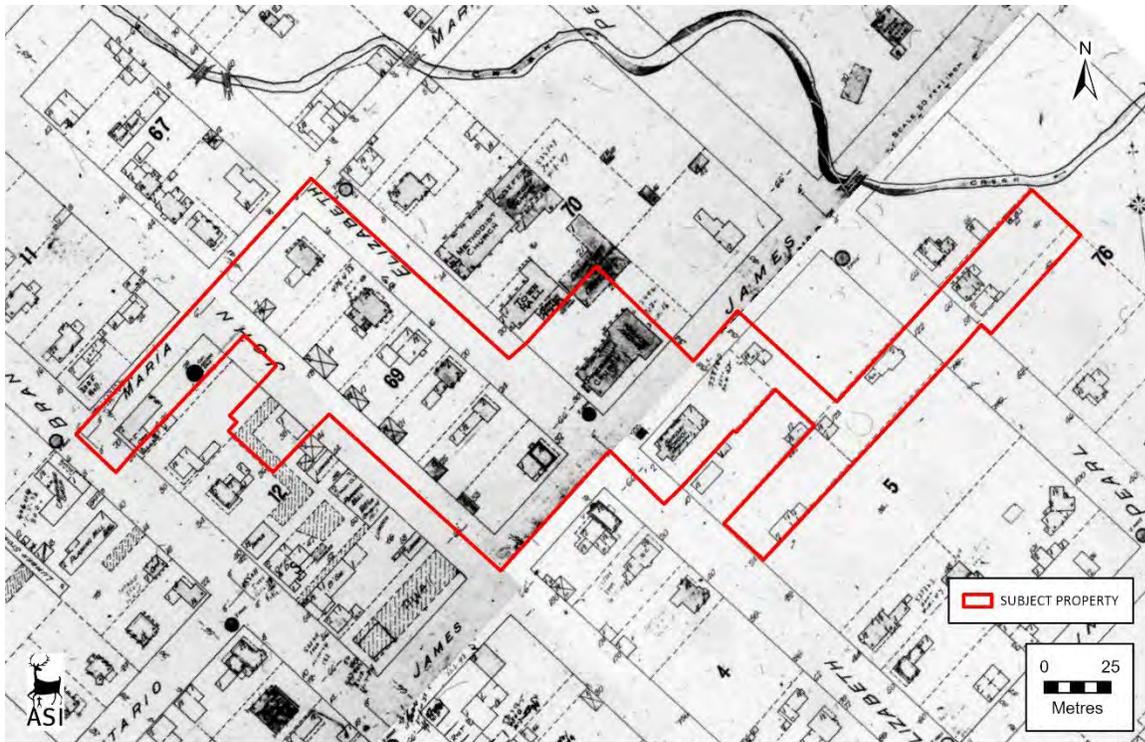


Figure 11: Fire insurance plan from 1910 illustrates the residential development in the area, along with several churches and civic buildings located along the east side of Elizabeth, many of which are no longer extant [Burlington Public Library].

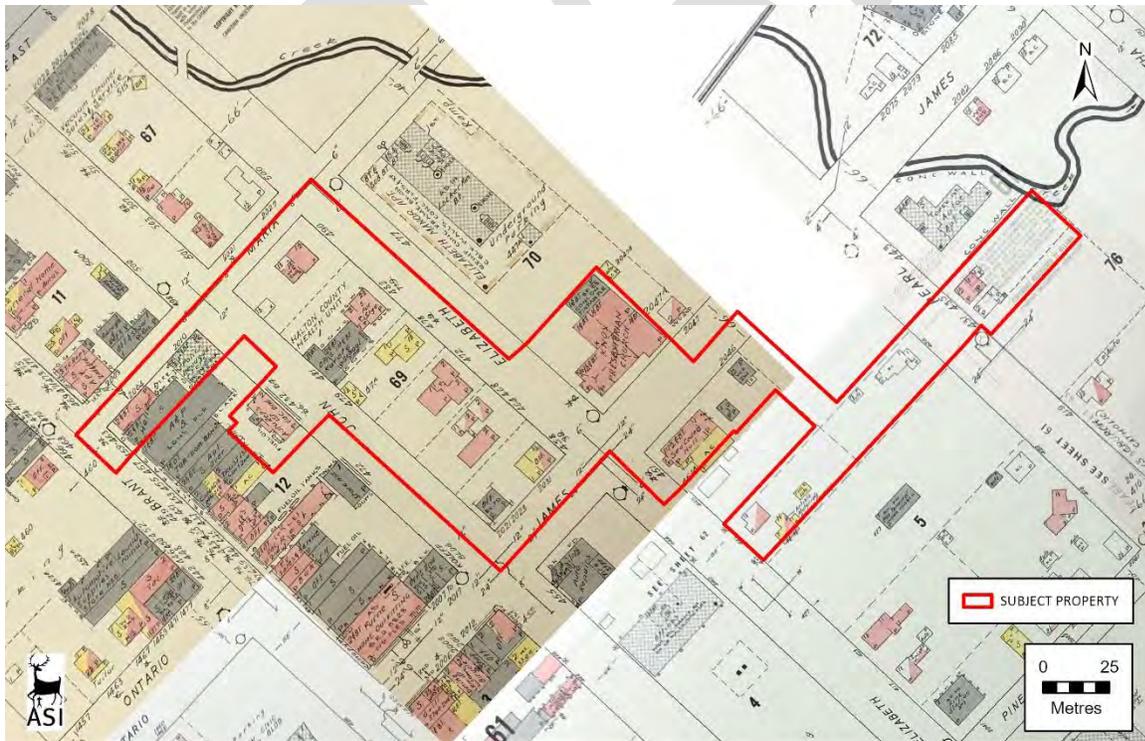


Figure 12: Fire insurance plan 1974 shows changes that occurred in the area in the twentieth century, notably the expansion of 482 Elizabeth Street to accommodate growing needs as the Burlington Public Library and the demolition several civic and institutional buildings on the east side of Elizabeth Street [McMaster University]

Downtown East Grouping of Properties

Preliminary Heritage Evaluation Results

To determine cultural heritage value or interest, the grouping of properties have been assessed based on and found to meet heritage evaluation criteria and/or definitions presented in Ontario Heritage Act Regulation 9/06, 1997 Official Plan (In force), and Provincial Policy Statement (2020). Portions of the grouping may be considered a cultural heritage landscape. Although the east side of Elizabeth Street has had more recent, large scale interventions, the continuous historical streetscape on the west side and anchored by the Knox Presbyterian Church and former ecclesiastical and school site on the east side together comprise a corridor that is legible as a nineteenth-century development pattern and which has otherwise vanished on the east side of the Downtown. . Revised boundaries have been recommended.



Figure 13: Revised boundaries recommended for the Downtown East grouping.

Downtown East Grouping of Properties

Design/Physical Value

- ✓ Representative of nineteenth-century village settlement and community through the combination of residential and civic/institutional building typologies within the study area. Elizabeth Street is one of the earliest residential developments in Wellington Square with much of the extant building stock constructed by the 1870s. The integration of both civic/institutional buildings and residential buildings into the streetscape demonstrates the form and function of social life during the early period of settlement in Burlington, with Elizabeth Street acting as a community hub for the village. Changes that occurred in the latter half of the twentieth century altered much of the nineteenth-century residential settlement located in the east side of the Downtown through the demolition of many of the original residential buildings and the construction of large commercial and apartment/condominium buildings and introduction of several surface parking lots. The buildings that remain in the revised Downtown East boundary establish a continuous stretch of properties that speak to the early community formation of Wellington Square through their intact residential and civic/institutional architectural features and built forms, as well as streetscape features demonstrating their historical and continued use as community space.

Historical/Associative Value

- ✓ The residential and civic/institutional buildings that are within the Downtown East grouping were some of the earliest built within the settlement of Wellington Square. These include Knox Presbyterian Church constructed between 1845 and 1860 and expanded in 1877 at 461 Elizabeth Street and the former Methodist Episcopal Church constructed in 1858 at 451 Elizabeth Street.
- ✓ Elizabeth Street was established as a prominent street with generous lots that were home to many of the early business owners, entrepreneurs, and industrialists of Wellington Square/the Village of Burlington.
- ✓ The conversion of properties to commercial use in the late twentieth century is also reflective of the impacts of modernization and the development pressure that occurred in the Downtown core.

Contextual Value

- ✓ Generally maintains its lotting pattern and setbacks, as well as the scale and massing typical of a mid to late nineteenth-century residential development.
- ✓ Physical relationship to Brant Street resulted in Elizabeth Street becoming a popular address for local businesspeople, industrialists, and entrepreneurs in the nineteenth century and propelled the conversion of residential buildings to commercial use in the mid twentieth century.



Downtown East Grouping of Properties

- ✓ Select properties are visually prominent within the neighbourhood due to their corner locations and design and would have been a visual and social centre within the neighbourhood and this prominence has been maintained.

1.1 Potential Policy/Protective Measures

- Designation of select individual properties under Part IV of the *Ontario Heritage Act*.
- Development of land-use policies within the City of Burlington's Official Plan (Downtown Core Precinct) specifying appropriate infill, heights, set-backs, and land-use designations that would provide direction for compatible change and development within and surrounding the Downtown East grouping. This may also include a set of design guidelines for alterations to existing buildings and new construction.
- Designation as a Heritage Conservation District under Part V of the *Ontario Heritage Act*. The revised boundaries that are recommended for the Downtown East grouping contains at least 25% of properties that meet criteria for individual designation.



Appendix C – Title Search

Chain OF TITLE

468 Elizabeth St., Burlington

Parcel Register 07067-0066 – Being Part of Lot 6 Block F Plan Compiled Plan 92 – L.R.O. #20 Halton County

Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block

Instr. No.	Type	Registration Date	From	To	Value / Land / Remarks
	Patent	14 Feb 1798	CROWN	JOSEPH BRANT	3,450 ACRES – A certain tract located at the Head of Lake Ontario
38 G R	Exemplification of Probate of Will	18 Oct 1805 24 Oct 1868	JOSEPH BRANT	His wife CATHERINE BRANT AUGUSTUS JONES RALPH CHURCH, EXTRS	“To sell and dispose for the purpose of paying his debts, such part as they may think proper of, said tract of land adjoining Flamborough East, (the same not being part of 700 acres or that devised to his daughter CHRISTINA HILL & Grandson ISAAC)”
402 I R	B & Sale	17 Mar 1810	CATHARINE BRANT, Executrix & AUGUSTUS JONES, Executor Of Will Of JOSEPH BRANT, deceased	JAMES GAGE	338 ½ Acres, £232.14.4 “Northeasterly angle of late Capt. Joseph Brant’s Military lands adjoining Lake Ontario. Note: metes and bounds describes S Ely part”
1882 I R	B & Sale	18 Dec 1811	JOSEPH BRANT, late of County of Haldimand, on Grand River, gentleman	NICHOLAS MACDOUGALL	“same description as 402 I.R., Note: supposed to be a nephew or relative of late Capt. Joseph Brant”
77 E	Deed Poll	1 Dec 1827	JAMES GAGE	ANDREW GAGE	110 Acres. “Part of lands described in 402 I.R.” £20
1092 F	B & Sale	18 Oct 1832	JAMES GAGE	ANDREW GAGE	110 Acres. “Part of lands described in 402 I.R.” £20

Chain OF TITLE**468 Elizabeth St., Burlington****Parcel Register 07067-0066 – Being Part of Lot 6 Block F Plan Compiled Plan 92 – L.R.O. #20 Halton County****Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

676 H	B & Sale	18 Mar 1834	JAMES GAGE	ANDREW GAGE	141 Acres. "Part of lands described in 402 I.R. Note: Land described in 77 E & 1092 F included in description" £20
12	Map	1854	MAP OF THE VILLAGE	WELLINGTON SQUARE	
592 U	B & Sale	5 Jan 1843 24 Mar 1853	ANDREW GAGE & wife	PATRICK MOORE	Lot 6
269 C	B & Sale	24 Apr 1861	PATRICK MOORE & wife	MICHAEL DUFFY	Lot 6
271 C	B & Sale	4 May 1861	MICHAEL DUFFY & wife	JOSEPH REDMAN	Lot 6
232 D	B & Sale	5 May 1866	JOSEPH REDMAN	BENJAMIN S. REYNOLDS	Lot 6
240 D	B & Sale	26 May 1866	BENJAMIN S. REYNOLDS	JOHN WALDIC	Lot 6
241 D	B & Sale	26 May 1866	JOHN WALDIC & wife	WILLIAM BUNTON	Lot 6
221 E	B & Sale	15 Apr 1869	WILLIAM BUNTON & wife	JAMES BASTEDO	Lot 6
518 F	B & Sale	17 Nov 1870	JAMES BASTEDO & wife	DAVID BASTEDO	Lot 6 1/5 Acre
519 F	B & Sale	17 Nov 1870	DAVID BASTEDO	HANNAH MARIA BASTEDO, WIFE OF JAMES BASTEDO	Lot 6 1/5 Acre
556 B	B & Sale	20 May 1882	HANNAH MARIA BASTEDO, & JAMES BASTEDO, her husband	WILLIAM KERNS	Lot 6 1/5 Acre - \$800
607 B	B & Sale	19 Dec 1882	WILLIAM KERNS & wife	FREDERICK BRAY	Lot 6 1/5 Acre - \$800
92	Compiled Plan	4 Feb 1892	Map of the Village of Burlington		

Chain OF TITLE**468 Elizabeth St., Burlington****Parcel Register 07067-0066 – Being Part of Lot 6 Block F Plan Compiled Plan 92 – L.R.O. #20 Halton County
Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

4003 H	B & Sale	14 May 1913	GEORGE ALLEN & OLIVER SPINCER, EXTRS OF LAST WILL AND TESTAMENT OF FREDERICK BRAY, deceased	THOMAS ATKINSON	Lot 6 1/5 Acre - \$3000
4133 H	B & S	9 Dec 1913	THOMAS ATKINSON	FREDERICK HALL	Lot 6 1/5 Acre - \$1.00 & C & other land
5572 W	Mortgage	6 Dec 1920	FREDERICK HALL	JOHN WILSON HENDERSON	Lot 6 1/5 Acre - \$3000 & other land – not recorded in full
5701 W	Grant	6 Apr 1921	FREDERICK HALL & wife	KATHARINE I. BECK, widow	Lot 6 1/5 Acre - \$1.00 & C & other land
7710 L	Assignment of Mortgage 5572	6 Jun 1927	CHRISTINA HENDERSON, widow, Extrx JOHN WILSON HENDERSON, deceased	LILIAN LORENA FREEMAN	Lot 6 1/5 Acre - \$1.00 & C & other land
8884 M	Quit Claim Deed	5 Dec 1932	GERTRUDE IRENE BECK, personally and as Admtr of KATHARINE IRENE BECK, widow, deceased	LILIAN L. FREEMAN	Lot 6 1/5 Acre - Prem & \$1 & other lots
12016 O	Grant	19 May 1945	LILIAN L. FREEMAN, m/w	FLORENCE BENTLEY, m/w	Lot 6, 1/5 acre - \$3200 & other lots
171477	Administrators Deed to Uses	14 Aug 1964	ROBERT THOMAS BENTLEY, the Admin of Estate of FLORENCE BENTLEY, widow, deceased & WESLEY GEORGE BENTLEY & the said ROBERT THOMAS BENTLEY, in his personal capacity	JAMES BENTLEY	Lot 6 & other land – 1/5 ac - \$2.00, recitals

Chain OF TITLE**468 Elizabeth St., Burlington****Parcel Register 07067-0066 – Being Part of Lot 6 Block F Plan Compiled Plan 92 – L.R.O. #20 Halton County****Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

333829	Grant	7 Apr 1972	JAMES BENTLEY	ROSS DARBY COLLING	Part Lot 6 – Together with Right of Way - \$1.00 & C
381694	Grant	18 Jan 1974	ROSS DARBY COLLING	PAUL MICHAEL KEELEY	Pt lot 6 as in 333829 tog with right of way - \$1.00 & C
395757	Grant	31 Jul 1974	PAUL MICHAEL KEELEY	DOUGLAS WILLIAM MUIR	Pt lot 6 as in 333829 tog with right of way - \$1.00 & C
407674	Grant	14 Mar 1975	DOUGLAS WILLIAM MUIR, to uses	JOAN ELIZABETH MUIR	Pt lot 6, together with right of way - \$1.00 & C
683338	Grant	31 12 87	MUIR, JOAN ELIZABETH	ELIZABETH OFFICE SERVICES LIMITED	\$280,000 – Part – Tog with right of way – with reservation (407674)
Automated 28 Oct 1996 – Parcel Register 07067-0066 - First Conversion from the Book – Pt Lt 6 Blk F, Compiled Plan P92, as in 683338; S/T & T/W 68338					
HR1778845	Transfer	2021/04/01	ELIZABETH OFFICE SERVICES LIMITED	DAWNOAK DEVELOPMENTS INC.	\$1,250,000
Book	1A	Brant's Block			
Book	Plan 92	Blocks A to I			

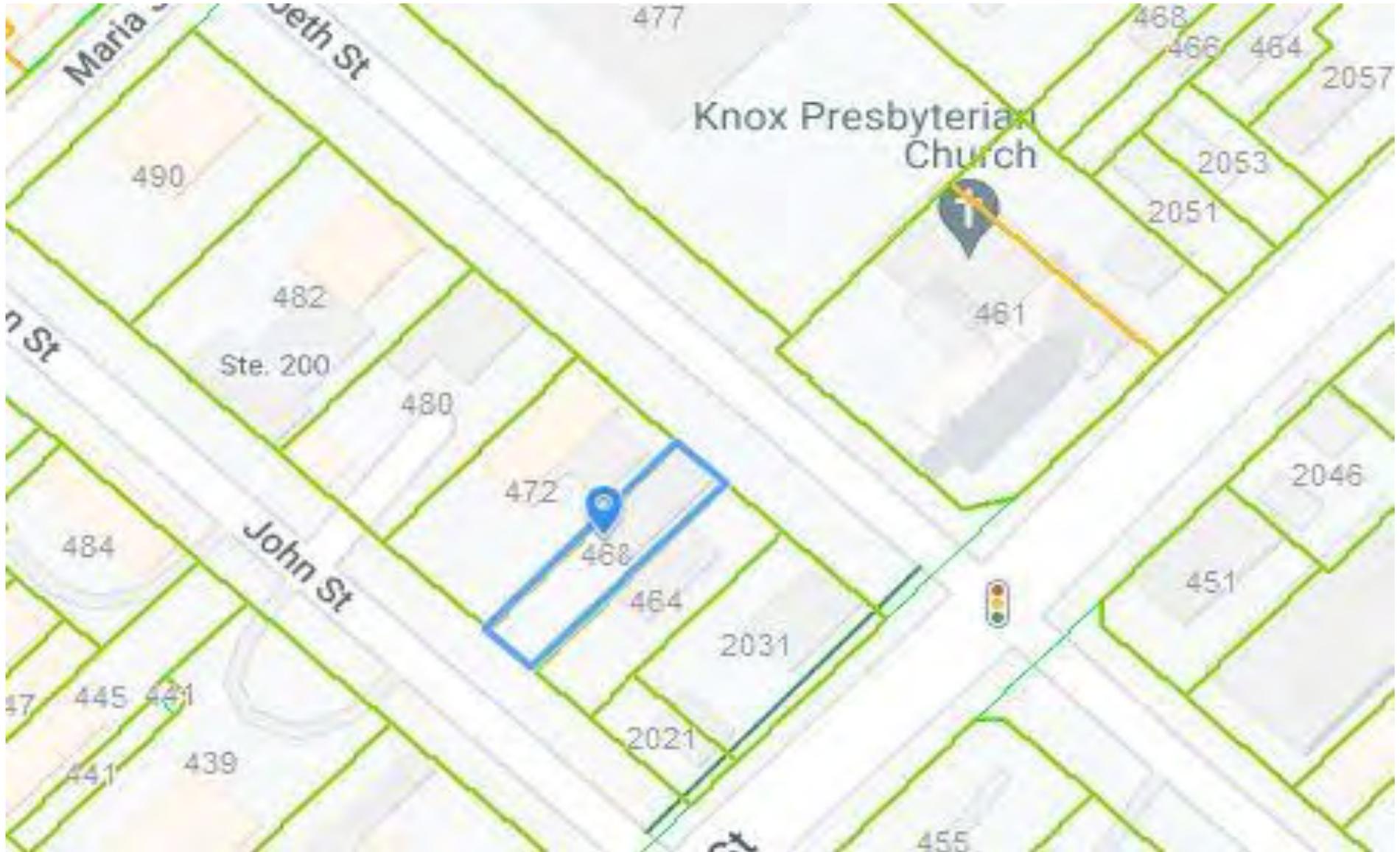
E. & O. E. – Completed by P.L.P. Titles Ltd. on the 7th August 2023 – Please note – Information has been gathered from On-Line Microfilmed copies of the Old Index Books – Due to the difficulty of analysing the information in order to compile this Chain of Title - Complete Accuracy cannot be relied upon - Names & Dates & Registration Numbers are difficult to read – Deeds have not been printed or descriptions plotted -

Chain OF TITLE

468 Elizabeth St., Burlington

Parcel Register 07067-0066 – Being Part of Lot 6 Block F Plan Compiled Plan 92 – L.R.O. #20 Halton County

Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block



Chain OF TITLE**2031 James St., Burlington****Parcel Register 07067-0068– Being Part of Lot 7 Block F Compiled Plan 92 – L.R.O. #20 Halton County
Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

Instr. No.	Type	Registration Date	From	To	Value / Land / Remarks
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38 G R	Exemplification of Probate of Will	18 Oct 1805 24 Oct 1868	JOSEPH BRANT	His wife CATHERINE BRANT AUGUSTUS JONES RALPH CHURCH, EXTRS	“To sell and dispose for the purpose of paying his debts, such part as they may think proper of, said tract of land adjoining Flamborough East, (the same not being part of 700 acres or that devised to his daughter CHRISTINA HILL & Grandson ISAAC)”
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77 E	Deed Poll	1 Dec 1827	JAMES GAGE	ANDREW GAGE	110 Acres. “Part of lands described in 402 I.R.” £20
1092 F	B & Sale	18 Oct 1832	JAMES GAGE	ANDREW GAGE	110 Acres. “Part of lands described in 402 I.R.” £20

Chain OF TITLE**2031 James St., Burlington****Parcel Register 07067-0068– Being Part of Lot 7 Block F Compiled Plan 92 – L.R.O. #20 Halton County
Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

676 H	B & Sale	18 Mar 1834	JAMES GAGE	ANDREW GAGE	141 Acres. "Part of lands described in 402 I.R. Note: Land described in 77 E & 1092 F included in description" £20
270 N	B & Sale	17 Dec 1841	ANDREW GAGE	NELSON OGG	Lt 5 (description in the deed appears to be describing the lands known as lot 7)
12	Map	1854	MAP OF THE VILLAGE OF	WELLINGTON SQUARE	
28 C	B & Sale	3 Jul 1847	NELSON OGG & wife	WILLIAM SINCLAIR	Lt 5
807 B	PRO OF WILL	29 May 1857 1 Dec 1857	WILLIAM SINCLAIR		Lt 5
929 F	B & Sale	5 Oct 1872	MARGARET LORD, otherwise, MARGARET SINCLAIR, widow of WILLIAM SINCLAIR & sole surviving Extr of Will of WILLIAM SINCLAIR	BENJAMIN EAGER	Lot 7 in Block F according to Map & Plan drawn by C. B. ALBREY – 1/5 acre
33 A	B & Sale	11 Jul 1874	BENJAMIN EAGER & wife	JAMES E. EAGER	Lt 7 – 1.5 acre & other lands
35 A	B & Sale	10 Aug 1874	JAMES E. EAGER	JOHN TAYLOR	Lot 7 – 1/5 acre - \$100
269 U	B & Sale	2 Jul 1878	JOHN TAYLOR & wife	JOHN McHAFFIE	Lot 7 – 1/5 acre - \$1150
570 B	B & Sale	19 Jul 1882	JOHN McHAFFIE, a bachelor	GEORGE LONG	Lot 7 – 1/5 acre - \$1150
92	Compiled Plan	4 Feb 1892	Map of the Village of Burlington		

Chain OF TITLE**2031 James St., Burlington****Parcel Register 07067-0068– Being Part of Lot 7 Block F Compiled Plan 92 – L.R.O. #20 Halton County
Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant's Block**

2098 E	B & Sale	24 Aug 1901	SUSAN WATERWORTH, a widow	ANNIE GIBSON, a spinster	Lot 7 – 1/5 acre - \$1400
2699 F	B & Sale	8 May 1906	ANNIE WIGGINS (formerly ANNIE GIBSON) & WILLIAM WIGGINS, her husband	ELIZABETH A. TUCKER, widow	Lot 7 – 1/5 acre - \$2000
3591 G	B & Sale	30 Jan 1912	JAMES RUSSELL LOVETT STARR & GEORGE PERRY SYLVESTOR EXORS OF THE WILL OF ELIZABETH A. TUCKER, widow, deceased	JOHN HERITAGE	Lot 7 – 1/5 acre - \$2300
5330 J	Grant	30 Apr 1920	JOHN HERITAGE, a widower	WILLIAM KENNETH RAE	Lot 7 – 1/5 acre - \$1. & c
11087 N	Grant	6 Nov 1942	WILLIAM KENNETH RAE & wife	JANE EDWARDS, widow & NINA LORRAINE EDWARDS, spinster	Lot 7 – subj to mortgage - \$3000
97285	Certificate	20 May 1959	Treasurer of Ontario	Estate of ANN JANE EDWARDS	Lot 7 – as in 11087 N
231660	Deposit	31 Aug 1967	DECLARATION	NINA LORRAINE EDWARDS	Lot 7
231661	Deposit	31 Aug 1967	DECLARATION	WILLIAM K RAE	
231662	Grant	31 Aug 1967	NINA LORRAINE EDWARDS	GEORGE MURRAY BUZZA	Part Lot 7 – recitals -
20R7149	Ref Plan	14 08 85		Pt 4 - 231662	
855467	Transfer	96 09 16	SINDING, BOJE	GILES, DAVID JAMES	Part S to R of W & T with R of W (420920) & OL Planning Act Statements

Chain OF TITLE

2031 James St., Burlington

Parcel Register 07067-0068– Being Part of Lot 7 Block F Compiled Plan 92 – L.R.O. #20 Halton County

Previously known as Wellington Square C. W. (Canada West) - Originally Part of Brant’s Block

Automated 28 Oct 1996 – Parcel Register 07067-0068 – First Conversion from the book – Part Lot 7 Block F Compiled Plan 92 – as in 231662 – S/T the rights of owners of adjoining parcels, if any, under 855467

20R11991	Ref Plan	1996/04/22		
H822623	Transfer	1999/11/23	BUZZA, GEORGE MURRAY	BUZZA, GEORGE MURRAY BUZZA, BARBARA JANET
H824247	Transfer	1999/11/30	BUZZA, GEORGE MURRAY BUZZA, BARBARA JANET	1371784 ONTARIO INC.
HR99092	Transfer	2002/02/01	1371784 ONTARIO INC.	1502637 ONTARIO INC.
HR1031174	Transfer	2012/07/06	1502637 ONTARIO INC.	CRYSTAL HOMES COMMERCIAL (BURLINGTON) INC. \$850,000
Book	1A	Brant’s Block		
Book	Plan 92	Blocks A to I		

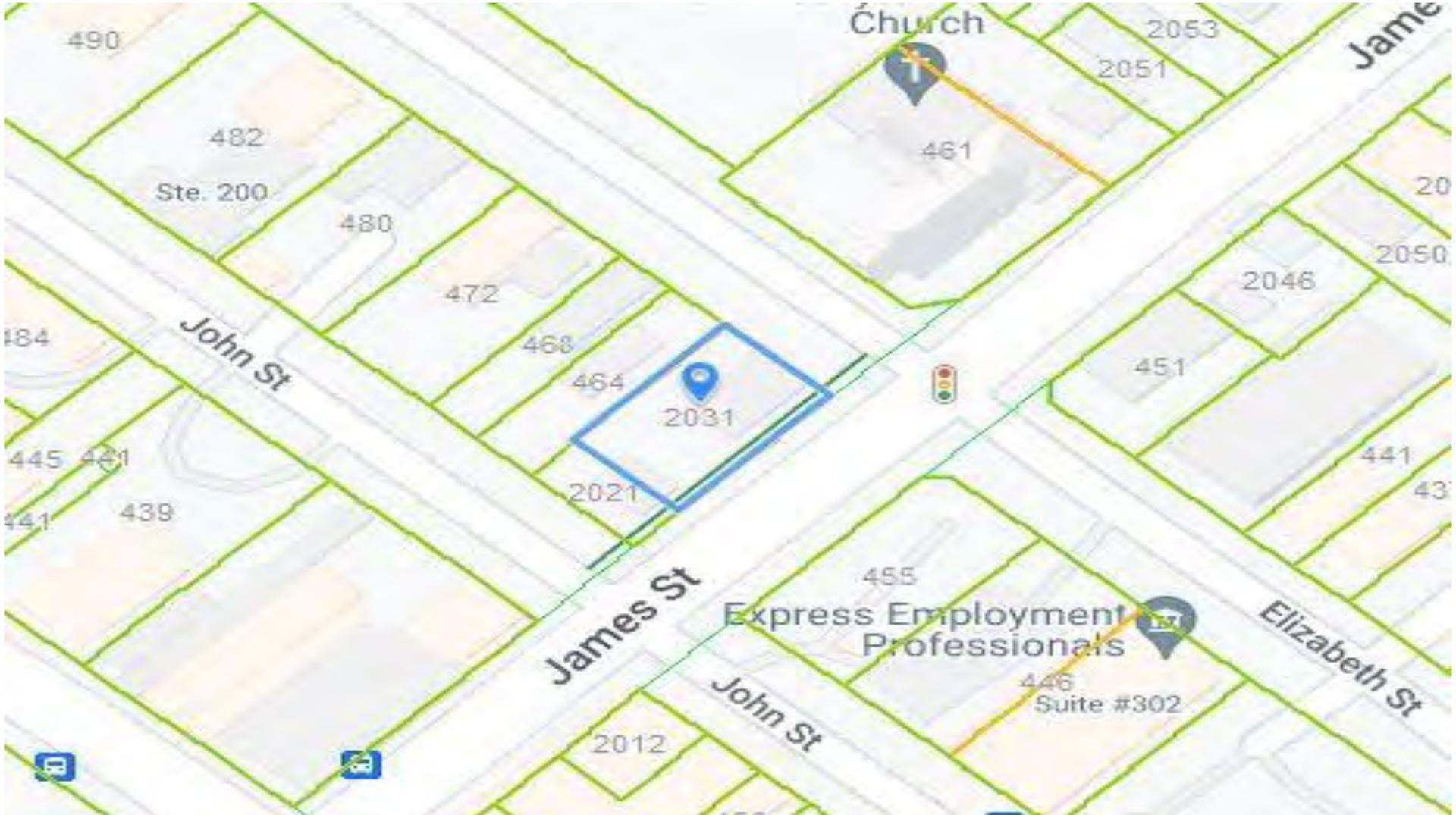
E. & O. E. – Completed by P.L.P. Titles Ltd. on the 7th August 2023. Please note: Information has been gathered from On-Line Microfilmed copies of the Old Index Books – Due to the difficulty of analysing the information in order to compile this Chain of Title - Complete Accuracy cannot be relied upon - Names & Dates & Registration Numbers are difficult to read – Deeds have not been printed or descriptions plotted -

Chain OF TITLE

2031 James St., Burlington

Parcel Register 07067-0068– Being Part of Lot 7 Block F Compiled Plan 92 – L.R.O. #20 Halton County

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Appendix D – City of Burlington Part IV Designation Program

Crystal Homes Commercial (Burlington) Inc.
2031 James Street
Burlington Ontario L7R 1H2

Shortlist of Heritage Designation Candidates: Response to Bill 23

You're invited to a project kick-off meeting

DATE & TIME

Tuesday, June 25, 7 to 8:30 p.m.

LOCATION City Hall, Room 247

Pre-register at getinvolvedburlington.ca/heritageprop.

PROJECT WEBSITE getinvolvedburlington.ca/heritageprop

PROJECT LEAD Chloe Richer, Senior Planner – Heritage, heritage@burlington.ca
905-335-7777, ext. 7427

Please join the City of Burlington at a project kick-off meeting to learn about the shortlist of 27 heritage designation candidates throughout Burlington. This includes a property you own. The list of 27 properties can be found at the project webpage.

The purpose of this event is to:

- Meet Heritage Planning staff and the team of heritage consultants;
- Share information;
- Answer your questions about heritage designation tools and processes and
- Hear feedback from property owners.

Thank you,



Chloe Richer, Senior Planner – Heritage,
heritage@burlington.ca
905-335-7777, ext. 7427

The City of Burlington is reviewing the potential heritage designation of 27 properties in Burlington.
They are:

1. 482 Elizabeth St., Laing-Speers House, former Burlington Public Library
2. 451 Nelson Ave., Thomas Rogers House
3. 518 Hager Ave., Calvary Baptist Church Manse
4. 562 Maple Ave., Robert Lindley House
5. 458 Elizabeth St., John Taylor House
6. 490 Elizabeth St., Laing Fisher House
7. 2003 Lakeshore Rd., former Royal Bank
8. 390 John St., Shaver Building
9. 2437 Dundas St., Nelson United Church
10. 368 Brant St., Bell-Wiggins Boot and Shoe Store
11. 550 Hurd Ave., Hepton Weeks House
12. 2280 No. 2 Side Rd., Pitcher Homestead
13. 6414 Walkers Line, Donald McGregor Farmhouse
14. 367 Torrance St.
15. 1433 Baldwin St., Burlington Central High School
16. 380 Brant St., Hotel Raymond
17. 1134 Plains Rd. E., Davis Homestead
18. 513 Locust Ave., A Different Drummer Books
19. 242 Plains Rd. E., Roelfson House
20. 444 Plains Rd. E., John Horne House
21. 2022 Victoria Ave., Bell Orchards Farmhouse
22. 1421 Lakeshore Rd., Graham House
23. 5726 Cedar Springs Rd., Dakota School House
24. 451 Elizabeth St., Iron Duke building
25. 461 Elizabeth St., Knox Presbyterian Church
26. 472 Locust St., Paroisse St. Philippe
27. 2066 Kilbride St., Kilbride United Church

Appendix E – Review of City of Burlington Cultural Heritage Landscape Study and Findings

City of Burlington Cultural Heritage Landscape Study Review and Summary of Findings

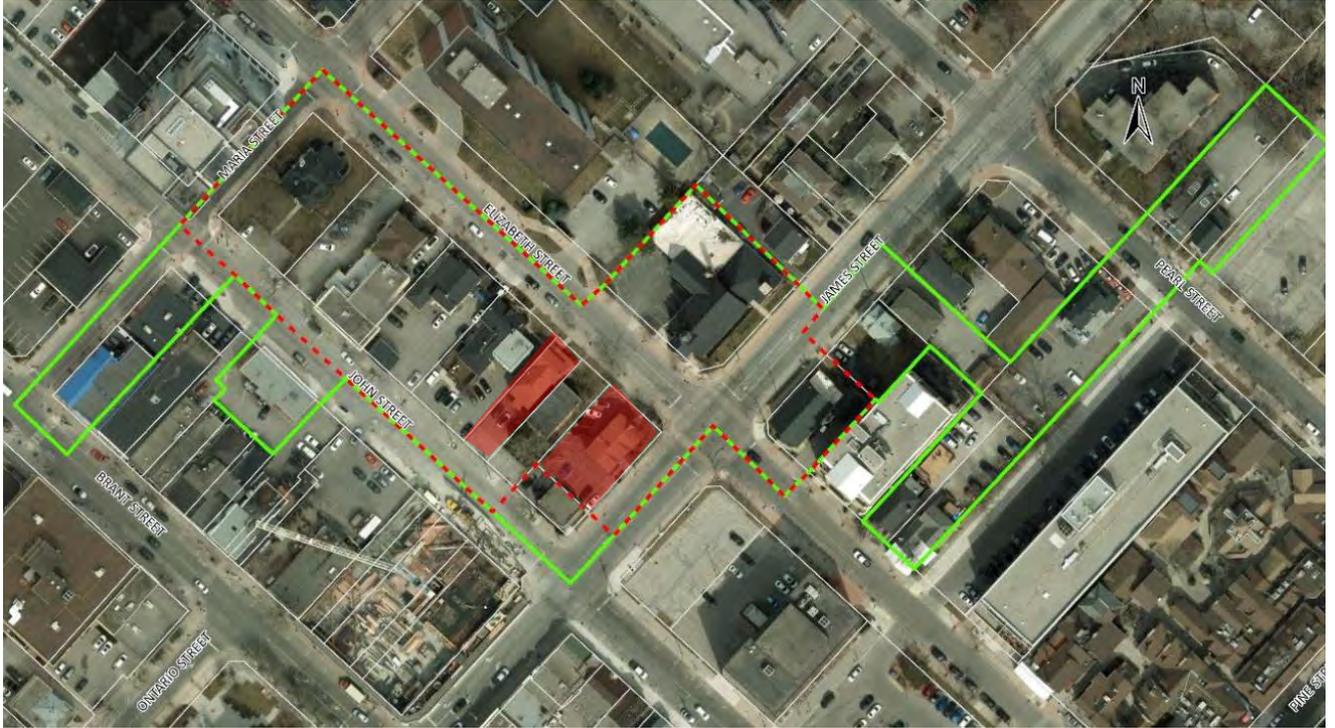
The purpose of the CHL study was to identify cultural heritage resources within the Downtown Mobility Hub, which was identified by the City as an area for future redevelopment and intensification. Consultants (ASI) were retained by the City to undertake an analysis of cultural heritage resources in order to provide technical recommendations for conservation, where warranted. The scope of work included providing recommendations regarding whether or not any area within the Downtown Mobility Hub area is likely to meet the criteria as a Heritage Conservation District (HCD) under Section V of the *Ontario Heritage Act*. Other conservation recommendations may include (but are not limited to) further listing and designations under Part IV of the *Ontario Heritage Act*, and the identification of Cultural Heritage Landscapes (CHL) **as “character areas” (or similar) under the *Planning Act***. The CHL study was intended to consider redevelopment and intensification and ensure the long-term viability and presence of built heritage resources and cultural heritage landscapes in the area. The consultants identified five potential CHLs within the within the Downtown Mobility Hub area.

The subject lands are located within the Downtown East cluster area (See Figure 6). In the **summer of 2023, the City’s consultants released preliminary conclusions regarding the Downtown East cluster area**. The preliminary Cultural Heritage Landscape evaluation completed by the consultants identified that portions of the original Downtown East cluster *may* be considered a CHL. The recommendations include a revised boundary to remove those areas **which have changed and do not represent a “continuous historical streetscape”**.

The preliminary recommendations of the CHL study determined that the Downtown East Cluster area had cultural heritage value as follows:

- **The area is a representative example of a “...nineteenth-century village settlement and community through the combination of residential and civic/institutional building typologies within the study area.”**
- Elizabeth Street is one of the earliest residential developments in Wellington Square, with much of the extant building stock constructed by the 1870s.
- The boundary includes some of the earliest civic/institutional and residential buildings within the Wellington Square settlement.

The Consultants identified that changes to the Downtown East cluster area streetscape are primarily located on the east side of Elizabeth Street. Following this preliminary recommendation, the boundary of the Downtown East cluster was updated/revised in the summer of 2023 (See Figure 6).



(above) Aerial photo of the Downtown East cluster area. The original cluster area boundary is outlined in green. The revised boundary is noted with dashed red line. The subject lands are shaded in red. (Source: ASI, 2023)

The report completed by ASI provides a historical summary of the evolution of the Downtown East grouping/area over time in Section 1.4.4 of the Appendix to the Cultural Heritage Landscape Study report. The historical summary is important in identifying the character of the area as it currently exists.

The report identifies that up until the 1970s/1980s, the Downtown East grouping generally retained its 19th century streetscape patterns. The report identifies that the Elizabeth Street was **an “early” street which included several residences being constructed around the mid. 19th century**. Further, that the street evolved to include a mix of residential and institutional buildings. This includes a range of 1.2 to 2.5 storey buildings which included frontage at Elizabeth Street and backed onto John Street. Section 1.4.4 of the report appendix identifies that the context of the Downtown East area evolved over time, summarized as follows:

- *Burlington witnessed a great amount of change between the 1950s and 1970s with a strong move towards suburbanization and industrialization an rapid growth;*
- *In 1966, the town hall and fire hall buildings, Trinity United Church, and two residences were demolished and replaced with a high-rise apartment building, changing the side of historical streetscape of Elizabeth Street;*
- *Several residences were demolished on the west side of Elizabeth Street south of James Street and a large office building was constructed;*
- *Another trend occurring throughout Downtown Burlington during the mid. to late 20th century was the conversion of residential properties into commercial both on*

Brant Street and the surrounding residential Streets, such as ... Elizabeth Street. This trend began on Brant Street as early as the 1950s with an increase through the 1960s. The Downtown East grouping was slower to embrace this trend;

- *The 1973 Directory shows the majority of residences in the property grouping continuing to be residences;*
- *By 1982, almost all the residential properties along Elizabeth Street and Pearl Street were now being used as commercial spaces.*
- *Notable changes occurred in the mid. to late 20th century that reshaped the Elizabeth Street Streetscape and the surrounding context;*
- *The area directly outside the Downtown East property grouping now features contemporary high-rise apartment buildings, parking lots, townhouses, and contemporary commercial buildings;*
- *The properties on the east side of Elizabeth Street south of the former Methodist Episcopal Church (now the Royal Canadian Sea Cadets Corps building) and the properties on Pearl Street, now all commercial spaces, are generally disconnected from their surrounding context and few remnants remain of the once residential area;*
- *A range of individual features do survive in the form of residential structures as well as buildings associated with Elizabeth Street's importance as a social hub, such as Knox Presbyterian Church, Sea Cadet Hall, and the previous Burlington Public Library as examples.*

The findings of the Downtown CHL Study report provides a more detailed summary of the existing character of the Downtown East area in an Appendix as follows:

- The Downtown East property grouping consists of mainly residential properties that have been converted to commercial or mixed-use commercial/residential;
- Several civic/institutional properties, such as churches, and commercial buildings from the late nineteenth century to the early twentieth century are also located in the grouping;
- Properties within the Downtown East grouping are typically one-and-a-half to two-and-a-half storeys in height; and
- A number of mid- and high-rise condominium buildings have been constructed or are currently under construction on properties adjacent to the study area.

The Downtown CHL Study report provides further comments on the existing conditions of the Downtown East grouping, which includes the following:

- All residential properties on Elizabeth Street are now fully commercial or mixed-use commercial/residential. The properties do retain features of their residential past, including grass front lawns, paved walkways from the sidewalk, and their residential built form that has generally not been heavily altered;

- The historical residential built form and arrangements of the properties on Elizabeth Street has been maintained with consistent setbacks, paved walkways, and grass front lawns; and
- Many of the buildings on Elizabeth Street retain decorative details.

The final recommendations of the Downtown Burlington CHL study determined that the area does not meet the definition of a Cultural Heritage Landscape, as follows:

Downtown East

- *The grouping does not meet criteria/definitions of a significant cultural heritage landscape and was determined not to merit further study as a heritage conservation district.*
- *Select individual properties have been identified as having potential individual cultural heritage value (see Section 7.8) which may be appropriate for individual designation under Part IV of the Ontario Heritage Act.*
- *Land use planning policies to inform on-going change within the area have been recommended.*

The Downtown CHL Study report completed by ASI provides a chart summary of whether or not the Downtown East area is considered a Cultural Heritage Landscape or potential Heritage Conservation District as per the following table:

Summary Chart of Heritage Evaluation Criteria & Definitions (ASI, 2023)	
Heritage Evaluation Criteria	Downtown East
Meets definition of a cultural heritage landscape in the 2020 Provincial Policy Statement?	No
Meets definition of a cultural heritage landscape in the 1997 City of Burlington Official Plan?	No
Meets characteristics of a heritage conservation district identified in the Ontario Heritage Toolkit?	No
Number of criteria met as provided in Ontario Regulation 9/06 of the Ontario Heritage Act	1

Section 1.4.6 of the Appendix to the Burlington Cultural Heritage Landscape Study report provides further analysis as it relates to the chart summary. Here, it identifies that the only criteria under *Ontario Regulation 9/06* which is met for the Downtown East grouping is as follows:

7. The grouping has contextual value because it is important in defining, maintaining or supporting the character of an area:

- *The properties within the Downtown East grouping generally contribute to the historical lotting pattern and setback from the establishment of the area in the*

nineteenth century, and within the grouping of properties the scale and massing of residential buildings from that period are maintained.

- *Elizabeth Street, for example, maintains the lotting, scale and massing of its original nineteenth-century residential settlement on the west side of the roadway particularly, with 461 Elizabeth Street, 451 Elizabeth Street, on the east side at the corner of Elizabeth Street and James Street anchoring the east side despite some losses of historical fabric in this area;*
- *Infill within the grouping is typically compatible with the historical scale and massing of the neighbourhood.*
- *The Downtown East grouping meets this criterion.*

Therefore, the CHL Study report concludes that the area is not a Cultural Heritage Landscape. The Downtown East grouping generally met 1 criterion under *Ontario Regulation 9/06* related to contextual value related to lotting patterns and the scale and massing of remaining 19th century residential buildings within a relatively small area along Elizabeth Street between Maria Street and James Street.

The final recommendations of the Downtown Burlington CHL Study identify that the property at 458 Elizabeth Street/2031 James Street has the potential to meet criteria under *Ontario Regulation 9/06*. This includes criteria related to a) design/physical value as a representative example of an Ontario Gothic Revival building, b) historical/associative value associated with the early settlement of the Village of Burlington, and c) contextual value associated with the remnant nineteenth-century residential and civic-institutional (village) Elizabeth Street streetscape.

Section 7.1 of the report by ASI Ltd. provided specific recommendations for properties recommended for designation under Part IV of the *Ontario Heritage Act*. However, it is important to note that the property at 458 Elizabeth Street/2031 James Street was not recommended for designation under Part IV of the *Ontario Heritage Act* in the Study report given that there was no evidence or justification that the property meets 2 criteria under the *Ontario Regulation 9/06*

The Downtown Burlington CHL Study report identifies that the property at 458 Elizabeth **Street/2031 James Street is also known as the “John Taylor House”, constructed c. 1876 in the Gothic Revival [cottage] architectural style, built by John Taylor.** The report also confirms that John Taylor is not considered an important architect or builder within the local community.

This report acknowledges that the property at 458 Elizabeth Street/2031 James Street meets 1 criteria related to design/physical value given that it includes a representative example of a building constructed in the Gothic Revival Cottage architectural style. However, the Downtown CHL study completed by the City of Burlington does not demonstrate the following:

- How the subject property is directly associated with the early settlement of the Village of Burlington; and
- How the building demonstrates contextual value given that the Downtown East cluster area was found to not meet legislated criteria as a Cultural Heritage Landscape or Heritage Conservation District.

Appendix F – Staff Bios.

Dan Currie, B.A., B.E.S, M.A., M.C.I.P, R.P.P, C.A.H.P

Dan Currie, a Partner with MHBC, joined MHBC Planning in 2009, after having worked in various positions in the public sector since 1997 including the Director of Policy Planning for the City of Cambridge and Senior Policy Planner for the City of Waterloo.

Dan provides a variety of planning services for public and private sector clients including a wide range of policy and development work. Dan has experience in a number of areas including strategic planning, growth plan policy, secondary plans, watershed plans, housing studies and downtown revitalization plans. Dan specializes in long range planning and has experience in growth plans, settlement area expansions and urban growth studies. He has provided expert planning evidence to the Local Planning Appeals Tribunal and heritage planning evidence to the Conservation Review Board.

Vanessa Hicks, M.A, C.A.H.P

Vanessa Hicks is an Associate and Senior Heritage Planner with MHBC. Vanessa and joined the firm after having gained experience as a Manager of Heritage Planning in the public realm where she was responsible for working with Heritage Advisory Committees in managing heritage resources, Heritage Conservation Districts, designations, special events and heritage projects. Vanessa is a full member of the Canadian Association of Heritage Professionals (CAHP) and graduated from the University of Waterloo with a Masters Degree in Planning, specializing in heritage planning and conservation.



MHBC
P L A N N I N G
U R B A N D E S I G N
& L A N D S C A P E
A R C H I T E C T U R E



65 Queen Street West, Suite 1400
Toronto, Ontario, M5H 2M5

T. 416.203.7160
E. info@woodbull.ca

File No. 1984

January 28, 2025

By Email

Heritage Burlington Advisory Committee
Burlington City Hall
426 Brant Street
Burlington, Ontario L7R SZ6

Dear Committee Members:

Re: **2280 No. 2 Side Road, City of Burlington Potential Cultural Heritage Designation**

We represent Nelson Aggregate Co. ("**Nelson**"), the owner and operator of the Burlington Quarry (the "**Quarry**"), which is located north of No. 2 Sideroad and west of Guelph Line within the City of Burlington (the "**City**"). The Quarry has been in operation since 1953; Nelson has owned and operated it since 1983.

We understand that, at its meeting scheduled for January 29, 2025, this Committee will be considering the potential designation of the property municipally known as 2280 No. 2 Side Road (the "**Subject Property**") pursuant to section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18 (the "**OHA**"). The Subject Property is owned by our client and is the subject of active *Planning Act*, R.S.O. 1990, c.P.13 and *Aggregate Resources Act*, R.S.O. 1990, c. A.8 applications to permit the extension of the Quarry (the "**Extension Applications**"). The Extension Applications have been appealed to the Ontario Land Tribunal (the "**Tribunal**").

We write to request that the Committee defer its consideration of the potential designation of the Subject Property until the appeals of the Extension Applications are concluded.

Background

In May 2020, Nelson submitted applications to the Ministry of Natural Resources, the City, the Regional Municipality of Halton, and the Niagara Escarpment Commission to permit the westerly and southerly extension of the Quarry (previously defined as the "Extension Applications"). The Subject Property forms part of the proposed southerly extension lands.

The Extension Applications are supported by a cultural heritage impact report prepared by MHBC Planning, which has been updated to November 2024 (the "**CHR**"). The CHR includes an assessment of the Subject Property and concludes that the heritage attributes



WOOD BULL LLP

65 Queen Street West, Suite 1400, Toronto, Ontario M5H 2M5

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of the Subject Property may possibly include the architectural style of the house, the barn complex to the west of the house, and the orientation of the house. Neither the house nor the barn lie within the proposed extraction area. With respect to the overall impact of the proposed quarry extension on the Subject Property, the CHR concludes that, “the potential for impacts on the subject lands is very low, given that the proposed development will not take place within the area of the identified cultural heritage resources.”

The Extension Applications were appealed to the Tribunal in 2022 and are the subject of a three-month hearing scheduled to begin on March 4, 2025 (the “**Hearing**”). It is expected that, at the Hearing, expert witnesses retained by Nelson and the City will present evidence regarding cultural heritage matters, including the Subject Property.

Municipal Designation Process

We understand that the City has retained Stantec to assess the properties listed on the City’s heritage registry for potential designation, including the Subject Property. We have been provided with an extract of a draft report prepared by Stantec dated January 2025, which appears to outline the potential cultural heritage value of the Subject Property (the “**Stantec Report**”). We note that, as with the CHR, the Stantec Report identifies the house and barn as the potential heritage attributes on the Subject Property. The area around the built structures has not been identified as being of significance.

It is not clear from the extract whether Stantec, in preparing its report, considered the CHR or the appropriate geographic extent of a potential designation given that only the house and barns may have cultural heritage value. It is also not clear if Stantec was aware that the Subject Property is the subject of ongoing appeals at the Tribunal.

We note that the statutory deadline to issue a notice of intention to designate (“**NOID**”) for listed properties, including the Subject Property, has been extended from January 1, 2025 to January 1, 2027.

Request of the Committee

On behalf of Nelson, we hereby request that the Committee defer its consideration of designation of the Subject Property for the following reasons:

- (1) Proceeding with a NOID for the Subject Property prior to the completion of the Hearing is premature. There is no question that the house and barn are not proposed to be demolished or altered. The Hearing, for which considerable resources have already been expended by the City and Nelson, may serve to focus on the appropriateness of a potential designation by-law. Proceeding in advance of the Hearing process concluding will only result in duplication and an inefficient use of public resources.

- (2) Further study beyond the Hearing may need to be completed to determine the appropriate geographic extent of a potential designation by-law. Since the possible heritage attributes that have been identified on the Subject Property, by both MHBC and Stantec, are limited to the house and the barn, further consideration needs to be given to the appropriate extent of a designation by-law, if one is to be passed. As such, it is premature to issue a NOID, which must include the geographic extent of the land to be designated.
- (3) Given the extension of the statutory deadline to January 1, 2027, there is no prejudice in delaying the issuance of a NOID, if appropriate, to a later date once the Hearing has concluded and further study regarding the scope of potential designation has been completed.

Thank you in advance for your consideration of this submission.

Yours very truly,

WOOD BULL LLP



Johanna Shapira
JRS/SO

cc: Quinn Moyer & Tecia White, Nelson Aggregate Co.
Brian Zeman, MHBC Planning

CULTURAL HERITAGE IMPACT ASSESSMENT **REPORT**

Burlington Quarry Extension
City of Burlington

Date:

April 2020

Prepared for:

Nelson Aggregate Co.

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

200-540 Bingemans Centre Drive

Kitchener, ON N2B 3X9

T: 519 576 3650

F: 519 576 0121

Our File: '9135 P'

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Project Personnel

Nick Bogaert, BES, MCIP, RPP, CAHP	<i>Associate / Heritage Planner</i>	Author
Rachel Redshaw, MA, H.E. Dipl.	<i>Heritage Planner</i>	Research
Dan Currie, MA, MCIP, RPP, CAHP	<i>Managing Director of Cultural Heritage</i>	Senior Review

Glossary of Abbreviations

CHIA	<i>Cultural Heritage Impact Assessment</i>
CHL	<i>Cultural Heritage Landscape</i>
MHBC	<i>MacNaughton Hermsen Britton Clarkson Planning Limited</i>
NEP	<i>Niagara Escarpment Plan</i>
OHA	<i>Ontario Heritage Act</i>
OHTK	<i>Ontario Heritage Toolkit</i>
O-REG 9/06	<i>Ontario Regulation 9/06 for determining cultural heritage significance</i>
PPS	<i>Provincial Policy Statement</i>

1.0 Introduction

MHBC has been retained by Nelson Aggregate Co. to prepare a Cultural Heritage Impact Assessment related to the proposed Burlington Quarry Extension, location in the City of Burlington. In order to facilitate the proposed extension, Nelson is applying for a Class 'A' Licence (Category 2 – Quarry Below Water) under the *Aggregate Resources Act*, a Niagara Escarpment Plan Amendment, and Region of Halton / City of Burlington Official Plan Amendments.

Nelson is proposing to extend operations at the Burlington Quarry to include two new extraction areas located generally south and west of the existing quarry operations. The subject lands are located in Part Lot 1 and 2, Concession 2 and Part Lot 17 and 18, Concession 2, NDS (former Geographic Township of Nelson), City of Burlington, Region of Halton. The lands are located both north and south of No. 2 Side Road, between Guelph Line and Cedar Springs Road. **Figure 1** (below) provides the locational context.

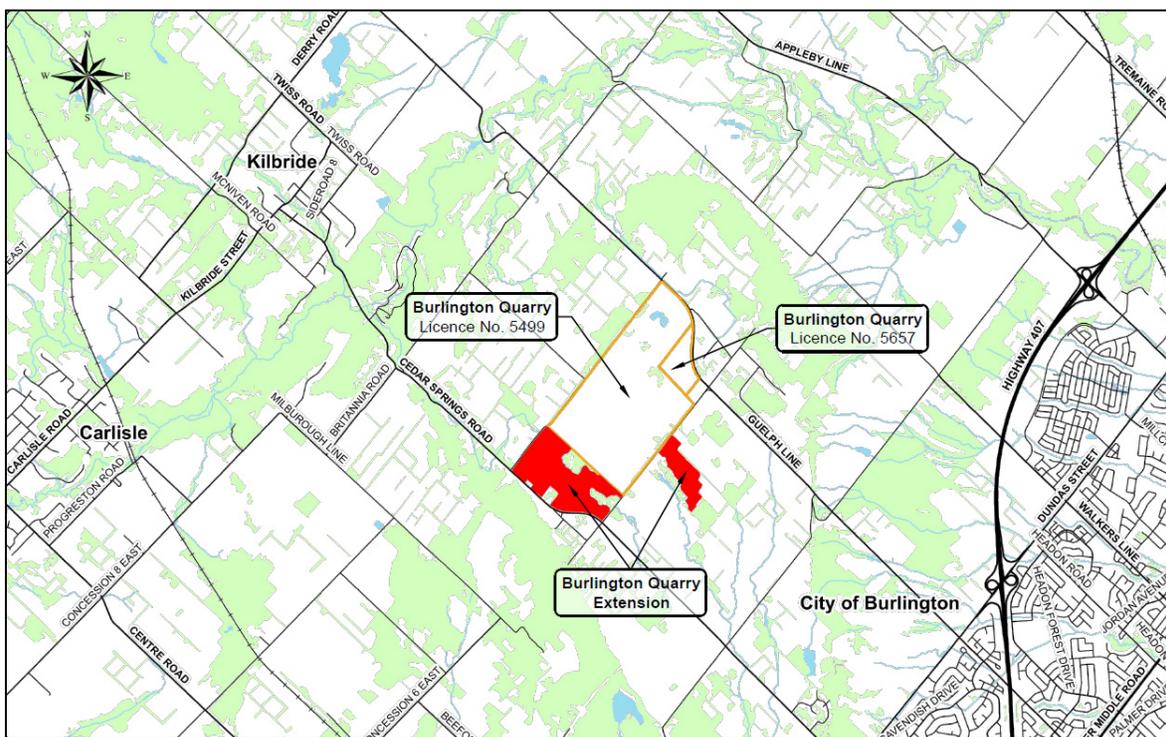


Figure 1 - Locational context

The proposed licence area is 78.3 ha and the proposed extraction area is 50.2 ha. Operations will occur in phases, utilizing existing quarry infrastructure where possible. Aggregate transported from the South Extension will be transported by crossing No. 2 Side Road, while aggregate transported from the West Extension will be transported by internal haul routes on the quarry

floor since the properties are contiguous with each other. Rehabilitation is proposed to include a landform suitable for a future park area, with a variety of active and passive recreational features envisioned.

The western extension lands are currently utilized as a golf course (Burlington Springs Golf Course), with the former farmhouse converted to the club house. The southern extension lands are partially vacant with the balance currently used for a mix of rural residential uses and agricultural fields.

In accordance with the requirements of the Region of Halton Aggregate Resources Reference Manual and other applicable legislation, a study of cultural heritage resources is required to be completed as part of applications for aggregate extraction operations. The purpose of the study is to develop an understanding of any built cultural heritage resources and cultural heritage landscapes onsite and on adjacent lands, as well as evaluate potential impacts on any identified resources. If impacts are identified, mitigation measures and conservation strategies may be recommended as appropriate in order to ensure that any significant resources are conserved.

Accordingly, this Cultural Heritage Impact Assessment has been prepared in order to determine if there are any cultural heritage resources present on the subject lands, what their significance is, as well the potential for impacts as a result of the proposed site development. This report also comments on the potential for cultural heritage landscapes on the subject lands and the potential for impacts as a result of the proposed development application. Additionally, this report identifies cultural heritage resources located on adjacent lands, and assesses the potential for impacts as a result of the proposed aggregate extraction operation.

The preparation of the report has been guided by the policies contained within the City of Burlington Official Plan, the Halton Region Official Plan, Niagara Escarpment Plan, Provincial Policy Statement as well as applicable guidance from the Ministry of Heritage, Sport, Tourism and Culture Industries through the Ontario Heritage Toolkit.

2.0 Policy context

The preparation of this report has been informed by the requirements of various legislative and policy documents, as follows.

2.1 The Planning Act

The *Planning Act* makes a number of provisions respecting cultural heritage, either directly in Section 2 of the *Act* or Section 3 respecting policy statements and provincial plans. In Section 2, the *Planning Act* outlines 18 spheres of provincial interest that must be considered by appropriate authorities in the planning process. One of the intentions of the *Planning Act* is to “encourage the co-operation and co-ordination among the various interests”. Regarding cultural heritage, Subsection 2(d) of the *Act* provides that:

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,...

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

The *Planning Act* therefore provides for the overall broad consideration of cultural heritage resources through the land use planning process.

2.2 The Provincial Policy Statement (PPS)

In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act*, and as provided for in Section 3, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement (PPS)*. The newest PPS was released on February 28th, 2020 and comes into effect on May 1st, 2020. It applies to all decisions made with respect to planning matters after that date, and will apply to the subject applications. The PPS is intended “to be read in its entirety and the relevant policy areas are to be applied to each situation”. This provides a weighting and balancing of issues within the planning process. When addressing cultural heritage planning, the PPS provides for the following:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Significant: e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

The subject site or built features on the subject site are not considered to be a *protected heritage property* under the consideration of the PPS, as they are not designated under any part of the *Ontario Heritage Act* or subject to conservation easement, and have not been identified by provincial, federal or UNESCO bodies. An onsite building is contained within the City of Burlington Municipal Register of Cultural Heritage Resources as a 'non-designated' heritage property, and is considered to be a built heritage resource.

2.3 The Niagara Escarpment Plan

The Niagara Escarpment Plan (NEP) was originally approved by the Province of Ontario in 1985, and was revised through Plan Reviews completed in 1994, 2005 and 2017. The current NEP came into effect on June 1st, 2017, following the completion of a coordinated Provincial Plan review process.

The purpose of the NEP is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. Section 2.10 of the 2017 Niagara Escarpment Plan provides policy direction for managing cultural heritage resources. Specifically:

1. *The objective is to conserve the Escarpment's cultural heritage resources, including significant built heritage resources, cultural heritage landscapes, and archaeological resources.*
2. *Development shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved.*
3. *Where proposed development is likely to impact cultural heritage resources or areas of archaeological potential, the proponent shall undertake a heritage impact assessment and/or archaeological assessment. The proponent must demonstrate that heritage attributes will be conserved through implementation of proposed mitigative measures and/or alternative development approaches.*

2.4 Halton Region

The Regional Official Plan (ROP) is Halton's guiding document for land use planning. It contains the goals, objectives, and policies that manage growth and direct physical change and its effects on the social, economic and natural environment of Halton Region.

Detailed policies related to aggregate resources are included in the Official Plan, and cultural heritage resources are noted as one of the factors to consider during the evaluation of applications for new or expanded aggregate operations [Section (110)(8)(vi)]. Specific policies regarding cultural heritage resources can be found in Sections 165, 166, and 167 of the Official Plan, as follows:

165. *The goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations.*

166. *The objectives of the Region are:*

1. *To promote awareness and appreciation of Halton's heritage.*
2. *To promote and facilitate public and private stewardship of Halton's heritage.*

167. *It is the policy of the Region to:*

1. *Maintain, in conjunction with the Local Municipalities, local historical organizations, and municipal heritage committees a list of documented Cultural Heritage Resources in Halton.*
2. *Inform promptly the appropriate government agencies, First Nations and Municipal Heritage Committees of development proposals that may affect defined Cultural Heritage Resources and known archaeological sites.*

(2.1) Establish and implement guidelines (protocol) for consulting with First Nations on relevant planning applications in accordance with Provincial legislation, regulations and guidelines.

3. *Require that development proposals on adjacent lands to protected Cultural Heritage Resources:*
 - a. *study and consider the preservation, relocation and/or adaptive re-use of historic buildings and structures based on both social and economic costs and benefits;*
 - b. *incorporate in any reconstruction or alterations, design features that are in harmony with the area's character and existing buildings in mass, height, setback and architectural details; and*
 - c. *express the Cultural Heritage Resources in some way, including: display of building fragments, marking the traces of former locations, exhibiting descriptions of former uses, and reflecting the former architecture and uses.*
4. *Prepare an Archaeological Management Plan to inventory, classify and map significant archaeological resources and areas of archaeological potential in Halton and to provide direction for their assessment and preservation, as required, and update such a Plan as part of the statutory five-year review of this Plan.*
5. *Encourage the Local Municipalities to prepare, as part of any Area- Specific Plan or relevant Official Plan amendment, an inventory of heritage resources and provide guidelines for preservation, assessment and mitigative activities.*
6. *Prior to development occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan.*

7. *Maintain and operate a Regional facility to, through collection management, research, exhibits and programming:*
 - a. *preserve the material and cultural heritage of Halton,*
 - b. *acquire and share knowledge of Halton's historical and natural world, and*
 - c. *encourage discovery, appreciation and understanding of Halton's heritage.*
8. *Develop a coordinated heritage signage and heritage promotion program in Halton.*
9. *Ensure that the protection of Cultural Heritage Resources has regard for normal farm practices.*

Halton Region has further developed guidance related to aggregate resources, and compiled the information into the Halton Region Aggregate Resources Reference Manual. This document contains information regarding the various study requirements for aggregate applications. Specific to cultural heritage resources, the document notes that the study has the following objectives:

1. *To identify and document significant built heritage resources and significant cultural heritage landscapes on the site and along the proposed haul route(s).*
2. *To make recommendations on how to conserve significant built heritage resources and significant cultural heritage landscapes.*
3. *To identify how sensitive significant built heritage resources and significant cultural heritage landscapes are to the use of adjacent roads as a haul route.*
4. *To make recommendations on mitigation measures to protect identified significant built heritage resources and significant cultural heritage landscapes.*
5. *To identify requirements for site rehabilitation that takes into account the significant cultural heritage resources that exist on site or in the area.*

Accordingly, the purpose of a Cultural Heritage Impact Assessment is to identify the applicable policy framework, identify cultural heritage resources (including built heritage and cultural heritage landscapes) that may be impacted by the proposed operation, review the nature of impacts and how they may be mitigated, and conclude on the overall significance of the impacts. It should be noted that archaeological resources are being addressed as part of a separate study.

2.5 The City of Burlington Official Plan

The City of Burlington Official Plan identifies and supports cultural heritage resources located within the City's perimeter. Part II, Section 7.0, "Heritage Resources" outlines the types of cultural heritage resources defined by the OP,

Cultural heritage resources include buildings, structures, monuments, natural features, or remains, either individually or in groups, which are considered by City Council to be of architectural and/or historical significance.

This Section also identifies the conservation of these cultural heritage resources as an important part of the mandate of the City,

Within the City, heritage resources provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the City. These heritage resources contribute significantly to the identity of the City. They also assist in instilling civic pride, benefit the local economy by attracting visitors to the City, and favourably influence the decisions of those contemplating new investment or residence in the City.

As part of the Official Plan in Section 7.2, an overall objective is to conserve built heritage (including buildings and structures, landscaping and planting, areas and districts) and the physical character of these areas. It is identified that development must consider heritage resources. Sub-section 7.2 (f) states the following:

To ensure that all development considers heritage resources and, wherever feasible, includes these resources into any development plans in a way that preserves and enhances the physical character of the heritage resources in terms of scale, form, colour, texture, material and the relation between structures, open space and landforms.

Objectives are also included which related to matters such as coordinating heritage plans and programs, identifying heritage landscapes within the City, controlling demolition of built heritage, and archaeology.

Section 7.5 contains policies related to planning, and development / redevelopment. It is noted that development in areas of historic, architectural, or landscape value shall be encouraged to be compatible with the overall character of the area.

The above policies and guidance have aided in the preparation of this report.

2.6 The Ontario Heritage Act

The *Ontario Heritage Act*, R.S.O., 1990, c.0.18 remains the guiding legislation for the conservation of significant cultural heritage resources in Ontario. This Cultural Heritage Impact Assessment has been guided by the criteria provided within Regulation 9/06 of the *Ontario Heritage Act* which outlines the mechanism for determining cultural heritage value or interest. The regulation sets

forth categories of criteria and several sub-criteria and will be utilized to evaluate the subject site and surrounding lands as appropriate.

Ontario Regulation 9/06 prescribes that a property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. *The property has design value or physical value because it,*
 - i. *is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
 - ii. *displays a high degree of craftsmanship or artistic merit, or*
 - iii. *demonstrates a high degree of technical or scientific achievement.*
2. *The property has historical value or associative value because it,*
 - i. *has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
 - ii. *yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
 - iii. *demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
3. *The property has contextual value because it*
 - i. *is important in defining, maintaining or supporting the character of an area,*
 - ii. *is physically, functionally, visually or historically linked to its surroundings, or*
 - iii. *is a landmark.*

2.7 Ontario Heritage Toolkit

The Province has published several resources containing information related to cultural heritage resources, and compiled the information into the Ontario Heritage Toolkit. This compilation is a collection of documents authored by the Ministry of Culture (now the Ministry of Heritage, Sport, Tourism and Culture Industries), which provide guidance related to a variety of cultural heritage planning matters. The documents contained within the Heritage Resources in the Land Use Planning Process compilation have specifically been referenced in the preparation of this report, to ensure consistency with best practices.

3.0 **Property background and history**

This section contains an overview of the site history and development, and provides a context for the description and evaluation of cultural heritage resources contained later in this report.

3.1 **Background history**

The subject lands are located within Halton County, and located within former Nelson Township. The subject lands are located within the physiographic region identified as the Flamborough Plain, and near the boundary of the Norfolk Sand Plain (Chapman and Putnam, 1984). The Flamborough Plain is an isolated tract of shallow drift on the Niagara cuesta northwest of Hamilton which spans Flamborough Township and extends to Acton. The area is bounded on the northwest by the Galt Moraine, and on the south by the silts and sands of glacial Lake Warren. The limestone has been swept bare in places, particularly near the edge of the escarpment on the eastern border (near the subject lands), and what little overburden there is on the bedrock is either boulder glacial till or sand and gravel (Chapman and Putnam, 1984).

First Nations

The area which would become the City of Burlington was inhabited by First Nation groups as early as 7,000-6,000 B.C.E; by 225 B.C.E. the land was inhabited by early Woodland Natives. In the seventeenth century, the area was inhabited by Anishnaabe (Ojibway) known as the Mississaugas, which were a part of the Iroquois nation (Canadian Encyclopedia, 2018).

The Haudenosaunee (Iroquois Confederacy)¹ played a vital role in the seventeenth and eighteenth century during the struggle between the French and British; the Six Nations were an important part of the area that would develop into the City of Burlington (Canadian Encyclopedia, 2018)

European settlement

One of the first European settlers to have visited the area was Rene Robert Cavalier, Sieur de La Salle (namesake of La Salle Park) and Louis Joliet, who were French explorers and fur traders. In 1669, they arrived in Burlington Bay on their return from Lake Superior taking the Grand River from Lake Erie. Proceeding the fall of Quebec City, British Major Robert-Rogers visited the area to

¹ In 1722, becoming the Six Nations with the acceptance of the Tuscarora people along with the Mohawk, Oneida, Onondaga, Cayuga, Seneca (Encyclopedia Britannica).

take possession of the French military posts along with Captain Coote to which Coote's Paradise (currently Burlington Bay) was named after due to his fondness for wild game and waterfowl at the swamps off of Burlington Bay.

In 1784, Captain Joseph Brant was awarded a large tract of land by the British for his contribution to the British force in the War of Independence with the United States. The tract of land was subdivided into lots and sold; this was the beginning of what would become the City of Burlington (Canadian Encyclopedia, 2018).

After the end of the American Revolutionary War, loyalist emigrants from the British Isles and Europe began to come to the area. Clearing of their lots was required in order to patent the deeds for the Crown Grants of land which primarily were established in Nelson Township. Nelson Township is located on the southwesterly portion of Halton and was the earliest settled part of the county. The first family to come to the Township was the Bates family who settled in 1800 (Walker and Miles, 1877).

Communities began to develop including: the Village of Zimmerman near the Twelve Mile Creek established by Henry Zimmerman, Cumminsville established by Titus Cummins and Appleby which was established by Van Norman, the Hamlet of Dakota, Village of Kilbride, Nelson (Hannahsville), Tansley, Alton Village (Heritage Burlington, 2018).

Pine and oak were the area's main production between 1820 and 1850; this transitioned to the production of wheat during the Crimean War. In the early twentieth century, Burlington had become primarily a farming community (Burlington Historical Society, 2018).

3.2 Site history

The subject lands fall within parts of Lots 1 & 2, Concession 2, and parts of Lots 17 & 18, Concession 2 NDS, in the Township of Nelson.

A review of Historical County Atlases and maps was undertaken in order to determine historic settlement and ownership of the subject lands. According to the 1858 Halton County map, the western extension lands were owned by Sylvester Inglehart (Lot 1) and John Buckley (Lot 2). The southern extension lands are noted as being owned by Wm. Emmerson / And. Cairns (Lot 17) and P.T. Pitcher (Lot 18). There are no buildings noted on any of the subject lands (see **Figure 2**, below)

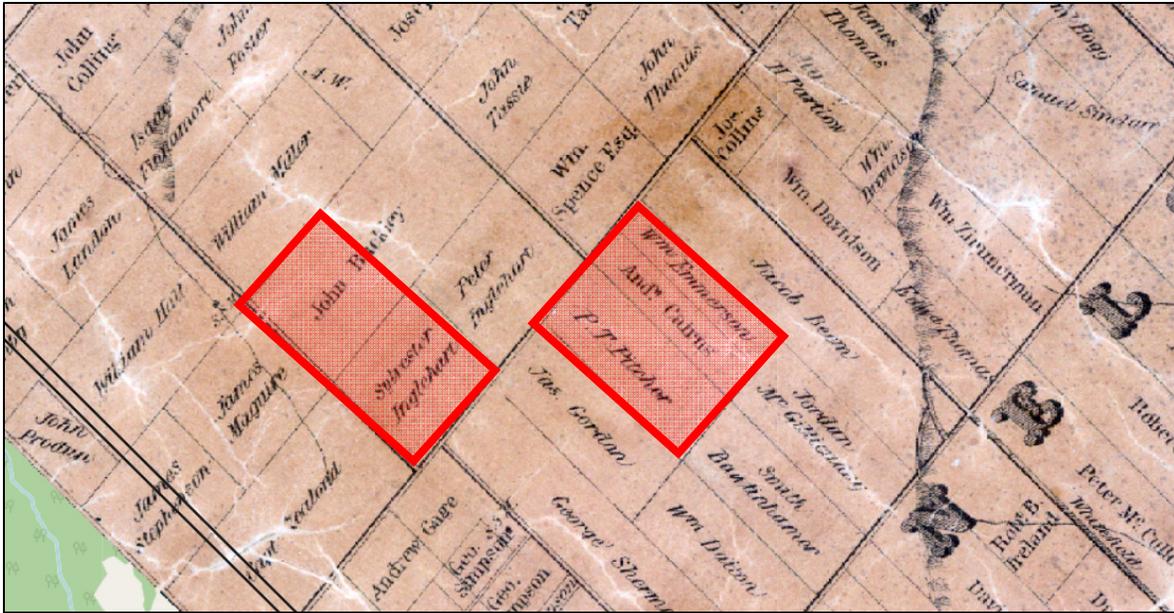


Figure 2 – Excerpt from Tremaine's Map of the County of Halton (1858)

The County Atlases were updated in the later 1800's, and as such the 1877 County of Halton Historical Atlas is a good resource to understand changes through the middle of the 19th century. According to the 1877 Atlas, the western extension lands were owned by W.J. Thomas (Lot 1), and Jno Buckley (Lot 2). The southern extension lands are owned by Rob Spence / And. Emerson (Lot 17), and Edwin Freeman (Lot 18). **Figure 3** depicts the property configuration.



Figure 3 – Excerpt from Illustrated Historical Atlas of the County of Halton (1877)

As evident from the above figure, by the 1870's buildings are located on each of the lots that comprise part of the subject lands. Each building also has an orchard planted in close proximity, indicating the area was utilized for active agriculture by this time.

A review of aerial photographs was undertaken in order to determine the site features present in the middle decades of the 20th century on the subject lands. The 1954 set of aerial photographs undertaken by Hunting Survey Corporation on behalf of the Province of Ontario are of good quality and show the site features quite well. An excerpt from the compilation covering this portion of the Nelson Township is shown below as **Figure 4**.



Figure 4 – Excerpt from 1954 aerial photograph ([source](#): Huntington Survey Corporation)

From a review of the airphoto, field divisions are evident and building clusters are visible as well. Most of the orchard areas have been removed to make way for field crops. Early stages of the existing Burlington Quarry are also visible. Development of the golf course is not yet shown in the airphoto, as that occurred in the 1960's.

Further review of airphotos from the later 20th century was undertaken, in order to determine how the lands further evolved. Based on the 1988 air photos, further changes to the subject lands are visible, including additional rural residential development in the area and continued field pattern changes. Further development of the Burlington Quarry is shown, and road shifts in Guelph Line and Cedar Springs Road are evident as well. An excerpt is shown as **Figure 5**, below.



Figure 5 – Excerpt from 1988 aerial photograph

4.0 Site and surrounding features

4.1 Subject property overview

The total Nelson Aggregate Co. land holdings contain a variety of building features and natural features, a portion of which are the subject of the proposed Burlington Quarry Extension application. The purpose of this section is to review the onsite features and context, and describe potential built heritage and cultural heritage landscape resources.

The western extension lands comprise Property #1 (5235 Cedar Springs Road), which is a former agricultural parcel that has been converted into a golf course and club house. The southern extension lands comprise portions of five different parcels of land, as follows:

- Property #2 (2280 No. 2 Side Road): remnant farmstead containing a single-detached dwelling, barn, natural features (wooded area and stream), as well as agricultural fields.
- Property #3 (2292 No. 2 Side Road) & #4 (2300 No. 2 Side Road): rural residential properties containing dwellings constructed in the latter part of the 20th century.
- Properties #5 (2316 No. 2 Side Road) & #6 (2330 No. 2 Side Road): vacant parcels that formerly contained rural residential dwellings (removed in 2016/17)

Figure 6 on the following page depicts the various features in relation to the proposed licenced boundary and the proposed extraction area associated with the Burlington Quarry Extension application.

Cultural Heritage Impact Assessment
 Proposed Burlington Quarry Extension, City of Burlington

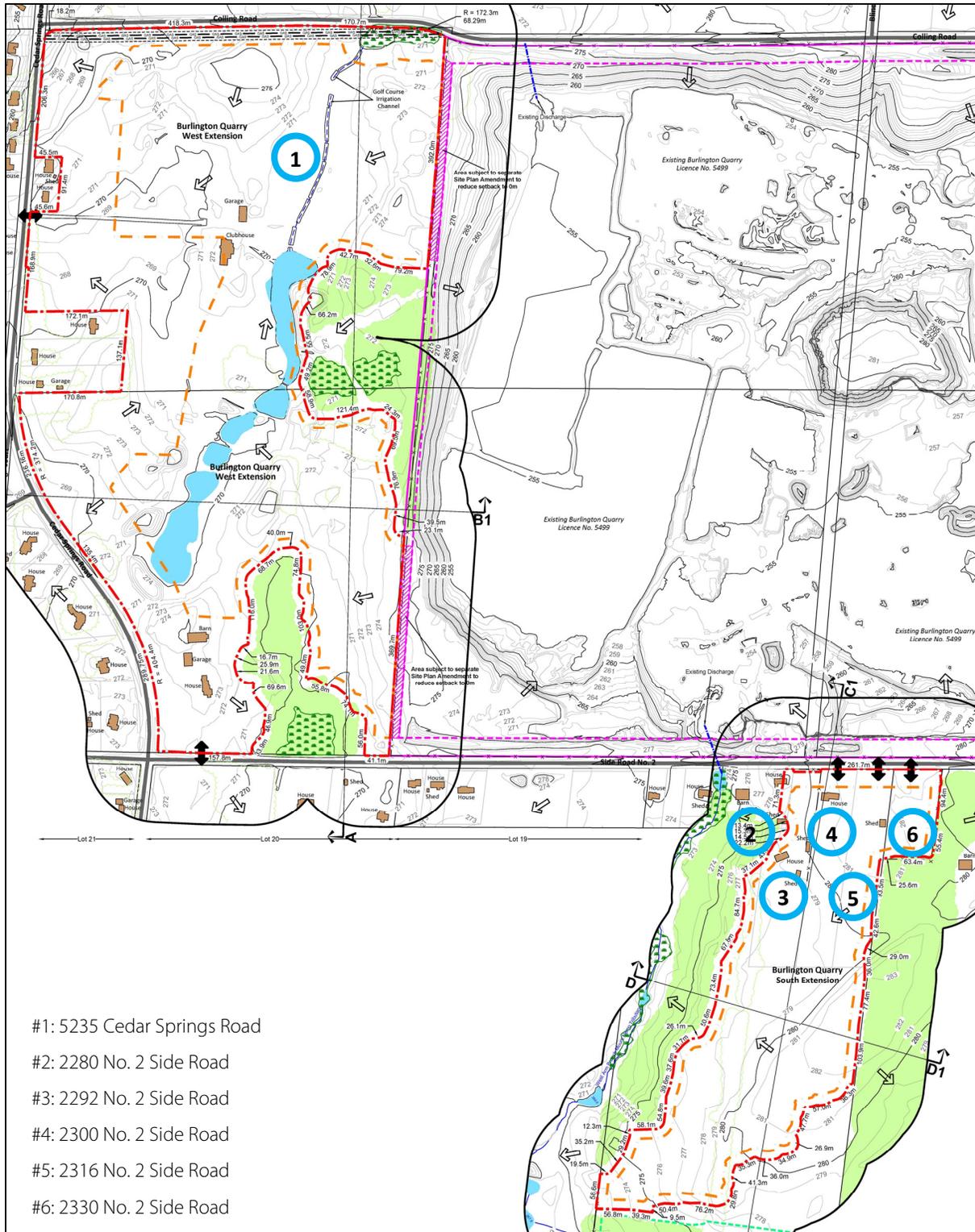


Figure 6 - Site Context (source: MHBC – 2016 base mapping)

4.2 Landscape setting and context

The subject lands are located within a rural area that contains a variety of land uses including agricultural uses, rural residential uses, golf courses and aggregate extraction operations. The western extension lands consist of a golf course and related facilities, while the southern extension lands consist of rural residential dwellings and field areas. Beyond the immediate site area, a broader range of rural uses exist, as well as a settlement area (Mount Nemo). **Figure 7** on the following page provides the overall landscape context and land use information.

Building clusters

For the past several decades, the area surrounding the subject lands has continued to evolve and transition from a predominantly agricultural area to one with a broader range of uses. Rural residential and estate residential dwellings have been constructed on lots severed off farm parcels, and some previous farm parcels have seen the former agricultural buildings utilized for non-farm uses. As a result of this change, many farm buildings no longer serving a functional purpose for agricultural uses have been removed.

In the case of the southern extension lands, farm buildings are no longer accessed by a driveway as the property (2280 No. 2 Side Road) has transitioned to a more rural residential use. In the case of the western extension, there is no evidence of the former agricultural building cluster. As a result of the changes, former farmyard areas have been slowly been repurposed for other uses.

The building clusters associated with the existing residential dwellings on the subject lands are of recent construction, and yard areas and landscape features are typical of a manicured yard area that one would expect to find in a rural residential area.

Agricultural lands (existing and former)

The field pattern of the subject lands has evolved as farming practices have also change, but has also seen a shift away from agricultural uses as well.

Related to the southern extension, there has been additional forestation of former field areas and naturalization of wet areas of the properties (e.g. #2280). During the time of the site visit to the subject lands, some smaller field areas (located on #2316 and #2330) were fallow, while the larger field areas were planted with soybeans. Hedgerows of mixed vegetation separate the field areas. Bedrock outcrops were noted in areas of the property as well during the visit. Photos 1-4 on the following page depict the agricultural character of the southern extension lands.

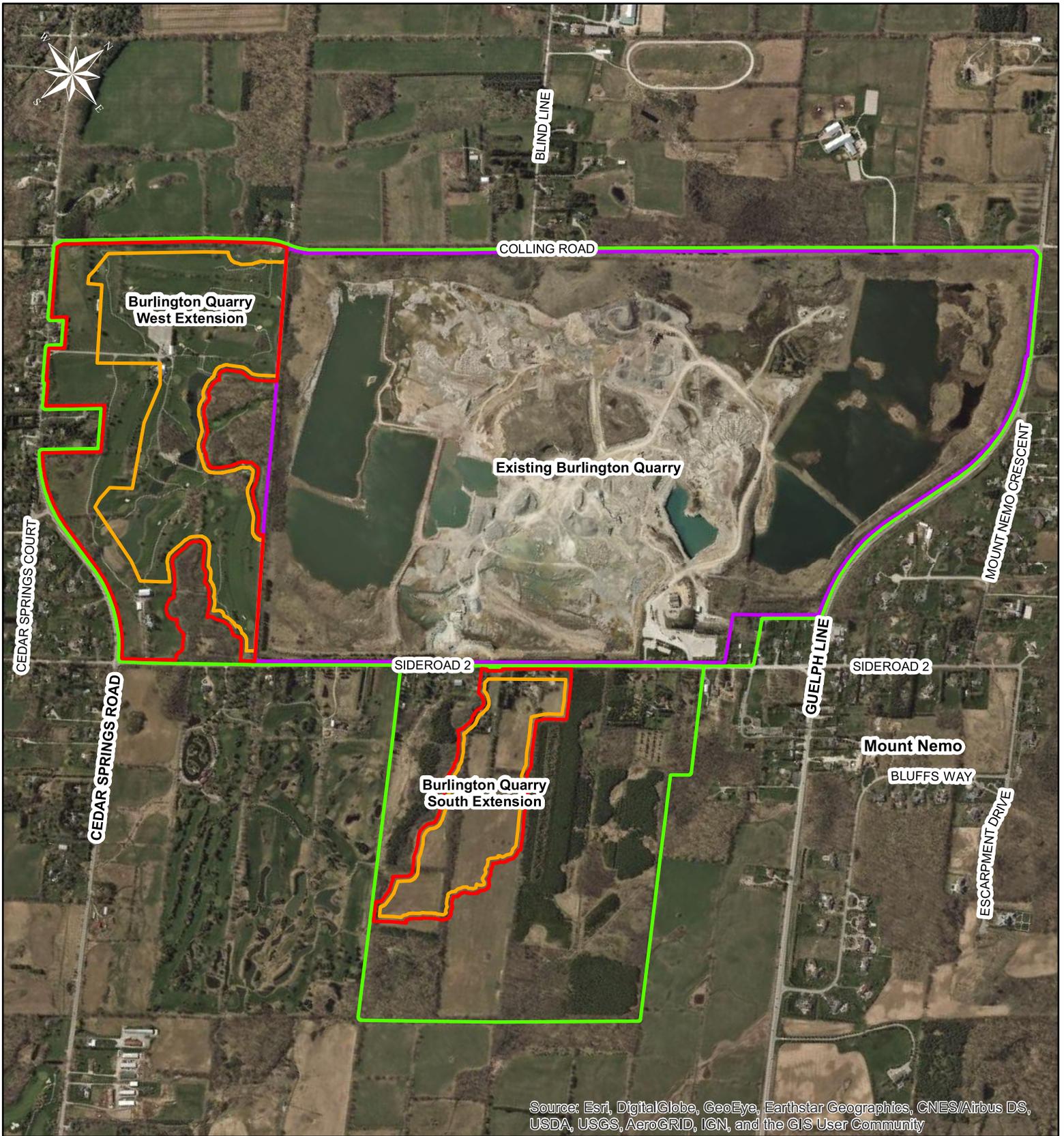


Figure # 7
Landscape Context

Burlington Quarry Extension
 Part Lots 1 & 2, Concession 2 and
 Part Lot 17 & 18, Concession 2 NDS
 City of Burlington
 Region of Halton

Legend

- Proposed Licence Boundaries
- Proposed Limit of Extraction
- Existing Burlington Quarry
- Land Owned or Controlled by Nelson Aggregates

DATE	April 2020
SOURCES	Land Information Ontario Contains information licensed under the Open Government Licence - Ontario
<p>Meters (1:15,000)</p>	
<small>N:\Brian\9135D- Nelson - Project Sideways\Drawings\ Figures\Planning Report Figures\GIS</small>	
PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE MHBC	

Cultural Heritage Impact Assessment
Proposed Burlington Quarry Extension, City of Burlington



Photos 1 - 4 – Photos of the agricultural field pattern within the southern extension lands (source: MHBC, 2019).

With respect to the western extension, agricultural uses have ceased altogether in order to accommodate the golf course use. As noted earlier in this report, the golf course was established in the 1960's and has continued on the property since that time. Areas of the property have been graded to accommodate the fairways and putting greens, and cart paths, parking areas and access / maintenance roads have been constructed. The golf course occupies the entirety of the former field areas. Around the perimeter of the golf course, berms have been constructed and natural vegetation is generally located along the roadways.





Photos 5 - 8 – Photos of the golf course located on the western extension lands. (source: MHBC, 2019).

4.3 Subject property built features

4.3.1 Western extension lands

The area of the subject lands west of the existing quarry consists of one large parcel of land containing the existing Burlington Springs Golf Course.

#1: 5235 Cedar Springs Road

This property contains a former farmstead, which was redeveloped into the 18-hole Burlington Springs Golf Course during the 1960's. The original dwelling was converted into the club house, and other buildings were removed in order to allow for golf hole locations and other related golf course infrastructure. The barn was also removed and replaced with a drive shed. The main driveway leading to the golf course is accessed from Cedar Springs Road, and leads back approximately 325 metres to the clubhouse building. The property contains a parking lot located to the north of the clubhouse (across the main driveway), as well as other outbuildings associated with golf operations.



Photos 9 & 10 – View of driveway from Cedar Springs Road (left) and within golf course (right) (source: MHBC, 2019).

The club house building is a circa 1860's one-and-one-half storey stone house with a cross-gable roof. The house is representative of the Ontario Gothic Revival Cottage architectural style, which was common in Ontario from the 1830's to the turn of the century and was a popular design for farm dwellings. The Gothic Revival cottage style was promoted by academics and farming publications as cost-effective country dwelling, and many housing catalogues of the era provided designs that were easy to follow and could be modified in many ways by altering details or adding decorative elements. Typical to the Gothic Revival cottage style in Ontario is the cross gabled form, symmetrical facade with three bays – a central entrance and windows centered on either side. The central gables typically contained pointed or round arched windows, and often contained decorative bargeboard and/or finials. The building is not contained within the City of Burlington Municipal Register of Cultural Heritage Resources.

The front façade of this dwelling features a 3-bay design with a door at the centre of the façade. The main entrance door has been modified to be a double door, and has a rectangular window located on either side of the door. The upper floor features an arched window located within the gable. At either end of the façade are chimneys.

The ends of the building feature (or did feature) a total of four windows located in pairs above one another. Details are difficult to discern given the additions and modifications to the façades.

The rear of the building also features a large addition that has resulted in changes to the original elevation and roof of the building to accommodate the use as a club house. It currently features a covered patio area and restaurant.



Photos 11 & 12 – View of existing clubhouse building (source: MHBC, 2019).

A storage building utilized for golf course operations is located to the north of the clubhouse building. It is of steel construction and dates from the late 20th – early 21st century.



Photo 13 – View of parking lot and outbuilding (source: MHBC, 2019).

4.3.2 Southern extension lands

The area of the subject lands south of the existing quarry contains several properties that are either rural residential or agricultural in nature. There are a total of three rural residential dwellings, several outbuildings, agricultural fields / pastures and two vacant properties that formerly contained single-detached dwellings.

#2: 2280 No. 2 Side Road (single-detached dwelling and barn)

This property contains a single-detached dwelling that is of the Regency Style of architecture, and dates from 1838 (City of Burlington, 2019). The building is of a 3-bay design with a hipped roof, and features a central doorway with a window located on either side. A chimney is located on the eastern end of the house. The property is listed on the City of Burlington Municipal Register of Cultural Heritage Resources as a ‘non-designated’ heritage property.

The western portion of the house is a later addition constructed in 1864, according to information obtained from the City of Burlington. The building is set back approximately 23 metres from the road, and is accessed via a driveway located to the west of the home. The driveway is also used to access the field area located to the rear of the property.

To the west of the house is a wood barn with a rubble stone foundation, steel roof and four roof vents. The barn is situated approximately 40 metres from the road, and does not currently have an access driveway. The barn appears to be utilized for storage purposes.

A smaller wooden outbuilding is also located approximately 45 metres to the rear of the dwelling, and is situated along a hedgerow. The building is generally in poor condition.



Photos 14 - 17 – View of house, outbuilding and barn (source: MHBC, 2019).

#3: 2292 No. 2 Side Road (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 145 metres from No. 2 Side Road. The dwelling is accessed via a driveway leading to the eastern portion of the home where there is a 2-car garage. The building is of recent construction, and appears to date from the latter portion of the 20th century. The property also contains an outbuilding that is of all-steel construction.



Photos 18 - 19 – View of existing single-detached dwelling and outbuilding (source: MHBC, 2019).

#4: 2300 No. 2 Side Road (single-detached dwelling)

This property contains a single-detached dwelling residential dwelling that is set back approximately 40 metres from the road. The dwelling is accessed via a driveway on the western end of the property, which leads to a garage. The building was constructed in the latter portion of the 20th century.



Photo 20 – View of existing single-detached dwelling (source: MHBC, 2019).

#5: 2316 No. 2 Side Road (former single-detached dwelling)

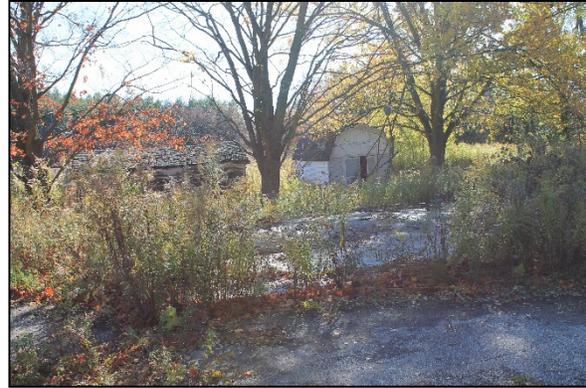
This property is vacant, aside from an outbuilding that remains, and was the site of a single-detached dwelling (removed 2016-17). The remaining outbuilding is single-storey, of concrete block construction, and features an asphalt shingle roof. The building is in poor condition.



Photos 21 & 22 – View of existing site and outbuilding (source: MHBC, 2019).

#6: 2330 No. 2 Side Road (former single-detached dwelling)

This property is vacant, aside from two small outbuildings located near the former building site. The property previously contained a single-detached dwelling, which was removed in 2016-17. The remaining outbuildings are both of wood construction, and are in poor condition.



Photos 23 & 24 – View of existing site and outbuildings (source: MHBC, 2019).

4.4 Heritage status of surrounding properties

As part of the background research conducted for this project, a search was undertaken of the municipal, provincial and federal heritage properties database in order to understand if any nearby properties are identified. The search consisted of Heritage Conservation Districts, *Ontario Heritage Act* property designations (Part 4 and 5), provincially owned heritage properties and National Historic Sites. A review of the Municipal Register of Cultural Heritage Resources for the City of Burlington was also undertaken in order to understand surrounding uses.

Adjacent designated properties

There are no properties designated under Part IV or Part V of the *Ontario Heritage Act* located adjacent or near (within 500 metres) of the subject lands. The nearest designated property is the Thomas Schoolhouse (4065 Guelph Line), located approximately 2 km to the southeast.

Adjacent listed properties

There are no properties contained within the City of Burlington Municipal Register of Cultural Heritage Resources that are located adjacent or near (within 500 metres) the subject lands. The nearest listed properties are located 5043 Mount Nemo Crescent or 5672 Cedar Springs Road, approximately 1.4 km away.

5.0

Evaluation of the significance of onsite cultural heritage resources

This section of the report reviews the various attributes of the subject lands and includes an identification of the significance of any cultural heritage resources present.

5.1 Evaluation criteria

The evaluation of potential cultural heritage resources should be guided by the criteria outlined in *Ontario Regulation 9/06* pursuant to the *Ontario Heritage Act* in order to determine the cultural heritage value. The regulation provides that:

A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- 1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,*
 - ii. displays a high degree of craftsmanship or artistic merit, or*
 - iii. demonstrates a high degree of technical or scientific achievement.**
- 2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, organization or institution that is significant to a community,*
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.**
- 3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,*
 - ii. is physically, functionally, visually or historically linked to its surroundings, or*
 - iii. is a landmark.**

In addition to the above, specific guidance and information related to cultural heritage landscapes is contained within the PPS. The PPS defines cultural heritage landscapes as:

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a

community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

As described in guidance from the Province, cultural heritage landscapes may be characterised by three types:

- *Designed landscapes: those which have been intentionally designed e.g. a planned garden or in a more urban setting, a downtown square.*
- *Evolved landscapes: those which have evolved through the use by people and whose activities have directly shaped the landscape or area. This can include a 'continuing' landscape where human activities and uses are still on-going or evolving e.g. residential neighbourhood or mainstreet; or in a 'relict' landscape, where even though an evolutionary process may have come to an end, the landscape remains historically significant e.g. an abandoned mine site or settlement area.*
- *Associative landscapes: those with powerful religious, artistic or cultural associations of the natural element, as well as with material cultural evidence e.g. a sacred site within a natural environment or a historic battlefield.*

5.2 Built heritage features

The property at 5235 Cedar Springs Road contains a converted farmhouse that had its beginnings in the mid-late-19th century. The property contains a one-and-one-half storey stone house that was previously converted into a clubhouse for a golf course use.

The building has some potential design or physical value because it is constructed in the Ontario Gothic Revival Cottage architectural style. However, the building style is not rare or unique within the area (having being noted in a City of Burlington study as the most common building type in the broader area), and this particular example has been heavily modified. The building does not display a high degree of craftsmanship or merit, and does not demonstrate a technical or scientific achievement.

The property was historically associated with the theme of early agricultural settlement of Nelson Township, however that theme has been absent since the 1960's. The property does not have the potential to yield information that contributes to the understanding of a community or culture, and does not demonstrate the work of a specific builder, architect or theorist.

The property does not retain contextual value because the surrounding context has been modified to remove the historical context through the development of a golf course. The property is not important to define or support the character of the area, and is no longer physically, functionally, visually linked to its surrounding area. It is historically linked to the original land patterns and roadways, however, that is not in itself significant or unique to any other agricultural landscape in Ontario. The property is not a landmark.

Ontario Regulation 9/06		5235 Cedar Springs Road
1. Design/Physical Value		
i.	Rare, unique, representative or early example of a style, type, expression, material or construction method	<input type="checkbox"/>
ii.	Displays high degree of craftsmanship or artistic merit	<input type="checkbox"/>
iii.	Demonstrates high degree of technical or scientific achievement	<input type="checkbox"/>
2. Historical/associative value		
i.	Direct associations with a theme, event, belief, person, activity, organization, institution that is significant	<input type="checkbox"/>
ii.	Yields, or has potential to yield information that contributes to an understanding of a community or culture	<input type="checkbox"/>
iii.	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to the community.	<input type="checkbox"/>
3. Contextual value		
i.	Important in defining, maintaining or supporting the character of an area	<input type="checkbox"/>
ii.	Physically, functionally, visually, or historically linked to its surroundings	<input type="checkbox"/>
iii.	Is a landmark	<input type="checkbox"/>

Given the above evaluation, the property does not have cultural heritage value.

The property at 2280 No. 2 Side Road contains a remnant farmstead that had its beginnings in the early-mid-19th century. The property contains a single-storey stone house and two agricultural outbuildings (small barn and large barn).

The property has design or physical value because it is constructed in the Regency Style of architecture, and contains interesting details such as tooling lines in the mortar to give the appearance of cut stone. The property type is somewhat rare within the broader area, and also displays a high degree of craftsmanship.

The property is broadly associated with the theme of early agricultural settlement of Nelson Township, which has generally continued in some form on the property up to present day.

The property does retain some contextual value. While the broader context has changed in recent decades with respect to the property (with reduced farming onsite and adjacent rural residential uses), the physical relationship between the house and barn is retained. The buildings are historically linked to the original land patterns and roadways, however, as noted with 5235 Cedar Springs Road that is not in itself significant or unique to any other agricultural landscape in Ontario. The property is also not a landmark.

Ontario Regulation 9/06		2880 No. 2 Side Road
1. Design/Physical Value		
i.	Rare, unique, representative or early example of a style, type, expression, material or construction method	X
ii.	Displays high degree of craftsmanship or artistic merit	X
iii.	Demonstrates high degree of technical or scientific achievement	<input type="checkbox"/>
2. Historical/associative value		
i.	Direct associations with a theme, event, belief, person, activity, organization, institution that is significant	<input type="checkbox"/>
ii.	Yields, or has potential to yield information that contributes to an understanding of a community or culture	<input type="checkbox"/>
iii.	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to the community.	<input type="checkbox"/>
3. Contextual value		
i.	Important in defining, maintaining or supporting the character of an area	<input type="checkbox"/>
ii.	Physically, functionally, visually, or historically linked to its surroundings	X
iii.	Is a landmark	<input type="checkbox"/>

Given the above, the property does have cultural heritage value. The house is also listed on the City of Burlington Municipal Register of Cultural Heritage Resources as a ‘non-designated’ heritage property, which contains details regarding the building and ownership history.

The properties at 2316 No. 2 Side Road and 2330 No. 2 Side Road contain outbuildings associated with previous single-detached dwellings that were located on the properties. While associated with early settlement of the broader area, it is not considered that they have cultural heritage value.

The properties at 2292 No. 2 Side Road, and 2300 No. 2 Side Road are of recent construction and are not considered to have cultural heritage value.

5.3 Cultural Heritage Landscape evaluation

The City of Burlington Official Plan, Region of Halton Official Plan, and Niagara Escarpment Plan all contain policies related to the identification and conservation of cultural heritage landscapes. These policies echo the PPS direction that significant cultural heritage landscapes shall be conserved. The subject lands have not been identified as being within a designated cultural heritage landscape.

The City of Burlington did undertake a Preliminary Study of the Heritage Character of the Mount Nemo Plateau in 2013, in order to determine the heritage value of the area and if there was merit in proceeding with the enactment of a heritage conservation district. The study contained a historic background review, summary of the evolution of the area, and a description of the heritage character of the general area. The subject lands were not specifically identified as having cultural heritage value. The study concluded there was merit in proceeding with a Heritage Conservation District (HCD) Study. The City of Burlington initiated such a study in 2015, but later determined that proceeding with an HCD was not the correct path to follow. It was instead decided to consider other measures that would conserve the character of the area. To date, no further action has been taken.

Specific to the subject site, the subject lands contain features associated with a typical rural agricultural area, and can be considered an evolved cultural heritage landscape in that the area has continued to be altered to suit the needs of the owners of the properties.

In determining whether an area is a significant cultural heritage landscape, three additional criteria should be met: cultural heritage value or interest; community value; and historical integrity. Portions of the subject lands retain some cultural heritage value associated with the agricultural past (as discussed earlier in this section), although the use of both the southern and western extension lands has changed in recent decades and agricultural uses have ceased on much of the lands. However, the subject lands have not been demonstrated to be valued by the community, and the historic integrity has been altered as described herein.

In particular, the western extension lands have been converted into a golf course, which has resulted in a change in the field pattern and layout as well as substantial alterations to the farm building cluster and remnant farmhouse. As such, agricultural uses have not been present on the property in approximately 55 years. With respect to the southern extension lands, portions of the area have had the buildings removed, newer buildings have been constructed, and the farm building cluster remaining at 2280 No. 2 Side Road has transitioned from an agricultural use to a primarily rural residential use.

In conclusion, the subject lands do not represent a significant cultural heritage landscape.

5.4 Summary of heritage character

Given the evaluation undertaken, it is determined that portions of the subject lands have cultural heritage value or interest. While some of the buildings on the subject lands are of newer construction, or have been heavily modified, one of the remnant farm building clusters retains cultural heritage value. The subject lands also do not constitute a significant cultural heritage landscape.

The property located at 2280 No. 2 Side Road retains cultural heritage value as follows:

- The architectural style of the house, constructed in the Regency Style of architecture and representative of mid-19th century building construction. This style of architecture is rare within the area.
- The barn complex located on the property, to the west of the house.
- The orientation of the house to the road.

6.0 Description of proposed development

Nelson Aggregate Co. is applying for a proposed extension to its Burlington Quarry on lands located to the south and west of the existing Burlington Quarry. The proposed extension is located at Part Lot 1 and 2, Concession 2 and Part Lot 17 and 18, Concession 2, NDS (former geographic Township of Nelson), City of Burlington, Region of Halton.

The proposed licence area is 78.3 ha and the proposed extraction area is 50.2 ha. The proposed extension includes 6 phases. Phases 1 and 2 are located to the south of the existing quarry and Phases 3-6 are located to the west of the existing quarry. Within the proposed extension there will be no processing and the extracted aggregate will be transported to the existing Burlington Quarry for processing and shipping to market utilizing the existing entrance/exit and haul route. Aggregate transported from the South Extension (Phases 1 & 2) will be transported by crossing No. 2 Side Road and aggregate transported from the West Extension (Phases 3-6) will be transported by internal haul routes on the quarry floor since the properties are contiguous with each other. **Figure 8** below depicts the proposed extraction sequence.

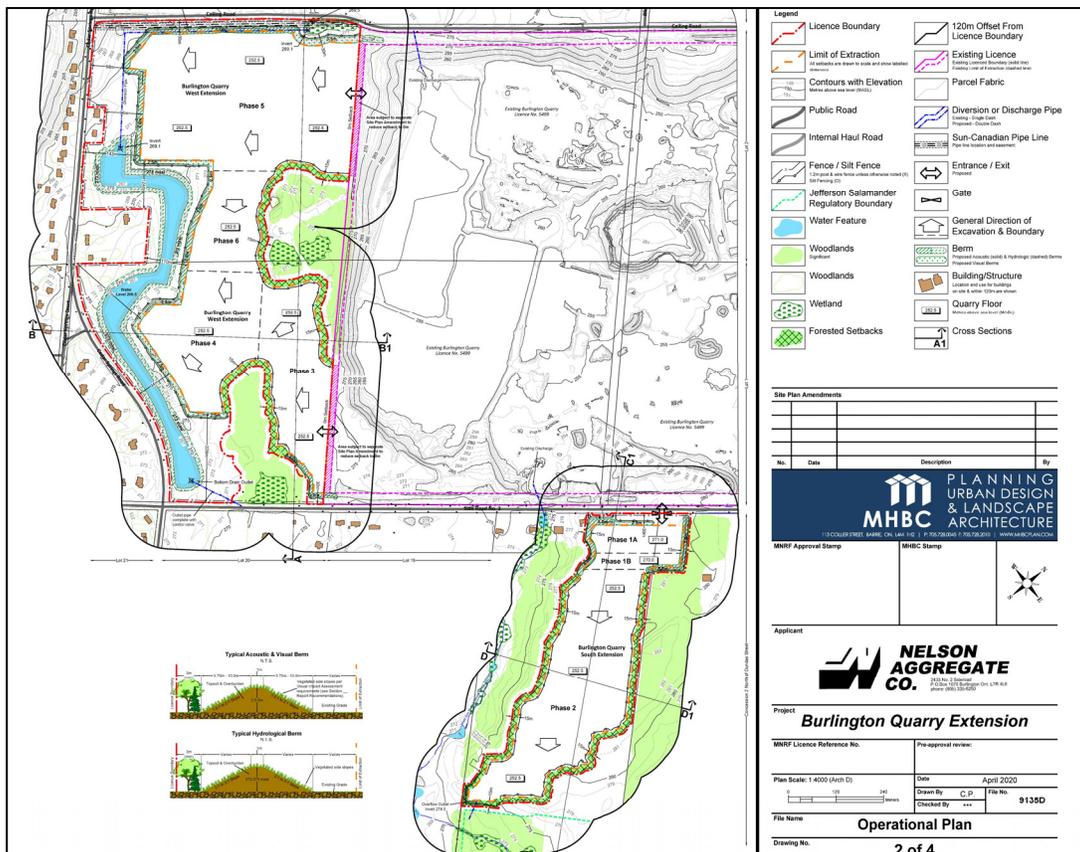


Figure 8 – Proposed sequence of extraction for subject lands (MHBC, 2020)

The Burlington Quarry Extension contains approximately 30 million tonnes of a high quality aggregate resource. Nelson is applying for a maximum tonnage limit of 2 million tonnes per year, however they plan on extracting an average of 1 million tonnes per year. As a result, the South Extension is expected to operate for 9 years and the West Extension for 21 years.

During the western extension operations, the buildings on 5235 Cedar Springs Road will be removed from the subject lands (including the club house building and shed). For the southern extension, all buildings will be removed, except for the existing house and barn located at 2280 No. 2 Side Road. They will be retained and either integrated into the rehabilitation plan or retained for rural residential uses.

Nelson’s after use vision for the extension and existing quarry is to develop a landform suitable for a future park and recreation area. As a result, the rehabilitation plan for the South Extension includes a beach, lake, exposed quarry faces, wetlands and forested areas. The rehabilitation plan for the West Extension includes a series of ponds, wetlands, exposed quarry faces and forested areas. The proposed rehabilitation concept is shown below as **Figure 9**.



Figure 9 – Proposed rehabilitation concept for subject lands (MHBC, 2020)

7.0 **Impacts of proposed development**

The purpose of this section of the report is to list potential impacts to resources and provide recommendations related to the conservation of the onsite cultural heritage resources.

7.1 **Potential impacts to onsite heritage resources**

There are three classifications of changes that the effects of a proposed development may have on an identified cultural heritage resource: beneficial, neutral or adverse. Beneficial effects may include such actions as retaining a property of cultural heritage value, protecting it from loss or removal, maintaining restoring or repairing heritage attributes, or making sympathetic additions or alterations that allow for a continued long-term use and retain heritage building fabric. Neutral effects have neither a markedly positive or negative impact on a cultural heritage resource. Adverse effects may include the loss or removal of a cultural heritage resource, unsympathetic alterations or additions that remove or obstruct heritage attributes, the isolation of a cultural heritage resource from its setting or context, or the addition of other elements that are unsympathetic to the character or heritage attributes of a cultural heritage resource. Adverse effects may require strategies to mitigate their impact on cultural heritage resources.

The impacts of a proposed development or change to a cultural heritage resource may be direct or indirect. They may occur over a short term or long term duration, and may occur during a pre-construction phase, construction phase or post-construction phase. Impacts to a cultural heritage resource may also be site specific or widespread, and may have low, moderate or high levels of physical impact.

The area of the site proposed for aggregate extraction does not contain any built heritage resources or cultural heritage landscapes, therefore there are no direct or indirect impacts anticipated.

There are no direct impacts to the house and barn structure located at 2280 No. 2 Side Road as a result of the proposed development, as the buildings are being retained in-situ. There is a change to the context around the buildings because of the change proposed for the areas near the buildings. However, the proposed extraction area will retain separation beside the house (approx. 15 metres) and to the rear of the house (approx. 120 metres). Duration of extraction within the area of the buildings will be short, due to the shallow depth and small lifts in this area for beach landform creation. Blasting will be designed to ensure the integrity of the building is retained.

The areas of extraction will be rehabilitated to a landform suitable for recreational uses following aggregate extraction, with the house remaining in situ. This change continues the evolution of the property and the broader area that has been ongoing for many decades.

The Ontario Heritage Toolkit includes information regarding potential impacts on adjacent heritage resources that could result from development or site alteration. These types of impacts could include: destruction of a heritage resource, alteration, shadows, isolation, direct or indirect obstruction, a change in land use; and land disturbances.

The following chart outlines the consideration of such potential impacts for 2280 No. 2 Side Road:

Impact	Degree of Impact (None, Unknown, Negligible, Minor, Moderate, Major)	Comment
Destruction	None	The proposed aggregate extraction will not destroy any heritage attribute.
Alteration	None	The proposed aggregate extraction will not alter the area containing cultural heritage resources.
Shadows	None	Shadows will not be caused by the proposed development.
Isolation	None	The proposed aggregate extraction operation will alter the broader surrounding area, but will not result in isolation of a cultural heritage resource.
Direct or indirect obstruction of significant views	None	The proposed development will not obstruct significant views, as none are associated with the subject lands.
A change in land use	None	Land use will remain within the area containing the dwelling and barn.
Land disturbance	None	Land disturbances are not planned within the area of identified heritage resources.

It is considered that the potential for impacts on the subject lands is very low, given that the proposed development will not take place within the area of the identified cultural heritage resources.

7.2 Potential impacts to adjacent heritage resources

As noted in Section 4.4 of this report, there are no adjacent properties designated under the *Ontario Heritage Act*. The nearest heritage resources are located more than 1 km from the lands. As such, the proposed development will not cause direct impacts on the adjacent heritage resources. Indirect impacts that could occur include matters such as alteration, shadows or isolation. Given the nature of the proposed development and the distance of the aggregate extraction operations, it is not considered that adjacent heritage resources will be altered, or result in shadow or isolation. As such, there is no potential for impacts on adjacent heritage resources.

Given that the existing haul routes for the Burlington Quarry will continue to be utilized while the extension lands are being extracted, there is no potential for impacts related to haul routes.

7.3 Conclusion

The potential for direct and indirect impacts has been reviewed in accordance with guidance provided by the Province. A range of matters were reviewed, including potential destruction or alteration to heritage resources, shadows that impact heritage resources, isolation of a heritage resource, direct or indirect obstruction of significant views, a change in land use that impacts a heritage resource, and land disturbance.

There are no cultural heritage resources proposed to be removed from within the proposed extraction area, and existing resources outside the extraction area (#2280 No. 2 Side Road) are being retained. Therefore there is a very low potential for direct or indirect impacts to onsite cultural heritage resources.

Given the nature of the proposed development and location of other cultural heritage resources, it is not considered that adjacent cultural heritage resources will be negatively impacted as a result of the proposed development. As such, there is no potential for direct or indirect impacts on the adjacent potential cultural heritage resources.

Based on the above evaluation related to onsite and adjacent cultural heritage resources, the proposed development will result in the conservation of identified cultural heritage resources located on the subject lands and adjacent to the proposed extraction area. As such, the policy direction that significant built heritage resources be conserved has been satisfied.

8.0 **Conservation recommendations**

The purpose of this section of the report is to list potential impacts to resources and provide recommendations related to the conservation of the onsite cultural heritage resources.

8.1 **Alternative approaches to development**

Consideration of alternative development approaches is routinely undertaken through heritage impact assessments as a form of mitigation related to potential impacts on cultural heritage resources. Alternatives can include 'do nothing', proceed with proposed development, or proceed with an alternate form of development.

The 'do nothing' approach would result in no aggregate extraction taking place on the subject lands. This approach is not recommended given that there is no potential for impacts to cultural heritage resources to occur as a result of the proposed operation.

Alternative forms of development would include a different configuration of the area and sequencing of extraction activities proposed for the site. This could include greater separation from retained resources, or exclusion of other buildings from the proposed area of extraction. Given the lack of identified cultural heritage resources within the proposed extraction area, no purpose would be served by altering the proposed development.

Proceeding with the proposed development is recommended, as it has been shown to not result in negative impacts to cultural heritage resources and will make good use of the aggregate resources located on the property. This option also conforms to the PPS requirement and Niagara Escarpment Plan direction that development and site alteration not be permitted on adjacent lands to cultural heritage resources unless it has been demonstrated that the heritage attributes will be conserved.

8.2 **Conservation recommendations, implementation and monitoring**

Since there is no potential for negative impacts (either direct or indirect), there are no further conservation recommendations required.

Given the above conclusions, further implementation and monitoring is not required.

9.0 Conclusions

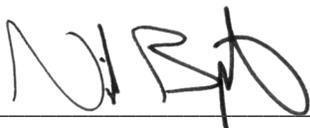
This Cultural Heritage Impact Assessment has provided a summary of the background research and historical development of the subject lands. The report includes an identification and assessment of the cultural heritage resources present on the subject lands, an evaluation of potential impacts as a result of the proposed development, and recommendations for the conservation of the cultural heritage resources onsite.

The proposed development of the subject lands includes an aggregate resource extraction operation that is planned to occupy much of the areas located on the subject site. The aggregate operation is planned to operate as a quarry below the water table, with rehabilitation to a naturalized after-use that could function as a regional recreational facility.

The built heritage resources located on the subject lands will be conserved through the proposed operations, and the subject lands were found to not contain a cultural heritage landscape. Therefore there are no direct or indirect impacts as a result of the operation. It is also concluded that the proposed quarry development will have no negative impacts on adjacent cultural heritage resources. Given the low potential for impact as a result of the proposed development, mitigation, implementation and monitoring recommendations have not been provided.

In conclusion, the proposed development of the Burlington Quarry southern and western extension lands is in conformity with the Provincial, Regional and City of Burlington policy direction that significant built heritage resources and cultural heritage landscapes be conserved. The preceding report has also addressed the guidance provided in the Halton Region Aggregate Resources Reference Manual, and the City of Burlington requirements for heritage impact assessments.

Report prepared by:



Nicholas Bogaert, BES, MCIP, RPP, CAHP
Associate

Reviewed by:



Dan Currie, MA, MCIP, RPP, CAHP
Partner

10.0 Bibliography

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Appendix A

City of Burlington information regarding 2280 No. 2 Side Road

[Site Details](#) | [Author Information](#) | [Comments \(0 \)](#) | [Linked Content](#)

Common Name: The Pitcher Homestead

Municipal Address: 2280 No 2 Side Road

Photos:



Building Demolished: No

Local Municipality: Burlington

Province: Ontario

Construction Date: 1830

Type of Recognition: Municipal Register

Property Features

Photos:
(Click on the image to view at full size)



2280 No 2 Side Road - Barn. © City of Burlington
A large frame barn on a fieldstone foundation.

Photos:
(Click on the image to view at full size)



2280 No 2 Side Road. © City of Burlington

Design

Architect: N/A

Notes on the Design or Physical Value: The original four-room one-storey Regency Style house was built of rubble stone with incised mortar lines added to give the appearance of cut limestone. (Compare Locust Lodge, built in 1838, 2477 Glenwood School Drive.) The stonework of these houses and Ireland House should be compared to determine if the same stonemasons may have worked on this house. The low hipped roof has a plain boxed cornice. In 1864 a side addition in compatible style took advantage of the site topography, resulting in a split-level.

Sources: City of Burlington

Historical

Notes on History of the Property: 1806 Plan of the Third Township or Nelson: Jonathan Davis.

By Crown Grant in 1807 to Jonathan Davis, a member of the well known Davis family.

Leverett Pitcher obtained the property in 1814 and built this house in the style of the 1820s. The door knob and plate hardware in the old part of the house are stamped with a patent and registered trade mark stamp which dates it to the reign of William IV (1830-1837): "W.R." = "William Rex". Peter Pitcher had a family of eleven children born between 1835 and 1858. In 1864 the property title passed to him.

Tremaine Map (1850s): P. T. Pitcher

In 1864, the Freeman family bought the property and added a wing at the side. The title

passed first to James (Joseph?) Freeman; in 1867 to Edwin Black Freeman.

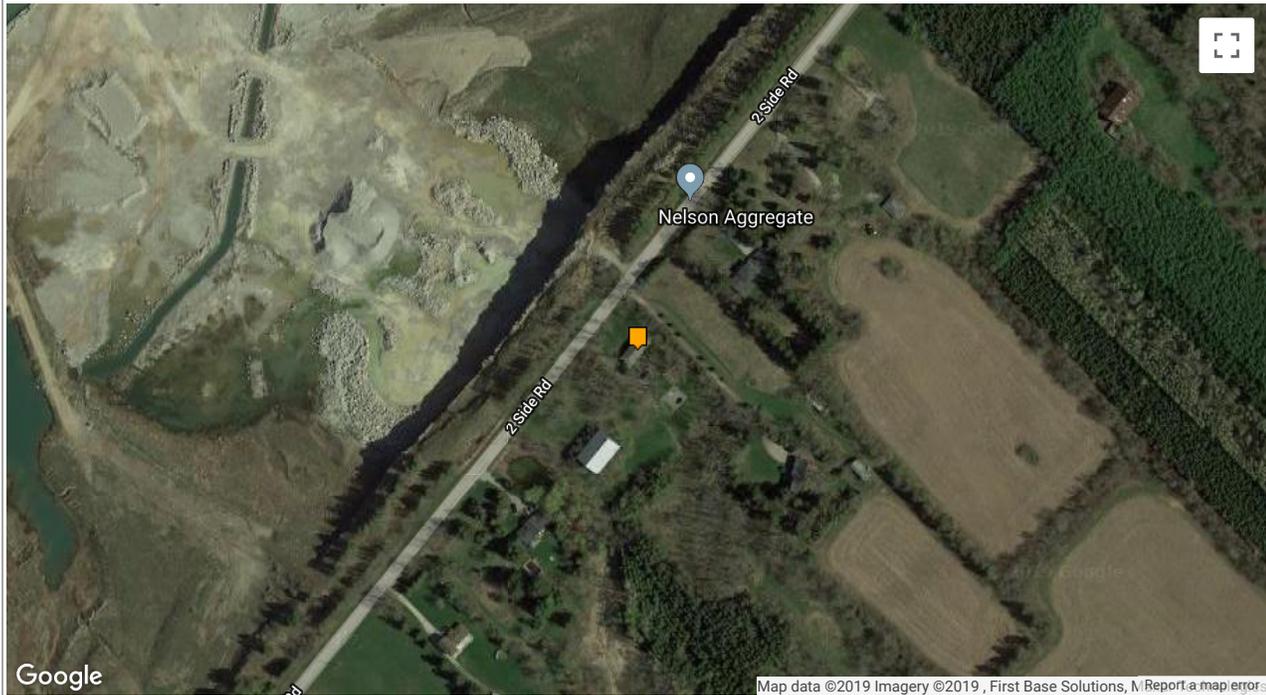
1877 *Halton Illustrated Atlas*: Edwin Freeman (house shown).

In 1908 to Lockhart & Lawrence Spence; in 1936 to George Lockhart Colling Spence; in 1944 to Thomas & Nellie Millar.

Sources: City of Burlington

Statement of Significance

Legal Description (Plan and Lot Number): Con 2 NDS Pt Lt 18



Last updated: 2015-11-02 10:03:47.667

Group: City of Burlington
Added By: HRC Admin
Date Added: April 21, 2014

Comments on *The Pitcher Homestead*
No matching entries were found

Linked Content

Type	Title	Relation
User	HRC Admin	The user submitted this content.

Appendix B

Curriculum vitae



CURRICULUM VITAE

Dan Currie, MA, MCIP, RPP, CAHP

Dan Currie, a Partner and Managing Director of MHBC's Cultural Heritage Division, joined MHBC Planning in 2009, after having worked in various positions in the public sector since 1997 including the Director of Policy Planning for the City of Cambridge and Senior Policy Planner for the City of Waterloo.

Dan provides a variety of planning services for public and private sector clients including a wide range of cultural heritage policy and planning work including strategic planning, heritage policy, heritage conservation district studies and plans, heritage master plans, heritage impact assessments and cultural heritage landscape studies.

EDUCATION

2006

Masters of Arts (Planning)
University of Waterloo

1998

Bachelor of Environmental Studies
University of Waterloo

1998

Bachelor of Arts (Art History)
University of Saskatchewan

PROFESSIONAL ASSOCIATIONS

Full Member, Canadian Institute of Planners

Full Member, Ontario Professional Planners Institute

Professional Member, Canadian Association of Heritage Professionals

SELECTED PROJECT EXPERIENCE

HERITAGE PLANNING

City of Hamilton Heritage Impact Assessment for Pier 8

Town of Erin Designation of Main Street Presbyterian Church

City of Kitchener Homer Watson House Heritage Impact Assessment and Parking Plan

Region of Waterloo Schneider Haus Heritage Impact Assessment

Niagara Parks Commission Queen Victoria Park Cultural Heritage Evaluation Report

City of Guelph Cultural Heritage Action Plan

Town of Cobourg, Heritage Master Plan

Municipality of Chatham Kent, Rondeau Heritage Conservation District Plan

City of Kingston, Barriefield Heritage Conservation District Plan Update

Burlington Heights Heritage Lands Management Plan

City of Markham, Victoria Square Heritage Conservation District Study

City of Kitchener, Heritage Inventory Property Update

Township of Muskoka Lakes, Bala Heritage Conservation District Plan

Municipality of Meaford, Downtown Meaford Heritage Conservation District Plan

City of Guelph, Brooklyn and College Hill Heritage Conservation District Plan

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CURRICULUM VITAE

Dan Currie, MA, MCIP, RPP, CAHP

City of Toronto, Garden District Heritage Conservation District Plan
City of London, Western Counties Cultural Heritage Plan

Other heritage consulting services including:

- Preparation of Heritage Impact Assessments for both private and public sector clients
- Requests for Designations
- Alterations or new developments within Heritage Conservation Districts
- Cultural Heritage Evaluations for Environmental Assessments

MASTER PLANS, GROWTH MANAGEMENT STRATEGIES AND POLICY STUDIES

City of Vaughan Municipal Land Acquisition Strategy
Town of Frontenac Islands Marysville Secondary Plan
Niagara-on-the-Lake Corridor Design Guidelines
Cambridge West Master Environmental Servicing Plan
Township of West Lincoln Settlement Area Expansion Analysis
Ministry of Infrastructure Review of Performance Indicators for the Growth Plan
Township of Tiny Residential Land Use Study
Port Severn Settlement Area Boundary Review
City of Cambridge Green Building Policy
Township of West Lincoln Intensification Study & Employment Land Strategy
Ministry of the Environment Review of the D-Series Land Use Guidelines
Meadowlands Conservation Area Management Plan
City of Cambridge Trails Master Plan
City of Kawartha Lakes Growth Management Strategy
City of Cambridge Growth Management Strategy
City of Waterloo Height and Density Policy
City of Waterloo Student Accommodation Study
City of Waterloo Land Supply Study
City of Kitchener Inner City Housing Study

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CURRICULUM **VITAE**

Dan Currie, MA, MCIP, RPP, CAHP

DEVELOPMENT PLANNING

Provide consulting services and prepare planning applications for private sector clients for:

- Draft plans of subdivision
- Consent
- Official Plan Amendment
- Zoning By-law Amendment
- Minor Variance
- Site Plan

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CURRICULUM VITAE

Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

EDUCATION

2004
Bachelor of Environmental Studies,
Honours Urban and Regional
Planning, University of Waterloo

Nicholas Bogaert joined MHBC as a Planner in 2004 after graduating from the University of Waterloo with a Bachelor of Environmental Studies Degree (Honours Planning – Co-operative Program).

Mr. Bogaert provides urban and rural planning, analysis for all aspects of the firm's activities. He has experience in providing planning consulting services to municipalities and private sector clients, aggregate site planning and licensing processes related to aggregate applications, and conducting aggregate production research for a variety of clients. He also has experience related to the approval and registration of plans of subdivision, the re-development of brownfield and greyfield sites, providing planning services to a rural municipality, and various projects related to cultural heritage planning matters.

Mr. Bogaert is a full member of the Canadian Institute of Planners and the Ontario Professional Planners Institute. He is also a Professional Member of the Canadian Association of Heritage Professionals.

Mr. Bogaert is a member of the Cultural Heritage Division of MHBC, and Chair of the Heritage Wilmot Advisory Committee.

PROFESSIONAL ASSOCIATIONS

Full Member, Canadian Institute of Planners
Full Member, Ontario Professional Planners Institute
Professional Member, Canadian Association of Heritage Professionals

PROFESSIONAL SERVICE

2012-Present Chairperson, Heritage Wilmot Advisory Committee
2011-2012 Vice-Chair, Heritage Wilmot Advisory Committee

PROFESSIONAL HISTORY

Jan. 2019 - Present Associate, MacNaughton Hermsen Britton Clarkson
Planning Limited

Jan. 2004 – Jan. 2019 Planner / Senior Planner, MacNaughton Hermsen
Britton Clarkson Planning Limited

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CURRICULUM **VITAE**

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SELECTED PROJECT EXPERIENCE – CULTURAL HERITAGE

Involved in the preparation of Cultural Heritage Action Plan for the City of Guelph.

Involved in the preparation of an updated Heritage Conservation District Plan for the Port Credit Heritage Conservation District (City of Mississauga).

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of the Queenston Quarry (Niagara-on-the-Lake).

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a portion of the Huronia Regional Centre (Orillia).

Involved in the preparation of a Cultural Heritage Survey for a proposed aggregate extraction operation in the Town of Caledon.

Involved in the preparation of a Cultural Heritage Study for a proposed aggregate extraction operation in Melancthon Township.

Involved in the preparation of a Cultural Heritage Evaluation Report for the 6th Line overpass in the Town of Innisfil.

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a vacant property in the City of London.

Involved in the preparation of a Heritage Impact Assessment for the redevelopment of a portion of Bob-lo Island in the Town of Amherstburg.

Involved in the preparation of a Heritage Conservation District Study and Plan for Rondeau Provincial Park cottages (Municipality of Chatham-Kent).

Involved in the preparation of a Heritage Master Plan and updated Heritage Conservation District Plans for the Town of Cobourg.

Involved in the preparation of an updated Heritage Conservation District Plan for the Village of Barriefield (City of Kingston).

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CURRICULUM VITAE

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Involved in the preparation of a Heritage Impact Assessment for a rural farmhouse in the City of Kitchener.

Involved in the preparation of a Heritage Conservation District Study for the Victoria Square area (City of Markham).

Involved in the preparation of a Heritage Conservation District Study and Plan for the Village of Bala (Township of Muskoka Lakes).

Involved in a pilot project to work on integrating heritage attributes into building inspection reports for provincially significant heritage properties (Infrastructure Ontario).

Involved in the preparation of a Heritage Conservation District Study and Plan for the Garden District (City of Toronto).

Involved in the preparation of a Heritage Conservation District Study and Plan for Downtown Meaford.

Involved in the preparation of a Heritage Conservation District Plan for the Village of Port Stanley (Municipal of Central Elgin).

Involved in the preparation of a Cultural Heritage Study related to a proposed Sand and Gravel Pit (Manvers Township).

Involved in the preparation of a Background and Issues Identification Report and Management Plan for the Burlington Heights Heritage Lands (Hamilton / Burlington).

Involved in the preparation of a Heritage Conservation District Study and Plan for Downtown Oakville.

Involved in the preparation of a Heritage Conservation District Study and Plan for the Brooklyn and College Hill areas in the City of Guelph.

Involved in a Cultural Heritage Landscape Study for Rondeau Provincial Park.

Involved in the preparation of a Heritage Impact Assessment for a rural farmstead in City of Cambridge.

Involved in a Commemorative Integrity Statement Workshop for Oil Heritage District, and assisted in preparation of Commemorative Integrity Statement (Lambton County).

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Nicholas P. Bogaert, BES, MCIP, RPP, CAHP

Involved in an assessment of feasibility of acquiring Federal surplus land for development as affordable housing within a Heritage Conservation District (Kingston - Barriefield).

PROFESSIONAL DEVELOPMENT COURSES / CONFERENCES

- | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2004 | Course: 'Plain Language for Planners', Ontario Professional Planners Institute, Toronto. |
| 2004 | Conference: 'Leading Edge – The Working Biosphere', Niagara Escarpment Commission, Burlington. |
| 2011 | Conference: 'Ontario Heritage Conference – Creating the Will', Cobourg. |
| 2012 | Workshop: 'Heritage Conservation District Workshop', University of Waterloo Heritage Resources Centre, Stratford. |
| 2012 | Conference: 'Ontario Heritage Conference - Beyond Borders: Heritage Best Practices, Kingston. |
| 2012 | Conference: 'National Heritage Summit - Heritage Conservation in Canada: What's Working?; What's Not?; And What Needs to Change?', Heritage Canada Foundation, Montreal. |
| 2012 | Conference presentation: Heritage Conservation District Misconceptions, Heritage Canada Conference, Montreal. |
| 2013 | Course: 'Planner at the Ontario Municipal Board', Ontario Professional Planners Institute, Waterloo. |
| 2013 | Conference presentation: Ideas for Effective Community Engagement – Case Study: Downtown Oakville Heritage Conservation District, OPPI Conference, London. |
| 2013 | Conference: 'Regeneration – Heritage Leads the Way', Heritage Canada Foundation, Ottawa. |
| 2013 | Conference presentation: Rondeau Provincial Park: A Cultural Heritage Landscape?, Heritage Canada Conference, Ottawa (with Peter Stewart, George Robb Architect). |

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CURRICULUM **VITAE**

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- 2014 Conference: 'Ontario Heritage Conference' – Bridging the Past, Crossing into the Future, Cornwall.
- 2015 Conference: 'Ontario Heritage Conference' – Ontario Heritage: An Enriching Experience, Niagara-on-the-Lake.
- 2015 Conference presentation: Heritage Conservation and Urban Design: Challenges, Success, Balance, OPPI Conference, Toronto (with Dan Currie and Lashia Jones, MHBC).
- 2016 Conference: 'Ontario Heritage Conference' – Preservation in a Changing World, Stratford-St. Marys.
- 2019 Conference: 'Ontario Heritage Conference', Bluewater & Goderich.

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December 3, 2024

John O'Reilly

Heritage Planner
City of Burlington
426 Brant Street, PO Box 5013
Burlington, Ontario L7R 3Z6

Subject: Evaluation of 390 John Street, Burlington, Ontario for Heritage Designation under Ontario Regulation 9/06

Dear Mr. O'Reilly,

We are writing to express our concerns and disagreement regarding the proposed heritage designation of 390 John Street, Burlington, Ontario, under the Ontario Heritage Act (OHA). After a thorough review of the background information, including the City's assessment of the property, and evaluation criteria, we have concluded that 390 John Street does not meet the standards outlined in Ontario Regulation 9/06 for heritage designation.

While we acknowledge that 390 John Street is situated within Wellington Square, a historically significant area integral to Burlington's early development, we find that the City's evaluation overlooks critical considerations in the property's architectural, historical, and contextual integrity. The extensive alterations to the property have been significantly detrimental to its heritage values, undermining its ability to convey its original design, materials, and historical significance.

EVALUATION OF 390 JOHN STREET AND RESPONSE TO THE CITY'S ASSESSMENT

The property was assessed against the nine criteria outlined in Ontario Regulation 9/06, grouped into three categories: design or physical value, historical or associative value, and contextual value. A property must meet at least two of these criteria to qualify for designation.

1. Design or Physical Value

The City's assessment suggests that 390 John Street retains design value as part of a grouping that reflects Wellington Square's commercial patterns. However, our evaluation reveals:

- **Loss of Integrity:**
Extensive modifications to 390 John Street's façade, materials, and structural features have significantly impacted its character-defining attributes. Modern interventions, such as the use of new materials, unsympathetic additions, and altered window configurations, have diminished its ability to represent any specific architectural style or construction method. These alterations sever its connection to its historical context and undermine its architectural integrity.
- **Conflict with Heritage Guidelines:**
The *Keeping Place: Heritage-Based Urban Design Guidelines for Downtown Burlington* emphasize the

importance of retaining original massing, materials, and architectural coherence to preserve heritage value. However, 390 John Street no longer aligns with these standards due to cumulative, unsympathetic changes. The modifications have rendered the building unrecognizable within its historical context, limiting its contribution to the collective heritage character of the area.

- **Irreversible Changes:**

The extent of these alterations is not easily reversible. These changes, which include the replacement of original materials, the addition of incompatible features, and significant modifications to the building’s massing and façade, have introduced substantial and irreversible modifications. These alterations have fundamentally compromised the property’s ability to retain or reflect its original heritage attributes, obscuring the historical design intent and eliminating key architectural elements critical to its heritage value. Restoration to its original state would not only be exceptionally challenging, but also may require speculative reconstruction, which is inconsistent with recognized heritage conservation practices. As a result of these permanent changes, the property no longer conveys the physical, technical, or stylistic qualities that would qualify it as an exemplar of any architectural style or period. Consequently, 390 John Street fails to meet the design or physical value criterion, as it no longer retains the attributes required for designation under the Ontario Heritage Act.

2. Historical or Associative Value

The City’s assessment indicates that the property contributes to Burlington’s early commercial history as part of Wellington Square. However, upon closer analysis:

- **Limited Historical Significance:**

While Wellington Square played a pivotal role in Burlington’s development, there is no evidence that 390 John Street (the Shaver Building) is directly associated with significant events, individuals, or historical patterns in Burlington’s history. Unlike other notable landmarks within Wellington Square, the property does not hold documented historical or associative value that would merit designation. Its role in the area’s development appears peripheral rather than integral.

- **Broad Context without Specificity:**

The City’s evaluation highlights Wellington Square’s historical importance, but does not demonstrate how 390 John Street individually contributes to this narrative. Its broader historical context is well-documented, but the property’s specific role remains undocumented and negligible, failing to meet the historical or associative value criterion.

3. Contextual Value

The City asserts that 390 John Street contributes to the contextual value of the Wellington Square Cultural Heritage Landscape. However, our findings demonstrate otherwise:

- **Disrupted Streetscape:**

Redevelopment in the surrounding area, including modern high-rise buildings, has significantly altered the historical character of Wellington Square. As a result, 390 John Street no longer visually or historically integrates into a cohesive heritage streetscape, diminishing its contextual contribution.

- **Lack of Landmark Status:**

A landmark is typically defined as a property with strong symbolic, visual, or historical prominence within its environment. However, 390 John Street lacks the defining attributes to serve as a visual or cultural

anchor in Wellington Square. Its altered façade and diminished historical connections mean it does not evoke the sense of place or recognition commonly associated with landmarks. Furthermore, its position within a redeveloped streetscape dominated by contemporary structures prevents it from standing out as a significant or emblematic element of the area.

- **Diminished Contextual Contribution:**

Wellington Square is recognized for its role in Burlington’s early settlement and commercial development. However, its historical value depends on the preservation of original and representative heritage properties. 390 John Street, in its current state, has lost the architectural and contextual attributes required to contribute meaningfully to this narrative. Its extensive modifications and modern surroundings have severed its connection to the area’s historical identity.

ALTERNATIVES TO FORMAL DESIGNATION

Given the limitations in the property’s architectural, historical, and contextual value, alternative strategies may be more appropriate to acknowledge its past connection to Wellington Square:

1. **Heritage Recognition Programs:**

Recognize the property with an honorary plaque or inclusion in a municipal heritage register, encouraging voluntary preservation without formal designation.

2. **Cultural Heritage Landscape Designation:**

Acknowledge the broader Wellington Square area as a cultural heritage landscape, emphasizing its historical importance while accounting for the diminished integrity of specific properties like 390 John Street.

3. **Public Engagement and Education:**

Highlight the area’s historical contributions through community programming, raising awareness of Wellington Square’s heritage while focusing on properties that retain their original attributes.

RECOMMENDATION

We respectfully recommend that the City reconsider its intention to designate 390 John Street under the Ontario Heritage Act. The limitations in the property’s architectural integrity, lack of specific historical associations, and diminished contextual value preclude it from meeting the criteria for designation. Alternative approaches may better align with the property’s current condition and the area’s overall heritage context.

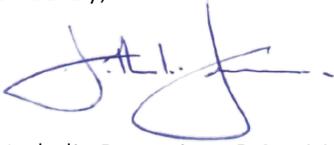
CONCLUSION

We acknowledge the City’s notice regarding the potential heritage designation of 390 John Street under the Ontario Heritage Act. Following a detailed review and analysis, we conclude that the property does not meet the criteria outlined in Ontario Regulation 9/06. The significant alterations to its design, materials, and structure have substantially diminished its architectural integrity, historical relevance, and contextual contribution within the Wellington Square area.

While Wellington Square is recognized for its historical importance in Burlington’s early development, the heritage value of this landscape depends on the preservation of properties that retain their original character and integrity. In its current state, 390 John Street no longer possesses the character-defining attributes required to contribute meaningfully to this historical narrative or to justify designation under the Ontario Heritage Act.

We respectfully request that the City consider this analysis when making its final determination regarding the property and explore alternative approaches for recognizing the broader significance of Wellington Square. We remain available to provide additional context or support as needed.

Sincerely,



Nathalie Desrosiers, B.Sc., M.Sc.A., Ph.D (c), RAIC IRP, APT, ICOMOS
Senior Heritage Lead

Heritage Planning Services
mcCallumSather

REFERENCES

- **Burlington Heritage Planning Team (2006)**. Keeping Place: Heritage-Based Urban Design Guidelines for Downtown Burlington.
- **Burlington Heritage Staff and ASI (2023)**. Heritage Stakeholder Meeting Summary: Foot of Brant Street. June 19, 2023.
- **City of Burlington (2022)**. Appendix A of PL-59-22: Heritage Property Evaluations – Foot of Brant Street CHL.
- **City of Burlington (2022)**. Notice of Decision to Add 2003 Lakeshore Road to the Municipal Register of Cultural Heritage Resources.
- **City of Burlington (2022)**. Notice of Decision to Add 357 Brant Street to the Municipal Register of Cultural Heritage Resources.
- **City of Burlington (2022)**. Notice of Decision to Add 404-408 John Street to the Municipal Register of Cultural Heritage Resources.
- **City of Burlington (2022)**. PL-49-22: Proposed Downtown Cultural Heritage Landscapes Study.
- **City of Burlington (2022)**. PL-59-22 Appendix B: Heritage Burlington Advisory Committee Minutes.
- **City of Burlington (2022)**. PL-59-22 Appendix C: Heritage Burlington Advisory Committee Evaluation Summary.
- **City of Burlington (2022)**. Proposed Inclusion of Downtown Properties on the City of Burlington’s Heritage Register.
- **City of Burlington (2022)**. Public Engagement Strategy for Downtown Cultural Heritage Landscapes Study (Final).
- **City of Burlington (2022)**. Section 2: Listed Properties of Cultural Heritage Value or Interest (Not Designated).
- **City of Burlington (2023)**. Burlington Heritage Driving Tour Brochure.
- **City of Burlington (2023)**. Cultural Heritage Landscape: Foot of Brant Summary.
- **City of Burlington (2023)**. Downtown Burlington Heritage Study and Engagement Program.
- **City of Burlington (2023)**. Draft Downtown Heritage Study Maps.
- **City of Burlington (2023)**. Heritage Property Assessment of 390 John Street – Supporting Documentation.
- **City of Burlington (2023)**. PL-59-22 Staff Presentation: Proposed Inclusion of Downtown Properties on Burlington’s Heritage Register.
- **City of Burlington (2023)**. Proposed Foot of Brant Cultural Heritage Landscape – Stakeholder Meeting Summary.

cc. Dan Currie, MHBC
cc. David McKay, MHBC
cc. Chloe Richer, City of Burlington
cc. Kathy Di Silvestro, Crystal Homes