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File No. 703951

April 14, 2025

By E-Mail Only to *clerks@burlington.ca*

City of Burlington
Office of the City Clerk
426 Brant Street
P.O. Box 5013
Burlington, ON L7R 3Z6

Dear Mayor Meed Ward and Members of Council

**Re: Heritage Response to Bill 23
Evaluation of Shortlist of Designation Candidates
Council Item No. 13.1(Q)
Request to Accept Findings on 458 Elizabeth Steet / 2031 James Street**

We are counsel to Crystal Homes, the owner of 458 Elizabeth Street which is sometimes also referred to as 2031 James Street (the “**Site**”).

The purpose of this letter is to request that Council accept the heritage findings pertaining to the Site and not direct the Director of Community Planning to seek consultants who may be able to support a contrary finding that the Site has contextual heritage value.

The Potential for Contextual Value was Low to Begin With

From July 2022 to December 2023 the City completed the Downtown Burlington Heritage Study with assistance from ASI Heritage (the “**ASI Study**”). This study assessed six areas of the City for Heritage Conservation District potential. The Site was studied as part of an area referred to as the Downtown East.

Following evaluation of the criteria in O. Reg 9/06 it was determined that the Downtown East did not merit a Heritage Conservation District designation. The full reasons for that finding are set out in Attachment 1. However, when it comes to contextual heritage value, it was found that the lot pattern and scale of buildings are generally maintained as characteristic of the area but alteration over time has disconnected the area from its surroundings, and it does not function as a landmark distinctive to the City.

The ASI Study is important, because a consideration of contextual heritage value requires an assessment of a property in relation to those around it. Studying that interrelationship was the main purpose of the ASI Study. Given the limited contextual value of the Downtown East as a whole, it was to be expected that individual properties would be even less likely to exhibit contextual heritage value.

Regarding the Site individually, the ASI Study noted it had *potential* to meet some of the criteria in O. Reg 9/06. The identification of that potential led to further study.

Upon Further Study no Contextual Value was Found and Opinion is not Divided

Two individual studies of the Site were completed as part of the City's initiative to respond to Bill 23. One by MHBC Planning dated September 2023 and revised in July 2024 (the "MHBC Study"). The other by Stantec dated October 23, 2024 (the "Stantec Study").

Regarding contextual value, the MHBC Study found the Site does not support, maintain, or define the character of the area. That is because of the Site's own transition from residential to non-residential use within an area with a varied context due to adaptive re-use over time. Modernization of the streetscape, introduction of large parking lots, introduction of high-rise development, tree removals, and major building renovations have all contributed to change in the area distancing it from its past. MHBC did not find any linkage or landmark basis for contextual value either. Relevant extracts of the MHBC Study are found in Attachment 2.

Stantec also considered the contextual value of the Site and found that it did not meet the relevant criteria under O. Reg 9/06. The reasons for this include that many of the structures in the area were built after the Site and use different architectural styles and materials or have been significantly altered resulting in a lack of consistent character. Additionally, there is no sufficient physical, functional, historical, or visual linkage between the Site and its surroundings and the Site is too modest to be considered a landmark. Pertinent extracts from the Stantec Study are found in Attachment 3.

As Council is aware, Staff have agreed with the findings of both MHBC and Stantec. The opinions all align with the expectation set by the Downtown Burlington Heritage Study. Accordingly, there is no reason to doubt the combined determinations.

The Value of Further Study is Questionable

Given the agreement among heritage professionals about the lack of contextual heritage value on the site, pursuing further input is of questionable value. The approach of searching for a consultant "who may be able to support the contextual heritage value" of the Site calls into question the impartiality of the opinion sought. That is because their future employment will depend on the consultant supplying the favoured opinion. In any event, the opinion will remain in the minority making it of questionable reliability.

Though Low in Value, Further Study Comes at a High Cost

There is a limit to what engagement is fair to expect. Our client has now participated diligently in two major heritage studies spanning more than three years at its own considerable expense. To make matters worse, further engagement costs would be coming during a time of economic turmoil when it can least be afforded.

The prospect of a further process is especially disheartening as the recommendations of MHBC, Stantec, and Staff pertaining to the Site have been known since at least November 2024. The appropriate time for further investigation was then, not now.

Conclusion

Our client appreciates the work that the Heritage Committee and the heritage professionals have done.

The studies undertaken by ASI Heritage, MHBC Planning, and Stantec, have been comprehensive and undertaken at varying scales, with the benefit of input from Staff and public engagement. In several years of study, no basis for designating the Site under Part IV of the *Heritage Act* has been found.

Based on the combined analysis already undertaken, our client requests that Council accept the heritage findings pertaining to the Site and not direct the Director of Community Planning to seek consultants who may be able to support a contrary finding that it has contextual heritage value.

Thank-you for the opportunity to make this submission.

Yours truly,
DAVIES HOWE LLP



Alex Lusty (he/him)

encls.: as above

copy: Chloe Richer, City of Burlington, Senior Planner, Heritage
Dan Currie, MHBC Planning
Vanessa Hicks, MHBC Planning
Client

ATTACHMENT 1



Downtown Burlington Heritage Study and Engagement Program

Final Report

Prepared for:
The City of Burlington
426 Brant Street, PO Box 5013,
Burlington, Ontario L7R 3Z6

ASI Project No. 22CH-128
November 2023



451 Elizabeth Street



Has potential to meet:

- Design/Physical criteria – early and representative example of ecclesiastical building typology in Downtown Burlington (constructed 1858)
- Historical/Associative criteria – Associated with early settlement of Wellington Square and the ecclesiastical community in Burlington
- Contextual criteria– contributes to the remnant nineteenth-century residential and civic/institutional (village) Elizabeth Street streetscape and may be considered a landmark

458 Elizabeth Street/2031 James Street



Has potential to meet:

- Design/Physical criteria – representative example of nineteenth-century (1876) Ontario Vernacular/Gothic Revival residence within Downtown Burlington
- Historical/Associative criteria – Associated with the early settlement of the Village of Burlington.
- Contextual criteria– contributes to the remnant nineteenth-century residential and civic/institutional (village) Elizabeth Street streetscape.

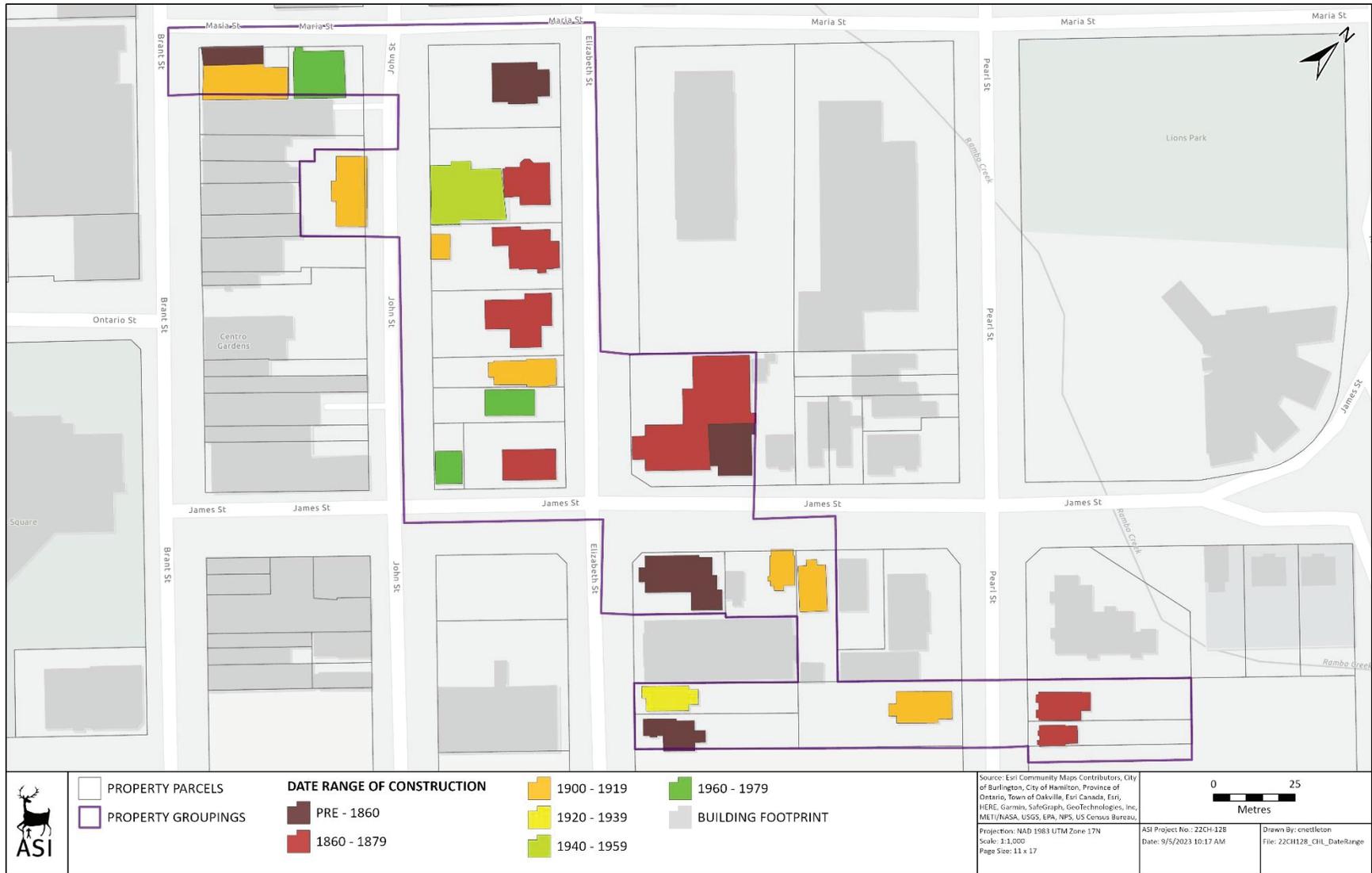


Figure 105: Date ranges of construction for buildings within the Downtown East St property grouping.

addition has been added to the west, east, and south elevations of the property. The front lawn is now a raised wood patio. The original stairs to the entry on 435 Pearl Street have likely been replaced and an awning has been added above the doorway. The front porch for 431 Pearl Street has likely been enlarged and features a contemporary railing. An awning is above the doorway.

Heritage Evaluation

Ontario Heritage Act Regulation 9/06

1. The grouping 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.
 - There are several properties within the Downtown East grouping that are representative of nineteenth-century village settlement. These properties are typically constructed between 1860 and 1890 during the establishment of the Village of Burlington, reflecting the early history of the area. The Bell Tower Room is located on the property of Knox Presbyterian Church (461 Elizabeth Street). This structure pre-dates the establishment of the Village of Burlington and was constructed to serve the community of Wellington Square. Several of these features in particular along Elizabeth Street, express themes and periods of early settlement patterns and village life in Burlington in the late nineteenth century. However, the range of alterations in the surrounding area and between

Elizabeth Street and Brant Street limit the extent to which this area, as a whole, may be considered a distinct place that is valued for its interrelationships, able to serve as a good example of an assemblage of features that effectively express nineteenth-century village life in Burlington. The Downtown East grouping does not meet this criterion.

2. The grouping has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
 - Properties included in the Downtown East grouping are generally representative of typical residential and civic/institutional forms and styles used in the mid- to late-nineteenth century. There is a range in the material integrity expressed by the properties within the grouping. Several properties maintain their original style and use of materials, while others have been altered – often as part of conversion from a residential to a commercial use. As a result, the Downtown East grouping of properties do not collectively display a high degree of craftsmanship or artistic merit. The grouping of properties does not meet this criterion.
3. The grouping has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
 - None of the properties are known to demonstrate a high degree of technical or scientific achievement.



The Downtown East grouping does not meet this criterion.

4. The grouping 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.
 - Some of the properties within the Downtown East grouping are generally connected to the early settlement of the Village of Burlington. A commercial building on Brant Street (459-463 Brant Street) is reflective of early commercial settlement in the village. The Bell Tower Room on the property of Knox Presbyterian Church (461 Elizabeth Street) was the original church constructed on the property, pre-dating the establishment of the Village of Burlington. Many of the residential built forms, particularly those on Elizabeth Street and Pearl Street, were constructed between 1860 and 1890 when the settlement of Wellington Square transitioned to the Village of Burlington. Further, Knox Presbyterian Church (461 Elizabeth Street) and the former Methodist Episcopal Church (451 Elizabeth Street) reflect the integration of civic/institutional buildings within the early settlement of the area east of Brant Street. These properties are individually representative of their congregations and the development of religious orders within the community. The continuance of this area serving a civic/institutional role is

represented by 482 Elizabeth Street/481 John Street, which was converted to serve as the Burlington Public Library in the 1950s, and 2010 Maria Street, constructed in the mid-twentieth century as the Burlington Police Station. These properties had an important role in the social life of the Village/Town of Burlington during its early settlement into its formation as a modern town. However, some of these properties have been altered to an extent that their material integrity has been compromised. Additionally, the range of alterations in the surrounding area and between Elizabeth Street and Brant Street limit the extent to which this area as a whole may be considered a distinct place with an assemblage of interconnected features that are together valued for their interrelationships, able to serve as a good example of the various significant land-use themes, events, people, institutions, and/or organizations significant within the historical development of Downtown Burlington. The Downtown East grouping does not meet this criterion.

5. The grouping 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.
 - The grouping of properties is not known to yield, or have the potential to yield information that contributes to an understanding of a community or



culture that has not otherwise been discussed as part of other criteria.

6. The grouping 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.
 - One property (458 Elizabeth Street/2031 James Street) within the grouping was constructed by builder John Taylor. Taylor, however, is not a well-known or prominent builder within the local context. No other known builders or architects are associated with properties within the Downtown East grouping. The grouping does not meet this criterion.
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 setbacks 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 Knox Presbyterian Church (461 Elizabeth Street) and the former Methodist Episcopal Church (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.
8. The grouping has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
 - The properties within the grouping are in proximity to Brant Street, the main commercial corridor in Burlington, which influenced the development of the area east of the roadway. Proximity to this influencing factor, however, is not a strong indication that the Downtown East grouping is collectively linked to its surroundings and particularly in consideration of the alterations that have disconnected and interrupted the relationships that would have historically existed between Brant Street and Elizabeth Street. The grouping does not meet this criterion.
9. The grouping has contextual value because it is a landmark.
 - Select properties within the Downtown East, notably Knox Presbyterian Church (461 Elizabeth Street, former Methodist Episcopal Church (451 Elizabeth Street) and the Laing-Fisher House (490 Elizabeth Street) are visually impactful within the



neighbourhood due to their prominent corner locations and design. The church buildings, in particular, would historically have been a visual and cultural centre within the neighbourhood and their individual prominence has been maintained. While individual buildings retain landmark qualities, the grouping as a whole does not retain landmark qualities or particular visual prominence on account of interrelationships between features.

City of Burlington Official Plan (1997)

In the 1997 Burlington Official Plan, in force at the time of reporting, Section 8 outlines policies relating to cultural heritage resources within the City. The Official Plan stipulates that a cultural heritage landscape may be conserved through designation as heritage conservation districts under Part V of the *Ontario Heritage Act* where certain criteria have been met. The following provides a discussion of these criteria in relation to the Downtown East property grouping:

- The grouping contains buildings that in some instances individually reflect an aspect of local history by nature of location and historical significance of setting but these aspects are not expressed through interrelationships, connections of elements or assemblages of properties;
- The grouping contains buildings that in some instances individually reflect a style of architecture or method of construction which is historically or architecturally

significant to the City, Region or Province but as a whole, this grouping does not meet this criterion;

- The grouping contains other important physical, environmental or aesthetic features that, are not sufficient for designation as a district or a cultural heritage landscape, but lend support in evaluating the criteria for designation; and,
- The grouping was not found to consist of interconnected special associations that are distinctive within the City and, as a result, adds to the character of the entire community.

Provincial Policy Statement (2020) and Ontario Heritage Toolkit: Heritage Conservation Districts

Based on the foregoing discussion, analysis and application of provincial and municipal heritage evaluation criteria, it was determined that the Downtown East property grouping does not warrant further study as a significant cultural heritage landscape or heritage conservation district.

Ontario Heritage Toolkit: Heritage Conservation Districts

The *Ontario Heritage Toolkit* identifies that heritage conservation districts tend to be characterized by the following qualities and features:

- A concentration of heritage buildings, sites, structures, designed landscapes, natural landscapes that are linked by aesthetic, historical and socio-cultural contexts or use



- A framework of structured elements including major natural features such as topography, land form, landscapes, water courses and built form such as pathways and street patterns, landmarks, nodes or intersections, approaches and edges;
- A sense of visual coherence through the use of such elements such as building scale, mass, height, material, proportions, colour etc. that convey a distinct sense of time and place;
- A distinctiveness which enables districts to be recognized and distinguishable from their surroundings or from neighbouring areas; and/or
- A coming together of cultural heritage values that create or maintain contexts that reflect a richness and sense of time and place and where the value of the district as a whole is always greater than the sum of its parts.

The Downtown East grouping of properties are not known to sufficiently express these characteristics.

Summary of Heritage Evaluation Results

The Downtown East grouping of properties has not been found to meet Ontario Regulation 9/06, nor has it sufficiently met criteria and definitions of a cultural heritage landscape as outlined in the 1997 City of Burlington Official Plan and the 2020 *Provincial Policy Statement* and *Ontario Heritage Toolkit: Heritage Conservation Districts*.



ATTACHMENT 2

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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Our File: '16191 S'

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.

ATTACHMENT 3

458 Elizabeth Street, City of Burlington, Ontario – Cultural Heritage Evaluation Report

Final Report

October 23, 2024

Prepared for:
City of Burlington
426 Brant Street
Burlington, ON L7R 3Z6

Prepared by:
Stantec Consulting Ltd.
100-300 Hagey Boulevard
Waterloo, ON N2L 0A4

Project Number:
160941075



4 Evaluation

4.1 Ontario Regulation 9/06

Evaluation of the property was undertaken using O. Reg. 9/06 as described in Section 1.3. A property can be designated under the OHA if it meets two or more of the evaluation criteria. Where CHVI is identified and two or more criteria have been met, a SCHVI has been prepared, and a list of heritage attributes which define the CHVI identified. The evaluation according to O. Reg. 9/06 is provided below

Design/Physical Value

The property at 458 Elizabeth Street contains a representative example of late 19th century Ontario Gothic Revival residential construction. Based on land registry records, historical mapping, its architectural style, and construction materials the residence was likely built under John Taylor's ownership in or around 1876.

The structure is a portrayal of the types of design and building materials that were available in the mid to late 19th century to the average homeowner or builder. The Gothic Revival style was popular in Ontario during much of the 19th century, and it was promoted in *The Canada Farmer* in the 1860s, as an inexpensive farmhouse option and was also used in urban residential areas. The one and one half storey height allowed for two levels of living space at a lower tax rate, with a window in the gable peak to allow light and air circulation. The residence at 458 Elizabeth Street is a simplified interpretation of the Gothic Revival style, seen through its height, massing, three-bay front façade with central entrance, side gable roof, and centre gable peaks. By the end of the 19th century the Gothic Revival style continued to be popular and was constructed alongside newer styles such as Italianate, Second Empire, and Queen Anne. After the turn of the 20th century the Gothic Revival style fell out of fashion (Blumenson 1990: 37-38). While some Gothic Revival structures included decorative features such as bargeboard trim, finials, and decorative woodwork on porches, the property at 458 Elizabeth Street is a more vernacular interpretation and does not have decorative wood elements.

The structure does not demonstrate a high degree of craftsmanship or merit and contains common building materials and design elements that are found throughout 19th century residences in eastern Ontario. Although the residence displays Gothic Revival design influences, these are not of a high degree of craftsmanship or merit but are constructed to the industry standard for the style and materials of the time. The structure does not demonstrate a high degree of technical or scientific achievement.

Based on a review of available mapping and aerial photographs, the rear addition of the structure along James Street was likely built in the mid-to-late 20th century. The rear addition uses similar design elements to the main brick structure. The addition used common construction materials and techniques related to its construction period, it does not display a high degree of craftsmanship or merit. The addition also does not demonstrate techniques or include features that demonstrate a high degree of technical or scientific achievement.



Based on the above discussion, 458 Elizabeth Street meets criterion 1 of O. Reg. 9/06.

Historic/Associative Value

The structure at 458 Elizabeth Street is connected to the ownership of the Taylor family. John Taylor was an English immigrant who worked as a labourer. Upon his purchase of the property, he was the first to live in the residence at 458 Elizabeth Street and lived there with his wife Ann, and their children Thomas and Mary Anne. John Taylor died circa 1878 having only lived in the residence for two years, and the property was sold by Ann to John McHaffie that same year. The structure continued to be used for residential purposes throughout the 20th century. There is no evidence that suggests the Taylor family or subsequent property owners were of particular significance to the community.

The property does not provide evidence of notable or influential aspects of the community's history or the history of a particular culture. The property does not yield information important to an understanding of a community or culture and the architect is unknown.

Based on the above discussion, 458 Elizabeth Street does not meet historical or associative criteria of O. Reg. 9/06.

Contextual Value

The property is set within an urban context in the City of Burlington. Elizabeth Street is a primarily residential street located close to Burlington's downtown core. The roadway is flanked by sidewalks, grassed lawns, and streetlights. While the area is residential in nature, the built environment along Elizabeth Street and around the property is varied and does not have a consistent character. Many of the structures were built after 458 Elizabeth Street and used different architectural styles and materials or have been significantly altered. Thus, the property does not define, maintain, or support the character of the area.

While the property is not situated within an area with a defined character, the location of the property at the intersection of Elizabeth Street and James Street is adjacent to the structures at 461 Elizabeth Street, Knox Presbyterian Church constructed in 1845 and 1876, and 451 Elizabeth Street, the Iron Duke Building constructed in 1858. These three structures share a similar physical materiality in their massing and the use of red brick which is reflective of the early settlement of Burlington near Lake Ontario. However, the link between the three properties is diminished by the surrounding context which is largely modern and includes an open surface parking lot immediately adjacent to 451 Elizabeth Street. While the use of red brick in the construction of the three structures is different from its surroundings, there is no evidence to suggest that it was purposefully designed or planned as such but instead is a remnant of a historic fabric that is no longer prominent along Elizabeth Street. As such, the physical relationship between these three structures does not support the contextual value of the property.

Due to its modest size, its materiality, and its placement adjacent to larger wayfinding structures, the property at 458 Elizabeth Street cannot be considered a landmark.



Based on the above discussion, 458 Elizabeth Street does not meet the contextual criteria of O. Reg. 9/06.

Summary

Table 4.1 provides a summary of the findings of CHVI based on the evaluation according to O. Reg. 9/06 (subject to amendments of O. Reg. 569/22). The property at 458 Elizabeth Street was evaluated according to O. Reg. 9/06 of the OHA. The property was identified to meet one of the evaluation criteria. As such, a SCHVI and the identification of heritage attributes was not prepared.

Table 4.1 O. Reg. 9/06 Evaluation

Criteria of O. Reg. 9/06	Yes/No	Comments
Design or Physical Value		
1. Is a rare, unique, representative, or early example of a style, type, expression, material, or construction method	Yes	The property contains a structure that is a representative example of late-19 th century Gothic Revival residential construction in the city of Burlington. The limited alterations and contemporary conservation treatments to the building have generally conserved its integrity and support an understanding of its style and type.
2. Displays a high degree of craftsmanship or artistic merit	No	The quality of execution and technical skill demonstrated at 458 Elizabeth Street is typical of its mid-19 th century construction date.
3. Demonstrates a high degree of technical or scientific achievement	No	The building does not demonstrate a high degree of technical or scientific achievement as it is a standard mid-19 th century residential structure.
Historical or Associative Value		
4. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	No	While the property is associated with John Taylor and his family, there was no evidence that Taylor or his family played a significant role in the development of the city and therefore are not known to be significant to the community.
5. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	No	While the historic integrity of the structure itself is good, the property and its landscape does not have the potential to yield information that would contribute to an understanding of a community or culture.
6. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community	No	The architect or builder is not known.
Contextual Value		
7. Is important in defining, maintaining, or supporting the character of an area	No	The area along Elizabeth Street has been significantly altered over time. While there is still a residential component to the area, the varied architectural styles and building typologies do not form a cohesive character of which 458 Elizabeth Street can define, maintain or support.



Criteria of O. Reg. 9/06	Yes/No	Comments
8. Is physically, functionally, visually, or historically linked to its surroundings	No	The property shares a similar materiality with the other remaining late-19 th century structures at the intersection of Elizabeth Street and James Street, however this common materiality is not considered to form a significant physical link with the property's surrounding context.
9. Is a landmark	No	The modest design of the structure on the property is not a prominent feature in streetscape and is not a local orientation guide or a point of reference. Thus, it does not have landmark value.

