



Johanna Shapira | B.A., J.D.

T. 416.203.5631
E. jshapira@woodbull.ca

File No. 1984

August 7, 2025

By Email

City Clerk
The Corporation of the City of Burlington
426 Brant Street,
P.O. Box 5013
Burlington, Ontario L7R 3Z6

**Re: Notice of Objection
Notice of Intention to Designate - 2280 No. 2 Side Road
Proposed Designation Pursuant to Part IV, Section 29 of the
Ontario Heritage Act, R.S.O. 1990, Chapter O.18 (the "OHA")**

We represent Nelson Aggregate Co. ("**Nelson**"), the owner and operator of the Burlington Quarry (the "**Quarry**"), which is located north of No. 2 Side Road 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 are in receipt of the Notice of Intention to Designate the property municipally known as 2280 No. 2 Side Road (the "**Subject Property**") pursuant to Section 29 of the OHA dated July 10, 2025 (the "**NOID**"). The Subject Property lies adjacent to the Quarry and is also owned by our client. As set out in our letter dated January 28, 2025 to the City's Heritage Advisory Committee and letter dated April 4, 2025 to City Council, the Subject Property 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 southerly extension of the Quarry (the "**Extension Applications**").

Pursuant to Section 29(5) of the OHA and all other applicable and relevant provisions of law, our client hereby objects to the proposed designation of the Subject Property. The reasons for the objection and the relevant facts are provided below.

Relevant Facts

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 a westerly and southerly extension of the Quarry (defined above as the "Extension Applications"). Nelson appealed the Extension Applications to the Ontario Land Tribunal for lack of decision in 2022 (the "**Appeals**"), and the Appeals were the subject of a three-month hearing that started on March 4, 2025 (the "**Hearing**"). The Hearing is now complete subject to final submissions.

The Subject Property forms part of the proposed southerly Quarry extension. Significant research and assessment of the heritage aspects of the Subject Property were conducted in connection with the Extension Applications and Hearing. Consistent with the report prepared by Stantec assessing properties for designation, Nelson's heritage consultants at MHBC concluded that the heritage resources on the Subject Property consist of the existing house and barn. The areas around the house and barn have not been identified as being of significance for the purposes of designating the Subject Property.

Within the context of the proposed Quarry extension, the house and the barn are both proposed to be retained in situ. In fact, the entirety of the Subject Property, including both the house and the barn, are located outside of the extraction limits. Furthermore, the operational plan for the proposed Quarry extension requires the two buildings to be conserved. Blasting limits have been put into place to ensure the protection of the resources.

Based on its extensive work assessing the proposed Quarry extension, including the above-noted facts, MHBC concluded that the proposed Quarry extension will conserve the cultural heritage resources on the Subject Property.

Reasons for Objection

The reasons for the objection are as follows:

1. It is clear that the house and barn on the Subject Property are not proposed to be demolished or altered to accommodate the proposed Quarry extension. Furthermore, the evidence at the Hearing suggests that any built resources on the Subject Property will be conserved in the context of the proposed extension; mitigation measures such as blasting controls have been put into place to protect the resources. On that basis, there is no need to designate the Subject Property at this time, prior to the Hearing completion. If the proposed Quarry extension is approved, no further heritage work is required to ensure that the built resources are conserved. Requiring additional permits would not only be unnecessary, but an inefficient use of public resources.
2. The areas surrounding the two buildings have not been identified as contributing to the cultural heritage value of the Subject Property. Therefore, if the City wishes to pursue designation, at any time, further study should first be completed to determine the appropriate geographic extent of a designation by-law.

Request of Council

Based on the above, Nelson respectfully objects to the proposed designation of the Subject Property and requests that City Council withdraw the NOID.



Yours very truly,

WOOD BULL LLP

A handwritten signature in black ink, appearing to read "JRS", written in a cursive style.

Johanna Shapira
JRS

cc: Client
B. Zeman, MHBC