



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Manager of Heritage Planning

DATE: June 21, 2024

REPORT NO.: PD-2024-039

SUBJECT: Objection to a Notice of Intention to Designate under Part IV, Section 29 of the OHA – 9156 Trafalgar Road

RECOMMENDATION:

THAT Report No. PD-2024-039 dated June 21, 2024 regarding Objection to a Notice of Intention to Designate under Part IV, Section 29 of the OHA – 9156 Trafalgar Road be received;

AND FURTHER THAT Council decline the request to withdraw the Notice of Intention to Designate for the property at 9156 Trafalgar Road as attached in Appendix C;

AND FURTHER THAT the By-law to designate the subject property at 9156 Trafalgar Road, as attached in Appendix E, be passed;

AND FURTHER THAT, in the event that this matter is appealed to the Ontario Land Tribunal, Council authorize staff to engage legal counsel as required and to attend any hearings in opposition to the appeal.

KEY POINTS:

The following are key points for consideration with respect to this report:

- On April 15, 2024, Council adopted staff's recommendations to issue a Notice of Intention to Designate (NOID) for the property at 9156 Trafalgar Road (Currie Farmhouse); at that time, it was understood by staff and Heritage Halton Hills that there were no objections to the designation process by the property owner.
- A Notice of Objection to the NOID was received by staff on May 3, 2024 (Appendix B) stating the owner's objection to the designation process.

- Council has 90 days from the end of the 30-day NOID period to decide whether to withdraw the NOID or to pass a by-law to designate the subject property.
- Staff have reviewed the reasons for objection to the NOID and are of the opinion that the designation should move forward as previously determined by Council.
- Staff recommend that Council pass the By-law to designate the subject property in accordance with the draft by-law in Appendix E, ensuring consistency with the adoption of Report PD-2024-020 and the Town’s intention to designate the property at 9156 Trafalgar Road.

BACKGROUND AND DISCUSSION:

The property at 9156 Trafalgar Road was originally listed on the Town’s Heritage Register during Phase 1 of the Town’s Heritage Register Process (2010) and was identified as an unusual example of Gothic Revival style residence with a segmentally arched window in the gable owned by George Currie and his son George Currie Jr. (Appendix D). In 2023, the property at 9156 Trafalgar Road was researched and evaluated by staff as part of the Town’s Council-approved Heritage Register prioritization strategy to respond to *Bill 23, More Homes, Built Faster Act, 2022*¹. This research and evaluation process gave staff a more fulsome understanding of the property’s cultural heritage value.

On February 21, 2024, Heritage Halton Hills considered the Research and Evaluation Report (Appendix B) for the subject property and recommended that the property be designated. On March 25, 2024, Council considered Report PD-2024-020 entitled “Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 9156 Trafalgar Road” (Appendix A) and adopted staff’s recommendations to issue a Notice of Intention to Designate the property; this decision was ratified at the following Council meeting of April 15, 2024.

Notice of Intention to Designate (NOID) was provided to the owner and publicly through the Town’s website on April 4, 2024, indicating that any person had 30 days from the date of notice to serve written notice of objection to the proposed designation.

On May 1, 2024, staff received an inquiry regarding insurance coverage from the property owner; staff confirmed that no additional requirements to rebuild or replace identified heritage attributes are put on an owner as a result of designation under Part IV of the *Ontario Heritage Act*. On May 4, 2024, staff received Notice of Objection to the NOID for the subject property from the owner’s legal representatives via email (Appendix C).

¹ Bill 23 stipulates that municipalities have a two-year window to determine whether properties on the Heritage Register warrant designation under the Ontario Heritage Act. If not so designated after two years, properties must be removed from the Heritage Register.

Ontario Heritage Act Requirements

Section 29(6) of the *Ontario Heritage Act* indicates that “If a notice of objection has been served under subsection (5), the council of the municipality shall consider the objection and make a decision whether or not to withdraw the notice of intention to designate the property within 90 days after the end of the 30-day period under subsection (5). 2019, c. 9, Sched. 11, s. 7 (6).”

Summary of Identified Issues & Response to Letter of Objection

The Notice of Objection received for the NOID identifies the owner’s objection to the designation process, including issues relating to its design and physical value, the designation of the farmhouse vs. the entire farm property, integrity of the resource, and impacts of the designation. These issues and staff’s response to these issues are identified below:

1. Design/Physical Value

Owner Position:

The architectural elements of the property, including the round-arched voussoirs, are not distinctive in style, design, materials, or construction methods and is not representative of a Gothic Revival style.

Staff Response:

One of the nine Criteria for Determining Cultural Heritage Value or Interest as determined by Ontario Regulation 9/06 is that a 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. The subject property meets this criteria as representative of an Ontario Cottage in the Gothic Revival style, or Gothic Revival Cottage.

The Research and Evaluation report prepared for the property identifies the existing farmhouse as representative of a red brick Ontario Cottage farmhouse with cross-gable roof and stone foundation in the Gothic Revival style. Original window and door openings are extant throughout, including a round-arched window beneath the centre gable and decorative brick hood moulds. The central gable peak on the primary elevation and along the side elevation are also extant; key features of the architectural style.

Staff also note that Ontario Regulation 9/06 prescribes that at least two of the nine criteria be met for a property to warrant designation under the *Ontario Heritage Act*. The subject property meets four of the nine criteria, including its contextual value in an agricultural area along Trafalgar Road, in its original

location, physically, functionally, visually and historically linked to its surroundings.

The property also has significant historical and associative value including long associations with the Currie family who owned the property for almost one hundred years. George Currie Sr. and his wife Margaret farmed the property with their family, including the family of George Currie Jr., who served as a Council member, the Reeve of Esquesing, and Warden of Halton County for many years.

Following the Currie's ownership of the property, Albert Cormier, a renowned cattle farmer, and breeder, purchased the property. Cormier later established his business Cormdale Genetics Inc. on the site and is recognized worldwide for being a pioneer in cattle genetics.

Staff have also noted the continued association with the charitable organization that currently owns the property which has continued to use the property to grow fruits and vegetables for the community in line with its historical agricultural use.

2. Farmhouse vs. Farmstead Evaluation

Owner Position

The research report places a singular focus on the Currie Farmhouse rather than the surrounding farm outbuildings; the property is isolated within its agricultural context.

Staff Response

Staff noted in the Research and Evaluation report for the property that although there are barns and associated outbuildings within the agricultural property, these have been modified and do not significantly contribute to the property's value as a late-nineteenth/early-twentieth century farmscape.

As the property around the farmhouse has evolved, the heritage attribute identified for the subject property is the Currie Farmhouse in its original location along Trafalgar Road. Staff also note that this provides the owners with continued flexibility with the rest of the property, with associated outbuildings and the existing bungalow, subject to the Town's Official Plan policies and other legislation that might apply.

3. Integrity

Owner Position

The windows have been replaced with contemporary windows and are not original.

Staff Response

Staff have not identified the existing windows as heritage attributes of the subject property. Rather, the original door and window openings, which are extant, have been identified. This provides the owner with options to replace the windows in future. Staff note that, unless original windows are extant within a building, they are not typically identified as heritage attributes.

4. Impacts of Designation

Owner Position

Designation will negatively impact the established charity and social outreach institution and will limit the organization's ability to evolve and renovate to meet the changing needs of the community.

Staff Response

Staff have discussed the existing financial incentive programs available through the Town for its designated heritage properties with the owner. These programs currently include the Heritage Property Tax Refund Program, which provides a 20% rebate on annual property taxes, and the Heritage Property Grant Program, which is a cost-matching program that can fund up to \$3,000 for eligible projects each year.

Staff have also identified that insurance costs should not be impacted through a designation process. There is no additional legal requirement for a designated property owner to replace lost heritage attributes. While property owners may choose to seek full replacement coverage for their properties, designated property owners are not obligated to have this additional coverage.

Staff have discussed the implications of designation with the owner and have noted that designation does not limit an owner's ability to make changes to the property. Designation will allow staff, and the Town, input where identified heritage attributes may be impacted as part of a heritage permit, building permit,

or development application for the subject property. Changes and alterations to designated properties, as with any property over its lifetime, are expected as part of their continued and evolving use over time. Additionally, the interiors of the farmhouse have not been identified as heritage attributes.

In light of the above, staff are of the opinion that the property at 9156 Trafalgar Road warrants designation under the *Ontario Heritage Act* to ensure its long-term conservation as one of the Town's unique and valuable cultural heritage resources. Staff continue to work with designated property owners to manage change while demonstrating a continued commitment to balancing conservation with the necessary evolution of their properties.

Should Council adopt staff's recommendations in line with Report PD-2024-020, the By-law for the subject property as presented in Appendix E should be passed to designate the property at 9156 Trafalgar Road. Any person who objects to the by-law has 30 days from the date of the notice given for the passage of this by-law to appeal to the Ontario Land Tribunal. Should no objection be received, the by-law will come into force and be registered on title for the subject property.

STRATEGIC PLAN ALIGNMENT:

This report identifies natural areas and heritage as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

Heritage Halton Hills was consulted in the preparation of this report. The appeal has also been discussed with legal counsel (Thomson Rogers – David Germain).

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any immediate financial implications.

However, should Council adopt staff's recommendations and pass a by-law to designate the property under Part IV, Section 29 of the *Ontario Heritage Act*, and should an objection to the by-law be received within 30 days after the date of publication of that notice, this objection would result in a hearing at the Ontario Land Tribunal which would have associated financial implications in terms of legal support.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer