



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Laura Loney, Manager of Heritage Planning

DATE: August 30, 2024

REPORT NO.: PD-2024-057

SUBJECT: Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 35 Bower Street

RECOMMENDATION:

THAT Report No. PD-2024-057 dated August 30, 2024 and titled “Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 35 Bower Street” be received;

AND FURTHER THAT Council state its intention to designate the property at 35 Bower Street, Acton, known as Clark House, legally described as “PT LTS 173 & 174, PL 227, ALSO SHOWN ON PL 1098; PT LT 262, MUP 1098, AS IN 674304; HALTON HILLS”, under Part IV, Section 29 of the Ontario Heritage Act as recommended by Heritage Halton Hills;

AND FURTHER THAT the Town Clerk proceed with serving a Notice of Intention to Designate as mandated by Section 29(3) of the Ontario Heritage Act;

AND FURTHER THAT once the 30-day objection period has expired, and if there are no objections, a designation by-law for the property at 35 Bower Street, Acton be brought forward to Council for adoption.

KEY POINTS:

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

- Staff have undertaken Research & Evaluation of the property in accordance with the Town’s Council-approved Heritage Register Prioritization Strategy to respond to changes to the *Ontario Heritage Act* through *Bill 23, More Homes, Built Faster Act, 2022*, with further amendments made through Bill 200, the *Homeowner Protection Act*,

- The subject property meets Ontario Regulation 9/06 criteria for designation under Part IV of the *Ontario Heritage Act*, and,
- Staff are recommending that Council state its intention to designate the property.

BACKGROUND AND DISCUSSION:

The subject property is located along the north side of Bower Street in the community of Acton in the Town of Halton Hills. The property contains a two-and-a-half storey brick residential building with hipped roof and stone foundation that fronts onto Bower Street. The property was listed on the Town's Heritage Register during Phase 3 of the Town's Heritage Register process (2016) and was identified as a good example of a Vernacular-style residence with restrained Queen Anne elements, and one of the three properties created by David Henderson from the Adams' farm property.

The property at 35 Bower Street, Acton has been researched and evaluated by staff at the request of the Owner and as part of the Town's Council-approved Heritage Register prioritization strategy to respond to *Bill 23, More Homes, Built Faster Act, 2022*¹.

On May 9, 2024, the current property owners were mailed a designation information package with covering letter from staff, identifying that this work was being undertaken and encouraging them to contact staff to discuss further. An additional notice was sent on June 12, 2024, advising the Owner that the Research and Evaluation Report for the subject property would be reviewed at the June meeting of Heritage Halton Hills.

Heritage Halton Hills reviewed the final Research & Evaluation Report for the property at its meeting of June 19, 2024.

Following discussion, the following motion was carried:

Recommendation No. HHH-2024-0034

THAT Heritage Halton Hills recommend Council issue a Notice of Intention to Designate for the property at 35 Bower Street for designation under the *Ontario Heritage Act*.

The property has been identified as a representative example of an Edwardian building, with connections to the Henderson, Clark, and Gould families, and contextually significant.

As described in the Research & Evaluation Report, the identified heritage attributes of the property include:

- The setback, location, and orientation of the early 20th-century residential building along Bower Street in the community of Acton in the Town of Halton Hills;

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. On June 6, 2024, Bill 200 (the Homeowner Protection Act) received Royal Assent, extending the 2-year timeline prescribed by Bill 23, giving municipalities, including the Town of Halton Hills, until January 1, 2027, to either issue a NOID for a listed property or to remove it from the Heritage Register.

- The scale, form, and massing of the two-and-a-half storey building with hipped roof with brick chimney and stone foundation;
- The materials, including the red brick exterior and architectural detailing, stone sills, and stone foundation;
- The front (southeast) elevation, including:
 - The recessed flatheaded entrance with stone lintel;
 - Flatheaded window openings with stone sills and lintels at the first and second storeys;
 - Covered painted wooden porch stretching along the entire elevation with simple squared columns;
 - The two-storey brick bay with flatheaded window openings with stone sills and lintels;
 - Above the roofline, the dormer with pyramidal roof and narrow window openings;
- The side (northeast) elevation, including:
 - Flatheaded window openings with stone sills and lintels;
 - Brick chimney extending along the first and second storeys and above the roofline; and,
- The side (southwest) elevation, including flatheaded window openings with stone sills and lintels at the first and second storeys.

Based on the identified cultural heritage value of the property, and as the property meets criteria for designation per Ontario Regulation 9/06 criteria, staff are recommending that Council designate the property under Part IV of the *Ontario Heritage Act*.

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.

FINANCIAL IMPLICATIONS:

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

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer