

## REPORT

**REPORT TO:** Chair and Members of the Planning, Public Works and Transportation Committee

**REPORT FROM:** Anne Fisher – Heritage Planner

**DATE:** May 22, 2018

**REPORT NO.:** PLS-2018-0040

**RE:** Inclusion of St. Stephen’s Anglican Church Cemetery, Steeles Avenue, Hornby to the Town of Halton Hills Heritage Register.

### RECOMMENDATION:

THAT Report PLS-2018-0040 dated May 22, 2018, regarding the inclusion of St. Stephen’s Anglican Church cemetery, Steeles Avenue to the Town of Halton Hills Heritage Register be received;

AND FURTHER THAT the inclusion of St. Stephen’s Anglican Church cemetery, Steeles Avenue to the Heritage Register be approved and the Clerk be authorized to add this property to the Heritage Register maintained by the Town, pursuant to Section 27(1.2) of the Ontario Heritage Act;

AND FURTHER THAT written notice be provided to the owner(s) of St. Stephen’s Anglican Church cemetery, Steeles Avenue that this property has been added to the Heritage Register.

### BACKGROUND:

On February 13, 2018 the Planning, Public Works and Transportation Committee considered Staff Report PLS-2018-0014 seeking to add 87 properties to the Town’s Heritage Register. At that meeting a public delegation from the St. Stephen’s Church asked that the church property not be included on the Heritage Register at that time as the actual property owner (i.e. the Anglican Diocese of Niagara) had not been notified. The Committee agreed to this request and asked staff to formally notify the owner prior to bringing back a report with respect to the addition of this property to the Heritage Register.

On February 14, 2018 staff wrote to the Synod of the Anglican Diocese of Niagara to inform them that the St. Stephen's Anglican Church cemetery was proposed for inclusion on the Town's Heritage Register. The Synod was advised to submit written comments or concerns to Town Staff and include information that would assist the Town in further evaluating the heritage value of this property. No response to this letter has been received.

#### **COMMENTS:**

The *Ontario Heritage Act* states that Council can include any undesignated property on the Town's Heritage Register provided it "*believes*" it to be "*of cultural heritage value or interest*". St. Stephen's Church cemetery was originally identified by Heritage Halton Hills for consideration for inclusion on the Heritage Register as part of the Phase 4 update program. It was reviewed by the Town's Heritage Consultant, David Cuming who recommended that it be included on the Town's Heritage Register.

The Rector for St. Stephen's Anglican Church wrote to the Town to say:

- The notification letter was sent to the rectory house and not the church;
- The notification letter should be sent to the Synod of the Anglican Diocese of Niagara as they own the property; and that,
- The Anglican Church's canon law states that the Synod's approval is required for the designation or listing of church owned properties on the Heritage Register.

He also spoke at the Planning, Public Works and Transportation Committee on February 13, 2018 asking for the property owner (the Synod of the Anglican Diocese of Niagara) to be formally notified of the proposed inclusion of this property on the Town's Heritage Register.

The *Ontario Heritage Act* only prohibits municipalities from listing or designating properties that are owned by the Crown or particular prescribed public bodies. The property of religious organizations (i.e. places of worship and cemeteries) are not on the list of prescribed bodies under this Act and as such the St. Stephen's Church and cemetery are subject to the provisions of the *Ontario Heritage Act*.

On February 14, 2018 staff wrote to the Synod of the Anglican Diocese of Niagara to inform them that the St. Stephen's Church cemetery, Steeles Avenue, Hornby was proposed for inclusion on the Town's Heritage Register. The Synod was advised to submit written comments or concerns to Town Staff and include information that would assist the Town in further evaluating the heritage value of this property. No response to this letter has been received.

The St. Stephen's Church cemetery was established in circa 1847 and includes a variety of standing stone monuments and markers. The markers include those of many early pioneering settlers from Hornby as well as that of Captain Thomas Racey who was the first Halton County Registrar and who had served with the 5<sup>th</sup> Lincoln Militia during the War of 1812 and saw action at the Battle of Lundy's Lane. The Property Information Sheet for this property is included as Schedule 1 to this report. The cemetery is of cultural heritage interest and as such it is recommended that it be added to the Town's Heritage Register.

It is noted that the St. Stephen's Church building itself is not included on the Town's Heritage Register and was not on the list of properties recommended for inclusion on the Register as part of Phase 4 of the Heritage Register.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

This report directly relates to the implementation of Strategic Direction **D: Preserve, Protect, and Promote Our Distinctive History**, the Goal to preserve the historical urban and rural character of Halton Hills through the conservation and promotion of our built heritage, cultural heritage landscapes and archaeological resources, and the following:

Strategic Objective:

D.1 To require and develop a planning framework for the conservation of significant built heritage, cultural landscapes and archaeological resources.

Strategic Action:

D.1a) Maintain, and expand as necessary, a comprehensive Heritage Register according to the Council-approved protocol.

#### **FINANCIAL IMPACT:**

None

#### **CONSULTATION:**

Staff consulted with Heritage Halton Hills in the development of the list of properties recommended to be added to the Heritage Register through Phase 4.

### **PUBLIC ENGAGEMENT:**

A Public Open House regarding Phase 4 of the Heritage Register was held at the Halton Hills Cultural Centre on Thursday September 28, 2017. The owners of all the properties proposed to be included on the Heritage Register were invited to this event. Representatives of St. Stephen's Anglican Church attended this meeting, however it is not known if representatives of the Synod of the Anglican Diocese of Niagara were present.

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report advances the Strategy's implementation.

This report supports the Cultural Vibrancy and Social Wellbeing pillars of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is: **Good**.

### **COMMUNICATIONS:**

The Synod of the Anglican Diocese of Niagara, the Rector of St. Stephen's Anglican Church and the Chairman of the St. Stephen's Anglican Church Cemetery Board will be notified of Council's decision with respect to the inclusion of St. Stephen's Church Cemetery on the Heritage Register.

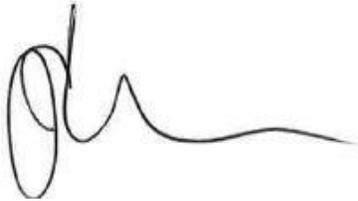
**CONCLUSION:**

Staff recommends that St. Stephen's Church Cemetery be added to the Town's Heritage Register.

Reviewed and Approved by,

A handwritten signature in cursive script that reads "Steve Burke".

**Steve Burke, Manager of Planning Policy**

A handwritten signature in cursive script that reads "John Linhardt".

**John Linhardt, Commissioner of Planning and Sustainability**

A handwritten signature in cursive script that reads "Brent Marshall".

**Brent Marshall, CAO**