



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

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

**DATE:** June 21, 2018

**REPORT NO.:** PLS-2018-0060

**RE:** Heritage Designation and Heritage Easement - Andrew Laidlaw Farmhouse at 9111 Third Line

### RECOMMENDATION:

THAT Report No. PLS-2018-0060 dated June 21, 2018 and titled "Heritage Designation and Heritage Easement – Andrew Laidlaw Farmhouse at 9111 Third Line, be received;

AND FURTHER THAT Council indicate its intention to designate the property at 9111 Third Line (Con 4, Part Lot 6), Town of Halton Hills, Regional Municipality of Halton); and known as the Andrew Laidlaw Farmhouse, under Part IV of the Ontario Heritage Act;

AND FURTHER THAT Clerks staff 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 Andrew Laidlaw Farmhouse be brought forward to Council for adoption;

AND FURTHER THAT Council agrees to enter into a Heritage Easement, under Section 37(1) of the Ontario Heritage Act, with the property owner(s) with respect to the property located at 9111 Third Line in the Town of Halton Hills.

### BACKGROUND:

The property at 9111 Third Line contains the Andrew Laidlaw Farmhouse. This is one of the oldest houses in the Scotch Block area of the former Esquesing Township and is one of the oldest brick houses in Halton Hills. It is a good representative example of vernacular Georgian/Neo-classical style of architecture and the use of both Flemish and common brick bonding demonstrates a high degree of craftsmanship in its construction. It was likely built by either Andrew Laidlaw or his son James during the mid-1850's.

The Laidlaws were one of the first pioneer settler families in the Scotch Block area and had a prominent role in the early settlement of the area. Andrew Laidlaw held the first religious service in the Scotch Block at his house in 1820 and he later donated land for (and named) the adjacent Boston Presbyterian Church. The property at 9111 Third Line remained in the ownership of descendants of three prominent Scotch Block pioneering families (Laidlaws, Joyces and Murrays) until 1927 and this house is an important physical link to the history and development of the unique Scotch Block community. As such this property is a significant heritage resource that should be conserved.

The current owner of this property does not wish to live in the Andrew Laidlaw Farmhouse. He wishes to construct a new house for his family and use the heritage house as an accessory building. In order to do this he will need to apply for a minor variance. He has been advised that Staff can only support such an application if the Andrew Laidlaw Farmhouse is conserved. The owner is therefore seeking to designate this property under the provisions of the *Ontario Heritage Act* and to enter into a Heritage Easement with the Town to ensure that the house is conserved.

## **COMMENTS:**

### Designation:

The property at 9111 Third Line contains the Andrew Laidlaw Farmhouse (see Location Plan in Schedule 1 and photographs in Schedule 2 of this report). As stated above, this brick house has design/physical, historic/associative and contextual value. It is therefore a significant heritage resource that accords with all three of the criteria for designation as contained in *Ontario Regulation 9/06*.

If Council decides to proceed with designation, a notice of intention to designate will be served on the property owner, Ontario Heritage Trust, and published in the local newspaper. Any person may object to the notice of intention to designate within 30 days of its publication. If there are no objections within the 30-day period, the designation by-law for the Andrew Laidlaw Farmhouse will be brought forward to Council for approval. If, however there are objections, they will be referred to the Conservation Review Board for a hearing. Subsequently, Council will receive a recommendation report from the Conservation Review Board for consideration, prior to making a final decision regarding designation of the property.

### Minor Variance:

The Provincial Policy Statement requires that significant heritage resources are conserved. As the Andrew Laidlaw Farmhouse is a significant heritage resource it should be conserved.

As stated above the current owner of this property wants to build a new house on the lot. He has been advised that the Andrew Laidlaw Farmhouse has to be conserved and that two houses are not permitted on a single lot. The owner therefore wishes to retain the heritage house as an accessory building and build his new house nearby. A Minor Variance would be required for this as the Andrew Laidlaw Farmhouse is considerably

larger than the maximum size permitted for accessory buildings by the Comprehensive Zoning By-law.

Staff has advised the owner that a minor variance can be supported if the Andrew Laidlaw Farmhouse will be conserved. The owner has worked closely with staff to find a way for him to meet his wishes for a new house while also complying with the requirement to conserve the Andrew Laidlaw Farmhouse. Following extensive discussions the owner is now seeking to designate the property under the provisions of the *Ontario Heritage Act* and to enter into a Heritage Easement with the Town to ensure that it is properly maintained. Once the designation by-law and Heritage Easement are in place the intention to conserve the Andrew Laidlaw house will have been demonstrated and then the owner can apply to the Committee of Adjustment for a minor variance application.

#### Heritage Easement:

Designation does not by itself ensure that significant heritage resources are conserved. The best way to do this is to ensure that they have a purpose and are used on a regular basis. Staff are concerned that, as an accessory building, the Andrew Laidlaw Farmhouse would be secondary structure on the property and there is the potential that over time it would fall into neglect. To prevent this, the owner has agreed to enter into a Heritage Easement with the Town to ensure that it is properly maintained. In this way the conservation and maintenance of the Andrew Laidlaw Farmhouse can be achieved while also fulfilling the owner's wish to construct a new house.

The Heritage Easement would include:

- A Baseline Documentation Report. This is a detailed description and photographic record of the exterior of the house.
- A Statement of Significance. This is an explanation of why the building is of heritage significance (see Schedule 3 of this report).
- A Statement of Conservation Principles. This is normally the Ministry of Tourism, Culture and Sport's "Eight Guiding Principles in the Conservation of Historic Properties."
- Obligations for the owner to:
  - Maintain the property in a sound condition (as referenced in the Baseline Documentation Report) and to prevent damage to its heritage attributes;
  - Not alter the heritage attributes without Town approval;
  - Insure the property; and
  - Allow Town Staff to inspect the property (with notice) to check compliance with the Easement.

Heritage Halton Hills support the proposed designation and heritage easement. They have not had the time to prepare a Designation Report in this instance as the owner wishes to proceed with construction as soon as possible and the upcoming municipal election means there are fewer opportunities later this year to bring forward reports to Council. Heritage Halton Hills have approved the Statement of Significance for this

property that is included as Schedule 3 to this report. If approved by Council this Statement would form the reasons for designation and would be part of the Designation By-law.

### **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 Objectives:

- D.2 To encourage the preservation and enhancement of the historical character of the Town's distinctive neighbourhoods, districts, hamlets and rural settlement areas; and,
- D.4 To use the conservation of built heritage and cultural heritage landscape resources to enhance the character and vitality of neighbourhoods, and to provide opportunities for economic development and tourism.

### **FINANCIAL IMPACT:**

If designated under Part IV of the *Ontario Heritage Act*, the property will be eligible for the Town's Heritage Property Tax Refund Program. The Town would also have to pay for a legal review and registration of the Heritage Easement.

### **CONSULTATION:**

Consultation between Heritage Halton Hills, Town staff, and the current property owner of the Andrew Laidlaw Farmhouse led to the preparation of this report.

### **PUBLIC ENGAGEMENT:**

The property owner and Heritage Halton Hills were engaged in the process leading to the preparation of this report.

### **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 pillar of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is good.

**COMMUNICATIONS:**

If Council decides to proceed with designation a notice of intention to designate will be served on the property owner, the Ontario Heritage Trust, and published in the local newspaper. Further, if Council proceeds with passing a designation by-law for the Andrew Laidlaw Farmhouse upon lapse of the 30-day objection period, a notice of designation will be served on the property owner, the Ontario Heritage Trust, and published in the local newspaper.

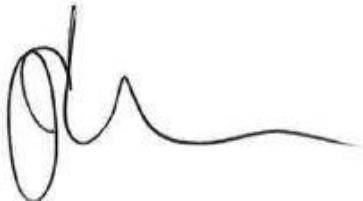
**CONCLUSION:**

It is recommended that Council indicate its intent to designate the Andrew Laidlaw Farmhouse under Part IV of the *Ontario Heritage Act* and agree for the Town to enter into a Heritage Easement with the owner of this property. By doing this the conservation of this significant heritage resource would be achieved.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Steve Burke". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Burke".

Steve Burke, Manager of Planning Policy

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is very stylized and cursive, with the first letter "J" being particularly large and looping. The rest of the name is written in a more compact, flowing script.

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is cursive and somewhat stylized, with the first name "Brent" written in a larger, more prominent script than the last name "Marshall".

Brent Marshall, CAO