

## Staff Report 2024-0222

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Meeting Date: May 6, 2024

Subject: Notice of Intention to Designate - 12461 McLaughlin Road, Ward 2

Submitted By: Cassandra Jasinski, Heritage Planner; Sally Drummond, Senior Heritage Planner; Rob Hughes, Senior Planner, Strategic Policy Planning

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### RECOMMENDATION

That a Notice of Intention to Designate the property at 12461 McLaughlin Road under Part IV, Section 29 of the *Ontario Heritage Act* be issued;

That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 12461 McLaughlin Road pursuant to the *Ontario Heritage Act*;

That if there are any objections in accordance with the provisions of the *Ontario Heritage Act*, the matter return to Council for further consideration; and,

That Staff be authorized and directed to do all things necessary to give effect to this recommendation.

### REPORT HIGHLIGHTS

- The rural property at 12461 McLaughlin Road (“the Property”) is listed as a non-designated property on the Town of Caledon’s Heritage Register. It contains a c.1890s two-storey brick farmhouse.
- The Property falls within lands subject to Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment applications filed by the owner (Shanontown Development Inc.).
- A Notice of Intention to Designate the Property under Part IV Section 29 of the *Ontario Heritage Act* (the “Act”) was published in June 2018, to which no objections were received.
- In light of amendments to the Act in 2021 resulting from Bill 108, the Town is required to restart the designation process.
- Heritage Staff have reviewed the cultural heritage value of the Property and confirmed that it meets the current criteria for designation under *Ontario Regulation 9/06*.
- Heritage Staff recommend that Council reissue a Notice of Intention to Designate for the Property at 12461 McLaughlin Road under Section 29 of the Act.

- The owner of the Property is aware of the proposed heritage designation. They had expressed no concerns previously and no comment has been received regarding the proposed reissuance of the Notice of Intention to Designate.
- This report serves as consultation with Heritage Caledon as required by Section 29(2) of the Act.

## **DISCUSSION**

### ***Current Heritage Status – 12461 McLaughlin Road (Giffen Farmhouse)***

The Property, known municipally as 12461 McLaughlin Road, is located on the east side of McLaughlin Road, approximately 1.4 kilometers north of Mayfield Road (Schedule A).

Under Section 27(3) of the Act, Council may list non-designated properties that it believes to be of cultural heritage value or interest on the municipal Heritage Register. Council listed the Property by means of Council resolution 2010-475. 12461 McLaughlin Road is a 65.6 acre property with an intact, two-storey late 19<sup>th</sup> century brick farmhouse.

The evaluation process for 'listing' purposes was preliminary in nature. The cultural heritage value of a property may be evaluated in greater depth in response to a proposed development or demolition/removal application.

### ***Bill 23 Implications for the Conservation of Properties “listed” on Municipal Heritage Registers***

Introduced by the Province on October 25, 2022, Bill 23, the *More Homes Built Faster Act*, included a wide range of changes to the *Ontario Heritage Act*, most of which came into force and effect on January 1, 2023. Changes to the Act included a two-year time limit for listed, non-designated properties to remain on the Heritage Register and automatic removal of all currently listed properties on January 1, 2025, unless the designation process for a property has been started.

Properties removed from the Heritage Register cannot be “re-listed” for five years. Further, municipalities will not be permitted to designate a property through certain types of development processes (Official Plan amendment, Zoning By-Law amendment and/or Draft Plan of Subdivision) unless it is already listed on the municipal Heritage Register. As such, the Town will have no ability to deny a demolition request for a property removed from the Heritage Register on January 1, 2025, or to designate a property that is not listed at the time a Notice of Complete application is issued for the types of *Planning Act* applications noted above.

### ***Background - Development Applications & Previous Heritage Caledon Consideration***

The Property is located within the Mayfield West Phase 2, Stage 1 Secondary Plan area, portions of which have recently been developed for urban residential uses.

The owner of the Property filed Draft Plan of Subdivision (21T-17008C) and Zoning By-law Amendment (RZ 2017-0013) applications with the Town, along with an associated Official Plan Amendment application (POPA 2024-0001), to advance development of the southern portion of the Property for urban uses of varying densities (identified as Stage 1).

The remainder of the Property, which includes the heritage resource, is intended to be developed as Stage 2, for which zoning is in place as part of a previously issued Minister's Zoning Order (Ontario Regulation 362/20). A subsequent Draft Plan of Subdivision application will be required to advance development of the Stage 2 lands.

The Property was identified as a heritage resource in the 2008 *Cultural Heritage Landscapes Assessment & Built Heritage Resources Assessment* prepared for the Mayfield West Phase 2 planning area. The Property was subsequently listed on the Town's Heritage Register in 2010. In 2017, a Cultural Heritage Impact Statement ("CHIS") assessing the cultural heritage value of the Property was submitted as a requirement of the above referenced Draft Plan of Subdivision application.

The CHIS recommended heritage designation of the farmhouse and identified other protection measures, including a Protection Plan and Heritage Easement Agreement, to be implemented as conditions of draft plan approval during Stages 1 and 2 of the plan of subdivision approval process. Heritage Staff prepared a Heritage Designation Report based on the CHIS (Schedule B).

On May 14, 2018, Heritage Caledon considered the Heritage Designation Report and recommended that a Notice of Intention to Designate be prepared for the Property, in conjunction with a reference plan to identify the parcel to be designated (Schedule B). Council subsequently approved the recommendation on June 5, 2018, and the Notice of Intention to Designate was published in the local newspaper on June 7, 2018. No objections were received during the subsequent mandatory 30-day public objection period.

In July 2021, Bill 108 introduced changes to the timelines of the Act, including a deadline of June 30, 2022, for the passing of designating by-laws associated with outstanding Notices of Intention to Designate. After this date, the Notice would be deemed withdrawn and any designation subject to the amended Act.

As the designating by-law for the Property was not brought before Council prior to the June 30, 2022, deadline, the Town is now required to reinstate the designation process. Staff have noted that the heritage resource is no longer fully secured from the elements

and requires maintenance. Staff have raised this matter with the applicant and requested that it be addressed in an expeditious manner. Designation will provide Heritage Staff with additional measures to ensure the Property is maintained until Stage 2 of the development moves forward.

### ***Designation Process***

The Act enables municipalities to pass by-laws to designate properties of cultural heritage value or interest. Designation of individual properties under Section 29 of the Act is a way of publicly acknowledging a property's value to a community and ensures the conservation of important places for the benefit and enjoyment of present and future generations. It also allows municipalities to conserve and manage properties through the Heritage Permit process enabled under Sections 33 (alterations) and 34 (demolition or removal) of the Act.

In determining whether a property is of cultural heritage value or interest, the municipality is required to evaluate the property against *Ontario Regulation 9/06 "Criteria for Determining Cultural Heritage Value or Interest*, prescribed under Section 29(1)(a) of the Act. A property may be designated if it meets two or more of the following criteria:

1. The 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.
2. The property has *design value* or *physical value* because it displays a high degree of craftsmanship or artistic merit.
3. The property has *design value* or *physical value* because it demonstrates a high degree of technical or scientific achievement.
4. The property has *historical value* or *associative value* because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has *historical value* or *associative value* because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has *historical value* or *associative value* because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has *contextual value* because it is important in defining, maintaining or supporting the character of an area.
8. The property has *contextual value* because it is physically, functionally, visually or historically linked to its surroundings, or
9. The property has *contextual value* because it is a landmark.

Assessment of a property against the above criteria commonly takes the form of a heritage designation report or Heritage Impact Assessment report, where provided as part of a development application.

Designating a property under Part IV, Section 29 of the Act requires Council to issue a Notice of Intention to Designate (the “Notice”), which is served on the owner and the Ontario Heritage Trust and published in a local newspaper. As prescribed by the Act, the Notice served on the owner and the Ontario Heritage Trust include a brief description of the property and a Statement of Cultural Heritage Value or Interest; an abbreviated version of the Notice is published in the local newspapers.

The Statements of Cultural Heritage Value or Interest must include an explanation of the cultural heritage value or interest of the property and a description of the heritage attributes that embody this significance. This provides clarity to both the Town and the property owner as to which elements of the property should be conserved. Note that designation does not prevent future alterations to a property, but rather provides a guide to determine if alterations would adversely impact the heritage significance of the property.

### ***Heritage Evaluations of 12461 McLaughlin Road***

Further to Bill 23’s changes to the Act, a property must now meet a minimum of two criteria under *Ontario Regulation 9/06* to merit designation.

Heritage Staff have reviewed the CHIS and reconfirmed that the Property meets five criteria (Criteria No. 1, 2, 4, 7 and 8), thereby meriting designation (Schedule C).

Heritage Staff recommend that a Notice Intention to Designate be reissued so that the Property can be protected and maintained in advance of the future draft plan of subdivision application for Stage 2.

### **12461 McLaughlin Road - The Giffen Farmhouse**

#### ***Statement of Cultural Heritage Value or Interest***

The property at 12461 McLaughlin Road in the former Chinguacousy Township (west half of Lot 20, Concession 1 WHS) was first owned in 1831 by the Canada Company, an English land development company granted large tracts of land in southwestern Ontario. In 1836, the Canada Company sold the property to Joshua Kelly, who had been leasing the land from the Canada Company. In the 1850s, Kelly built a one and one-half storey brick dwelling on the north part of the lot. He sold the property to James Giffen in 1873, who had also acquired the 50 acres immediately south of the Kelly farm (north-west quarter of Lot 19, Concession 1 WHS) in 1854.

James Giffen, who grew up on a farm on the east half of the first concession north of Snelgrove (originally called Edmonton), farmed the property and lived in a wood house until a new brick farmhouse was constructed, likely in the early 1890s. By 1901, Giffen was leasing the land, having retired to Brampton. In 1908, Giffen sold the farm to George Hogg, who owned the farm immediately to the north. Eventually Hogg's son, John Ernest, took up residence on the property and acquired it in 1922. His family continued to reside on and farm the property until it was sold to the Ben-Ted Construction Company in 1973.

The 1891 Census of Canada shows that James Giffen was living in an earlier brick one and on-half storey house on the property. The 1901 Census appears to show that the James Giffen farmhouse had been constructed, but it was being leased to either William Lonsdell or Robert Hall. Discussions with a Mrs. Gibson in 1933, indicate that the James Giffen house was constructed in the early 1890s. Based on the design of the house and interior detailing, it is likely that the Giffen Farmhouse was constructed between 1891 and 1895.

James Giffen was a member of a prominent pioneer family in the area and successfully farmed the property for the later quarter of the nineteenth century.

The Giffen Farmhouse is a well-crafted two storey, hip roofed house form building clad in a red brick veneer. A one storey brick wing, attached to the north side of the building, has a gable roof. The building is distinguished by its southern entrance opening, which contains a centre door, segmental arched transom, side lights and box paneling, by its use of terra cotta in banding around the three elevations visible to the street and in the filigreed tiles in the second storey of the west elevation and by the narrow projecting brick hoods over almost all window and door openings. Other notable features on the exterior of this structure include almost all opening having segmental arches with radiating brick voussoirs, the two over two original window sashes, the projecting eaves and the coursed, squared rubble stone foundation with a rock faced finish. The building displays a high degree of heritage integrity on the exterior, retaining most of its original features.

Contextually, the Giffen Farmhouse is historically, physically and visually linked to its setting on the east side of McLaughlin Road where it is a visual reminder of the agricultural origins of the area.

### ***Description of Heritage Attributes***

*Heritage attributes that convey the property's design value and physical value as a unique vernacular interpretation of a number of styles:*

- The two storey dwelling, including the one storey kitchen wing;

- The scale, form and massing of the rectangular plan with its one storey kitchen wing on the north elevation;
- The coursed squared rubble stone foundation with its rock faced finish;
- The red brick cladding, with wood lug window sills, brick ears on the window openings and radiating brick voussoirs over the segmental arches over all openings except the door opening on the west elevation of the kitchen wing which has a flat arch;
- The hip roof of the main structure with its the projecting eaves, moulded frieze and quarter round;
- The asymmetrical organization of all facades;
- All window openings, except the window on the north elevation of the kitchen wing, window frames and sashes, including the two over two glazing in almost all windows together with the glazing of the windows on the east elevation;
- The entrance opening on the south elevation, including frame, door, side light and shaped transom;
- The entrance opening on the west elevation;
- The interior window openings and their casings;

*Heritage attributes that convey the property's contextual value in defining, maintaining and supporting the character of the area, and linking it physically, visually and historically to its surroundings:*

- The two storey dwelling
- Scale, form and massing of the dwelling's rectangular plan with its one storey kitchen wing on the north elevation

*Attributes of the property that are not considered to be of cultural heritage value or interest, or are otherwise not included in the Statement of Significance:*

- Building interior

***Recommendation to Issue Notice of Intention to Designate***

Heritage Staff recommend that Council issue a Notice of Intention to Designate for 12461 McLaughlin Road, the Giffen Farmhouse, under Part IV, Section 29 of the Act.

As the Giffen Farmhouse is the only historic structure remaining of the former farmstead, the designation by-law would only apply to an identified area around the farmhouse, sized to provide it with an appropriate contextual buffer. The CHIS suggested that, in the absence of a plan for the Stage 2 area of the Property, the designated parcel extend approximately 20 metres beyond the walls of the Giffen Farmhouse. The drafting of a

reference plan identifying the parcel to be designated will be required prior to enactment of the designating by-law.

This report serves as consultation with Heritage Caledon as required by the OHA before Council issues notice of its intention to designate a property.

***Provisions for Public Objection During the Designation Process***

The Act includes a mandatory 30-day public objection period following publication of the Notice of Intention to Designate. Should no objections be received during this period, Council may pass a by-law designating the Property. If objections are received, the matter is referred back to Council for a decision to either withdraw the Notice of Intention to Designate or proceed with the designation bylaw.

Amendments to the Act proclaimed July 1, 2021, require that the designating by-law be passed within 120 days of the publication of the Notice of Intention to Designate, and further that a mandatory 30-day public appeal period follow public notice of the passing of the designating by-law. If an appeal to the designating by-law is received, the matter is referred to the Ontario Land Tribunal. Should no appeals of the by-law be received, the by-law will be registered on title to the Property.

**FINANCIAL IMPLICATIONS**

If Council proceeds with designating the Property, the Notice of Intention to Designate and the subsequent Notice of Passing of By-law will be advertised in local newspapers and on the Town website.

Costs associated with preparation of a reference plan denoting the parcel to be designated will be funded by Strategic Policy Planning’s heritage designation studies budget.

The advertising costs will be funded under the Corporate Services’ advertising operating budget. Costs associated with the registration of the designation by-law will be funded by Corporate Services’ legal operating budget.

If a designation by-law is registered on the title of the Property, the owner will be eligible to apply for the annual Designated Heritage Property Grant (DHPG) program, which offers matching grants of up to \$6,000 for General Conservation projects and up to \$15,000 for Priority Stream projects subject to available funding.

**COUNCIL WORK PLAN**

**Strategic Plan 2023-2035**



## **Staff Report 2024-0222**

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This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Community Vitality and Livability

### **ATTACHMENTS**

Schedule A: Location Map/Aerial Map for 12461 McLaughlin Road, Ward 2

Schedule B: Heritage Designation Report, May 14, 2018 - 12461 McLaughlin Road, Ward 2

Schedule C: Ontario Regulation 9/06 Evaluation of 12461 McLaughlin