

Staff Report 2024-0229

Meeting Date: May 14, 2024

Subject: Objection to Notice of Intention to Designate 16054 and 16060 Airport Road

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

RECOMMENDATION

That the written objection to designation under the *Ontario Heritage Act* as submitted on behalf of the property owner of 16054 Airport Road and 16060 Airport Road be received as information;

That Council affirm its intention to designate 16054 Airport Road and 16060 Airport Road under Part IV, Section 29 of the *Ontario Heritage Act* in recognition of their cultural heritage significance;

That Council proceed with passing the designating by-laws for 16054 Airport Road and 16060 Airport Road under Section 29 of the *Ontario Heritage Act*; and,

That Staff be authorized and directed to do all things necessary to give effect to this resolution as per the requirements of the *Ontario Heritage Act*.

REPORT HIGHLIGHTS

- A letter of objection was received for the properties at 16054 and 16060 Airport Road for which Council has stated its intention to designate under Section 29 of the *Ontario Heritage Act* (the “Act”).
- Council must consider the objection and decide whether or not to withdraw the Notices of Intention to Designate (the “Notices”) for these properties.
- If the Notices are not withdrawn, Council may pass by-laws designating the properties pursuant to the timelines of the Act.
- Heritage Staff recommend that Council not withdraw the Notices and proceed with passing the heritage designation by-laws for 16054 Airport Road and 16060 Airport Road.

DISCUSSION

Background

The properties at 16054 and 16060 Airport Road comprise some of the lands for which an Official Plan Amendment, Zoning By-law Amendment and Site Plan Application have been submitted for their redevelopment. The owner has appealed these applications to the Ontario Land Tribunal (“OLT”) due to the Town’s failure to make a decision within the prescribed timelines of the *Planning Act*.

Notice of Council's Intention to Designate has been provided to the Property Owner

On February 27, 2024, Council stated its intention to designate the properties at 16054 Airport Road and 16060 Airport Road under Part IV, Section 29 of the *Ontario Heritage Act* (the "Act"). In accordance with the Act, Notices of Intention to Designate were provided to the property owner and the Ontario Heritage Trust and published in the *Caledon Citizen*. The 30-day public objection period following publication ended April 6, 2024.

On March 26, 2024, the Town Clerk received a letter of objection to the two Notices on behalf of the property owner (Schedule A).

Under the Act:

- Council must consider the objection and decide whether or not to withdraw the Notices within 90 days from the end of the objection period, which is July 5, 2024.
- Council may withdraw the Notices by causing a notice of withdrawal to be served on the property owner, the person who objected and the Ontario Heritage Trust, and published in a local newspaper.
- If Council decides not to withdraw the Notices, it may pass by-laws designating the properties within 120 days of the date of publication of the Notices, which is July 5, 2024. Should Council not act within this timeframe, the Notices of Intention to Designate will be deemed to be withdrawn.
- Notice of the passing of the by-laws must be published in a local newspaper and served on the property owner and the Ontario Heritage Trust.
- Publication of the by-laws triggers a 30-day public appeal period. Any person who objects to the designation by-laws may appeal to the OLT within 30 days of the date of publication of the by-laws. Should an objection be received, an OLT hearing date will be set to examine the merits of the objection and provide a final decision. Should no appeal be received within the 30-day period, the designation by-laws come into force.

Properties are assessed using Provincial Designation Criteria

Ontario Regulation 9/06 ("O. Reg. 9/06") prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. The regulation provides an objective base for the determination and evaluation of resources of cultural heritage value. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets two or more of the prescribed 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.

The draft designation by-laws for 16054 Airport Road and 16060 Airport Road are provided in Schedule B.

Objections:

Heritage Staff have considered the property owner's reasons for objection and continue to support the designation of the properties at 16054 Airport Road and 16060 Airport Road

Davies Howe LLP submitted a letter of objection on behalf of the property owner of the above-referenced properties (Schedule C). Below are excerpts from the letter that describe the property owner's concerns regarding designation, followed by a response from Heritage Staff:

1. *The heritage attributes, as listed in the Statements of Cultural Heritage Value or Interest, are written in a such a way that they preclude any alterations to the properties.*

Staff Response

The purpose of designation is not to freeze a heritage property in time. Rather, it provides a framework to manage change while conserving the significant attributes from which a property derives its heritage value. While designation precludes demolition, it does not prevent alteration or the construction of an addition provided that it is complementary in design to the heritage building. Alterations/additions to designated properties are managed through the heritage permit application process. Major heritage permits for

significant changes to a property require Council approval (e.g. relocation; demolition; construction of a new building; additions to commercial buildings visible from the public realm). Approval authority for minor heritage permits for changes that have a positive or neutral impact on the property has been delegated to the Chief Planner. Note that in the instance of these two properties, designation places no restrictions on the ability of the property owner to make interior modifications.

- 2. Additionally, a proper comparative analysis to other properties has not been adequately undertaken by the Town staff to assess the rarity of the design and materials of these particular buildings in comparison to others within the community and Town.*

Staff Response

Heritage Staff maintain that the buildings on both properties retain design/physical value as set out in the heritage designation reports. Research conducted by Heritage Staff indicates that the c. 1857 dwelling at 16054 Airport Road is the oldest extant dwelling fronting on Airport Road within the village. While the c.1907 dwelling at 16060 Airport Road is constructed of materials that became widely available in the early 20th century, its design is unique in Caledon East, representative of a local vernacular adaptation of the American Four-Square style.

- 3. The significance of the persons directly associated with the properties has also not been adequately addressed in the evaluation.*

Staff Response

Extensive archival research was undertaken in the preparation of Heritage Designation Reports for these properties. Through this research, Heritage Staff identified the significance of the owners of both properties as well as the builders of the house at 16060 Airport Road within the economic and social life of the village and the surrounding community. Heritage Staff stand behind the research and report recommendations.

- 4. The landscape of the surrounding areas would make it inefficient to designate the two properties. The two properties are located on Airport Road, which is a busy street with a high volume of vehicular traffic, travelling at higher speeds than what is posted for this stretch of road, that would not allow for the two buildings on the properties to be seen or appreciated.*

Staff Response

There are already four designated properties on Airport Road within the village boundaries, all in proximity to 16054 Airport Road and 16060 Airport Road. Implementation of the Town's recently approved Caledon East Streetscape and Urban

Design report and the Region of Peel's proposed road improvements in the core of Caledon will provide additional traffic-calming measures.

5. *We also submit that the small one-storey building currently located on 16054 Airport Road is not suitable for being a home or used as a business by today's standards. Therefore, the designation of this property would lead to the underutilization of these lands.*

Staff Response

Designation does not restrict the use of a property, nor preclude construction of additions. Policies pertaining to the adaptive re-use of heritage buildings and their potential relocation are addressed in the Town's Official Plan.

6. *The building on 16054 Airport Road has not retained sufficient features of the neoclassical architectural style to be interpreted as such. We submit that the character of the building has already changed significantly from what it was originally and no longer holds the heritage value noted in the Staff Report.*

Staff Response

Heritage Staff remain of the opinion that the key architectural elements of the dwelling at 16054 Airport Road continue to make the building legible as a Neoclassical dwelling. Alterations to the building's exterior cladding are reversible and do not negate the heritage value of the property.

7. *The building on 16060 Airport Road does not meet the criteria noted in the Staff Report. It is notable that the building has additions from prior to and post 1978, some of which covers up what was once elements of the original design and the character of the building... Additionally, analysis has not been provided to clearly demonstrate that 16060 Airport Road demonstrates or reflects the work or ideas of White & Proctor.*

Staff Response

All alterations made to the building at 16060 Airport Road are reversible, especially as documentary evidence exists to support the restoration of the building, and do not detract from its heritage value. Early 20th century local newspaper accounts clearly document the dwelling at 16060 Airport Road as having been constructed by the prominent Caledon East construction firm of White & Proctor.

8. *The timing of the intent to designate these properties now, leads us to believe that the designation is motivated by a desire to stop re-development and not for authentic heritage reasons. It is notable that none of the concerns in the Staff*

Staff Report 2024-0229

Report and Notice Of Intention to Designate were raised in the initial staff comments.

Staff Response

Through the development application review process, successive Heritage Staff have attempted to work with the property owner regarding the potential for adaptive re-use of the historic dwellings on both 16054 Airport Road and 16060 Airport Road. The owner's most recent submission of the planning applications, prior to the appeal of the application to the OLT, reiterated the intention to demolish the dwellings on both properties. Heritage Staff's recommendation that Council pursue designation of the two properties is in response to the threat of demolition.

FINANCIAL IMPLICATIONS

The property owner has advised the Town that it intends to appeal the designation of 16054 Airport Road and 16060 Airport Road to the OLT as part of their appeal of the Town's failure to make a decision regarding the development applications related to these properties. The appeal will incur costs associated with retention of external legal services and planning consultants.

COUNCIL WORK PLAN

Strategic Plan 2023-2035

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

Community Vitality and Livability

Details about Caledon's 2023-2035 Strategic Plan can be found at caledon.ca/strategicplan.

ATTACHMENTS

Schedule A: Location map of 16054 Airport Road and 16060 Airport Road

Schedule B: Draft Designation By-laws for 16054 Airport Road and 16060 Airport Road

Schedule C: Letter of Objection