

London Advisory Committee on Heritage

Report

The 4th Meeting of the London Advisory Committee on Heritage
March 13, 2019
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, J. Cushing, H. Elmslie, H. Garrett, S. Gibson, J. Manness and K. Waud and J. Bunn (Secretary)

ABSENT: D. Brock, T. Jenkins and M. Whalley

ALSO PRESENT: R. Armistead, J. Dent, L. Dent, K. Gonyou, K. Gowan, M. Pease, M. Tomazincic

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that H. Garrett disclosed a pecuniary interest in clause 2.2 of this report, having to do with a Heritage Alteration Permit Application for the property located at 195 Dundas Street in the Downtown Heritage Conservation District, by indicating that her employer is the agent on the file.

2. Scheduled Items

2.1 Hear Here Project

That it BE NOTED that a presentation from Dr. M. Hamilton and M. Tovey with respect to and update on the Hear Here Project, was received.

2.2 Heritage Alteration Permit Application – 195 Dundas Street – Downtown Heritage Conservation District

That the Civic Administration BE REQUESTED to bring the Heritage Alteration Permit application, with respect to the property located at 195 Dundas Street, to a future meeting of the London Advisory Committee on Heritage (LACH) and include a Heritage Impact Statement and factual drawings of existing and new building streetscape elevations from Dundas Street, for the LACH to review; it being noted that the attached presentation from M. Tomazincic, Manager - Current Planning and M. Pease, Manager, Development Planning, and a verbal delegation from G. Priamo, Zelinka Priamo Ltd., were received with respect to this matter.

2.3 Request to Repeal Heritage Designating By-law No. L.S.P.-3227-417 for the Property Located at 429 William Street

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to a request to repeal heritage designating By-law No. L.S.P.-3227-417, for the property located at 429 William Street, by David and Martine Fuller:

a) the request to repeal the heritage designating by-law No. L.S.P.-3227-417, for the property located at 429 William Street BE REFUSED; and,

- b) notice of the decision in part a), above, BE GIVEN to the property owners and to the Ontario Heritage Trust;
it being noted that the attached presentation from K. Gowan, Heritage Planner, was received with respect to this matter.

3. Consent

3.1 3rd Report of the London Advisory Committee on Heritage

That the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on February 13, 2019, BE AMENDED in clause 3.4 by removing the words "K. Killen, Senior Planner BE ADVISED that" and by capitalizing the words "be added" in part a) of the clause.

3.2 Municipal Council Resolution - 3rd Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on March 5, 2019, with respect to the 3rd Report of the London Advisory Committee on Heritage, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 4680 Wellington Road South

That it BE NOTED that the Notice of Planning Application, dated February 27, 2019, from M. Sundercock, Planner I, with respect to a zoning by-law amendment for the property located at 4680 Wellington Road South, was received.

3.4 By-law Monitoring and Modernization and Property Standards By-law

That the staff report dated February 20, 2019, from G. Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official, and the property standards by-law, as appended to the agenda, BE REFERRED to the Planning and Policy Sub-Committee for review.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on February 27, 2019:

- a) the London Advisory Committee on Heritage recommends that the property located at 982 Princess Avenue (Orange Crush Bottling Building) BE ADDED to the Register (Inventory of Heritage Resources), with the following description of the property:

982 Princess Avenue

The Orange Crush Bottling Building (built 1923) is a structure of sharply limited historical interest, but significant architectural charms. The building was constructed with a single storey factory floor stretching through the block from Princess Avenue to Elias Street, while a brick, two-storey office block was constructed facing Princess Avenue. The arcade of five brick arches and the slight setback from the street enliven an otherwise residential stretch of Princess Avenue, while at the same time respecting its residential neighbours. The chimney attached to the structure is also of interest; and,

b) the remainder of the above-noted Stewardship Sub-Committee report, BE RECEIVED.

5. Items for Discussion

5.1 Demolition Request for Heritage Listed Property at 1588 Clarke Road

That the following actions be taken with respect to a request for the demolition of the barn on the heritage listed property located at 1588 Clarke Road:

- a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the barn on the above-noted property; and,
- b) the house located on the above-noted property BE REFERRED to the Stewardship Sub-Committee to conduct research into a possible association with the Underground Railroad;

it being noted that the attached presentation from L. Dent, Heritage planner, was received with respect to this matter.

5.2 Heritage Alteration Permit Application by the City of London with respect to Pocket Parks, Bishop Hellmuth Heritage Conservation District

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act to construct two pocket parks within the Bishop Hellmuth Heritage Conservation District BE PERMITTED, as submitted in the drawings appended to the staff report dated March 13, 2019, with the terms and conditions that commercial advertisement within the pocket parks be prohibited; it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

5.3 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent and K. Gowan, Heritage Planners, with respect to various updates and events, was received.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 7:35 PM.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: Paul Yeoman
Director, Development Services
Subject: Heritage Alteration Permit Application
195 Dundas Street
Downtown Heritage Conservation District
By: Danforth (London) Limited
Meeting on: Wednesday March 13, 2019

Recommendation

That, on the recommendation of the Director of Development Services, the application made under Section 42 of the *Ontario Heritage Act* to construct a new apartment building and associated site development on the property located at 195 Dundas Street, within the Downtown Heritage Conservation District, **BE PERMITTED** as proposed in the drawings attached as Appendix C, subject to the following terms and conditions:

- (a) The Manager of Development Planning be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit; and,
- (b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

Summary of Request

Development Planning staff is seeking approval from Municipal Council for a Heritage Alteration Permit to allow the construction of a new building and associated site development on the property located at 195 Dundas Street, within the Downtown Heritage Conservation District (*DNTN-HCD*), in accordance with Section 42 of the *Ontario Heritage Act*.

Purpose and the Effect of Recommended Action

195 Dundas Street is located within a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*. In accordance with Section 42(2.1) of the *Ontario Heritage Act*, a heritage alteration permit is required for the alteration of any part of the property and for the erection or demolition of any structures or buildings on the property. The purpose and effect of the recommended action is to permit the construction of a new building and associated site development at 195 Dundas Street. Terms and conditions are attached to ensure compatibility with the Downtown Heritage Conservation District. The applicant cannot obtain a Building Permit from the Chief Building Official under the Building Code Act without an approved Heritage Alteration Permit.

Rationale of Recommended Action

The proposed new building and associated site development demonstrates that heritage attributes of the Downtown Heritage Conservation District will be conserved, and sufficiently complies with the policies and guidelines of the *Downtown Heritage Conservation District Plan*; its construction should be permitted with terms and conditions.

Analysis

1.0 Background

1.1 Property Location

The property at 195 Dundas Street is located on the northwest corner of King and Clarence Streets, with a portion extending mid-block through to Dundas between 189 and 197 Dundas Street. The subject property is irregular in shape and has frontage along King and Clarence Streets, and approximately 15.24 meters (50'-0 feet) along Dundas Street. The total area of the property is approximately 0.66 hectares (1.62 acres) (Appendix A – Figure 1).

1.2 Cultural Heritage Status

The property at 195 Dundas Street is located within the Downtown Heritage Conservation District (DNTN–HCD), which was designated under Part V of the *Ontario Heritage Act (OHA)* on June 27, 2013. The property is identified as a vacant lot in the *Downtown Heritage Conservation District Plan (DNTN – HCD Plan)* and classified as ‘infill’ (I) situated within a ‘commercial’ landscape pattern (ii). Infill properties are defined as:

sites with no identifiable heritage characteristics but their location as part of the streetscape and/or proximity to other heritage structures deems them integral to the District; they are subject to guidelines in Section 6.1.4 – New Construction (*DNTN – HCD Plan*, Appendix).

Further, a commercial landscape pattern is defined in the *DNTN–HCD Plan* by: the development of lots built out to the front and side lot lines thereby creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level (*DNTN – HCD Plan*, Appendix).

1.3 Description

Currently, the property is used as a public parking lot and there are no structures or features that exist on the property. An access easement is provided along the westerly property line adjacent 189 Dundas Street providing vehicular access to the rear parking area of certain properties along Dundas Street. A painted mural covers the exterior wall at 197 Dundas Street and is a memorial to a local artist (Appendix B). Properties adjacent to 195 Dundas Street are typically mid-rise (3-4 storey high buildings) with an eclectic mixture of styling with ground floor commercial/office and residential upper floors. Adjacent properties are designated under Part V of the *Ontario Heritage Act (OHA)* as part of the DNTN – HCD. To the east of 195 Dundas Street is Citi Plaza, immediately to the west is the King’s Inn, and to the south is a vacant lot used for public parking. Nearly half of the adjacent properties date from c1880-1900, and most retain historical significance and importance to the streetscape; nearly half have landmark significance.

195 Dundas Street has been the location of several different buildings of varying uses on the property including a cigar factory, hotel, fire hall, furniture manufacture and printing office. Subsequent to its demolition in the 1970s, the London Advertiser newspaper fronted Dundas Street at 191-195.

Currently, Dundas Street is being transformed into a ‘flex street’ and the 195 Dundas Street property is adjacent to this initiative known as Dundas Place. Dundas Place is intended to offer a multitude of experiences along its length (from Wellington to Ridout Streets) and aims to be as flexible as possible for all users; a space shared by pedestrians, cyclists and motorists. Both fixed (built-in) and flexible (movable) elements are integrated into an activated streetscape within London’s downtown heritage district.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement (2014)

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2014)* (*PPS*) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (2.6.1).

'Significant' is defined in the PPS as:

"in regards to cultural heritage and archaeology, "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people (p49)."

Further, 'conserved' means:

"the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act (p40)."

It is recognized that the heritage conservation policies are not intended to be read in isolation of the rest of the PPS policies. The PPS explicitly states:

"The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together (p2)."

The promotion of built form that is well designed, and encourages a sense of place is also a matter of provincial interest (Section 2.r, *Planning Act*). The *Provincial Policy Statement* (2014) (PPS) promotes the building strong, healthy communities and provides the following policies for "creating healthy, liveable and safe communities" (1.1.1):

- a. *"promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;"*
- b. *"accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons.... to meet long-term needs; and"*
- e. *"promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (p6)."'*

Lastly, policy 1.7.1.c) of the PPS directs municipal councils to support long-term economic prosperity by, *"maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets"*

Pertinent to this report and to ensure the proposed development is consistent with the PPS, it is important to note that 'to conserve' may be achieved through mitigative measures related to heritage attributes and their context, or through alternative development approaches aimed at lessening potential impacts (p40).

Various mitigative methods are identified in the *Ontario Heritage Tool Kit*, to minimize or avoid a negative impact on a cultural heritage resource (p4). These methods include (but are not limited to):

- Alternative development approaches;
- Isolating development and site alteration from significant built and natural features and vistas;
- Harmonizing massing, setback, setting and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;
- Reversible alteration; and,
- Buffer zones, site plan control and other planning mechanisms.

2.2 Ontario Heritage Act

In requests for the erection of a building located on a property within a Heritage Conservation District, the *Ontario Heritage Act (OHA)* enables municipalities to give the applicant:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached (Section 42(4), OHA).

Municipal Council must respond within 90 days after a request for a Heritage Alteration Permit application (Section 42(4), OHA). A permit (Heritage Alteration Permit) is required to make alterations to a property within a Heritage Conservation District.

2.3 Official Plan/The London Plan

Consistent with the *Provincial Policy Statement (PPS)* and *Ontario Heritage Act (OHA)*, both the *Official Plan* (OP 1989 as amended) and *The London Plan* (Minister approved 2016-06-23; consolidated 2018-08-27) state that alteration, erection, demolition, or removal of properties located within a Heritage Conservation District are subject to the provisions of Part V of the *OHA* (OP, 13.2; *London Plan*, 597).

Chapter 13 of the *OP* entitled ‘Heritage’, includes objectives which support the “protection, enhancement, restoration, maintenance, and utilization of buildings, structures, areas, or sites within London which are considered to be of cultural heritage value or interest to the community” (Section 13.1.i, *OP*). Policies of the *OP* are to “[e]ncourage new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources.” Section 13.3.6 of the *OP*, speaks generally to Heritage Conservation Districts and states that “the design of new development, either as infilling or as additions to existing buildings, should complement the prevailing character of the area” (ii), and that “[r]egard shall be had at all times to the guidelines and intent of the Heritage Conservation District Plan” (iii). *The London Plan* further states that new development and public works will be undertaken to enhance and be sensitive to the City’s cultural heritage resources (554_3).

2.4 Strategic Plan for the City of London 2015-2019

The *Strategic Plan for the City of London 2015-2019* identifies heritage conservation as an integral part of “Building a Sustainable City.” Urban regeneration is identified as a pillar of “Growing our Economy” in the *Strategic Plan*. This strategy supports investment in London’s downtown as the heart of our city and investing more in heritage conservation.

2.5 Cultural Prosperity Plan

One of the strategic directions in London’s *Cultural Prosperity Plan* strives to leverage cultural assets in supporting economic growth. Advancing heritage conservation and strengthening London’s cultural districts and nodes are key objectives of this strategy and include, for example: recognizing Downtown London as an important culture district, and considering the need for additional and more flexible and engaging outdoor performance spaces for the community (3.9.1; 3.5.2).

2.6 London’s Community Economic Road Map

The urban landscape, which includes London’s built heritage resources, plays a central role in shaping the lives of Londoners. Creating a vibrant, attractive, and competitive core is identified as one of the action items to support “[a]n exceptional downtown and a vibrant urban environment” (Section 4.4.4 Economic Priority).

2.7 Our Move Forward: London’s Downtown Plan

The Downtown Vision in *Our Move Forward: London’s Downtown Plan* is: London’s face to the world. A vibrant destination. A unique neighbourhood. ‘Heritage’ is one of the nine values that underpin this vision. “As the birthplace of the city, the downtown is rich in cultural heritage; this heritage sets the downtown apart from other neighbourhoods. When planning for new development, integration with the existing heritage will be a foremost consideration.” Two policies directly tied to this value are: “[e]nsure new buildings are consistent with the *Downtown Design Manual* and the *Downtown Heritage Conservation District Guidelines* and reviewed by the Urban Design Peer Review Panel” and, “[d]esign tall buildings to function as landmarks to create a distinctive downtown skyline.”

2.8 Downtown Heritage Conservation District Plan

The *Downtown Heritage Conservation District Plan (DNTN – HCD Plan)* was designated by By-law No. L.S.P.-3419-124 and came into force and effect on June 27, 2013. The *DNTN – HCD Plan* provides policies and guidelines to help manage change for the approximate 370 properties located within its boundaries.

Principles outlined in Section 3.1 of the *DNTN – HCD Plan*, establish fundamentals derived from *The Venice Charter* (1964). One of these heritage principles, particularly pertinent to this application is:

“the importance of preserving the traditional setting and that a new building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent; a new building should reflect and support its context.”

A goal of the *DNTN–HCD Plan* is to encourage the retention, conservation, and adaptation of existing building stock. In the case of new construction, the *DNTN–HCD Plan* encourages an approach which seeks development that is complimentary to the character and streetscape of the District.

“A successful [downtown] district will delicately balance preserved buildings, modern infill, and increased density for a vibrant and diverse downtown (p3.30).”

Heritage resources and attributes (i.e. character) are also identified within the *DNTN – HCD Plan*. Particular to this application is the recognition that the heritage character in and around the development property is identified as a commercial landscape/streetscape and is defined by:

“the development of lots built out to the front and side lot lines thereby creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level. It is identifiable by a narrow busy corridor of pedestrian movement with walkways tight to the buildings, level and continuous... (6.2.2).”

Further noted are the following principles related to new construction (6.1.4) which support Heritage Principles and the Downtown's commercial character:

- Retention of a three to four storey height at the building line.
- Enhancement of the street character.
- Maintenance and enhancement of a continuous street edge by building out to the front property line.

Section 6.1.4.1 and 6.1.4.2 more specifically outline heritage guidelines for new and infill construction. Those relevant to this application are as follows:

- Setbacks of new development should be consistent with adjacent buildings. New buildings and entrances must be oriented to the street and are encouraged to have architectural interest to contribute to the streetscape (p6.39).
- New and renovated buildings must maintain and enhance the continuity of the street edge by building out to the front property line, with no side yard setbacks fronting the major streets of the HCD (pp6.41, 6.42).
- New buildings abutting existing structures at the building line should exactly match the adjacent building height, or provide a clearly visible and readily apparent offset in height so as to maintain the visual integrity of the existing structure (p6.43).

Finally, Dundas Street is situated within a ‘commercial’ landscape pattern (ii) which is characterized by:

- development lots built out to the front and side lot lines, creating a continuous street wall;
- the tightness of the street as an integral part of the character;
- buildings of varying heights between two and six storey – creating a varied street wall profile;
- the rhythm of recessed entrances and storefronts creating interest at the street level;
- building materials that are predominantly masonry - brick, stone, and concrete - with a variety of ornamentation; and,
- walkways that are tight to the buildings, level and continuous, defined along road edges by services and signage – creating a tight, busy corridor for pedestrian movement.

3.0 Heritage Alteration Permit Application

3.1 Heritage Alteration Permit application

Municipal Council has delegated approval of Heritage Alteration Permit applications that

do not meet the “conditions for referral” defined in the Delegated Authority By-law (C.P.-1502-129) to the City Planner. As a proposed new building within a Heritage Conservation District, the Heritage Alteration Permit application for 195 Dundas Street was determined to meet the “conditions for referral” thus requiring consultation with the London Advisory Committee on Heritage (LACH) before a decision on the Heritage Alteration Permit application by Municipal Council.

A Heritage Alteration Permit application was submitted by the applicant (representing property owner), and received on February 21, 2019. The mandated 90-day review period for the Heritage Alteration Permit application expires on May 22, 2019. The applicant has applied for a Heritage Alteration Permit to construct a high-rise residential building and associated site development; this application is only for Phase 1 of a 3 phase development plan. Phases 2 & 3 will be constructed at a later date pending the approval of a Zoning By-Law Amendment. Phases 2 & 3 are intended to be mixed-use developments comprised of 32 and 35-storey, high-rise buildings with a 2-storey parking structure podium and ground floor commercial space. Phase 2 & 3 will be subject to a separate Site Plan Application. Heritage Alteration Permit approval will be required for subsequent phases.

Phase 1 development includes (see drawings in Appendix C):

- a **25-storey (80.16m in height) building** with a total of 140 residential units
 - rectangular footprint, approximately 21.38m (70ft) by 26.35m (86ft)
 - positioned internally within the block and recessed approximately 40m (131ft) from Dundas Street
 - contemporary styling with an articulated base, using precast concrete panels of varying shades of grey, silver aluminium mullions, clear glazing and coloured spandrel glass
 - two pedestrian accesses – one adjacent the surface parking area and one facing north towards Dundas Street
 - 1st floor amenity space and double access lobby (from the Dundas Street entrance to the King Street access)
 - overhead canopy at the Dundas Street entrance
 - loading area located at the King Street parking area access
- **public-private forecourt/amenity space** intended to provide a gathering space for residents and members of the public
 - located between front façade of the building and Dundas Street – measuring approximately 10.5m (34ft) by 40m (131ft)
 - extensive paved surface treatment to match Dundas Place, providing visual continuity through from the street to amenity space
 - benches and decorative planters interspersed throughout
 - gateway feature positioned along Dundas Street opening comprise of...
 - 3m (10ft) high ‘sentinels’ or pylons with retractable gates
 - sentinels detailed with heritage masonry base (reflecting the c1920s J. Gammage & Sons Ltd. building façade) and architectural metal panels to incorporate contemporary styling from the tower
 - lights mounted on sentinels to match those used along Dundas Place
- **reconfiguration** of the existing surface **parking area** to accommodate 160 parking spaces for residents
 - extensive paved surface treatment at King Street entrance to match ‘Dundas Place’ providing front-to-back continuity
 - new internal parking and perimeter treatment and landscaping

A Heritage Impact Statement (HIS) was submitted by Zelinka Priamo Ltd. on May 9, 2018, as part of a complete Site Plan Application (SPA18-051) for the proposed development, and also as a requirement of the Official Plan (13.2.3.1) and The London Plan (586). The primary purpose of the HIS was to assess the impacts of the proposed development on the cultural heritage value and attributes of the Downtown as identified in *Downtown Heritage Conservation District Plan (DNTN – HCD Plan)* (particularly within the area of the development site), and to make recommendations to mitigate any adverse impacts that may arise. The *Ontario Heritage Tool Kit* (mentioned previously), provides a list of possible negative impacts on a cultural heritage resource (p3).

Negative impacts include, but are not limited to: destruction of heritage attributes or features; unsympathetic and incompatible alterations; creation of adverse shadowing; isolation of heritage attribute from surroundings; direct or indirect obstruction of significant views or vistas; an adverse change in land use; disturbance to physical land (e.g. grade, drainage). Conclusions of the HIS found the proposed development application to be consistent with the *Provincial Policy Statement* and in conformity with the *London Plan* and is in-keeping with the direction of the *DNTN – HCD Plan* (p8).

The Urban Design Peer Review Panel (UDPRP) was consulted on June 20, 2018 regarding the proposed development application at 195 Dundas Street. The UDPRP generally expressed favourable comments regarding the design and architectural expression of the building tower, but had concerns about the public/private forecourt/amenity space between 189 and 197 Dundas Street. The Panel made the following suggestions regarding the amenity space which the applicant has subsequently revised their proposal for submission of this Heritage Alteration Permit (HAP) application:

- integrate architectural elements of the building and the landscape design, also giving consideration to Dundas Place design;
- consider an alternative design for enclosure of the amenity space – the wall/gate design along Dundas Street is not an appropriate response to the design of space; and,
- consider how the amenity space may be programmed/used for both formal and informal functions – the use of the space is important from a safety and pedestrian experience.

Finally, the London Advisory Committee on Heritage (LACH) will be consulted at its meeting on Wednesday March 13, 2019 regarding this application. The LACH will have a recommendation available to present at the March 18, 2018 meeting of the Planning & Environment Committee.

4.0 Analysis

4.1 Heritage Alteration Permit

With new infill development on the current lot at 195 Dundas Street, it is an opportunity for change and growth to occur within the Downtown Heritage Conservation District and to activate Dundas Street with increased pedestrianization. As mentioned previously, Section 3.1 of the *DNTN – HCD Plan* establishes broad heritage conservation principles while more specifically Sections 6.1.4 and 6.2.2 outline guidelines that address ‘fit and compatibility of new development particularly in relation to adjacent and surrounding properties.

Although at present the construction of the new building and associated site development at 195 Dundas Street is not fully compliant with the policies of the *Downtown Heritage Conservation District Plan* – the geometry of the subject site prevents the proposed development from being built to the street edge at Dundas – it is understood that this HAP application is for Phase 1 of a three-phase project; the new building and development outlined in this application does not preclude the full infill potential of the site along Dundas Street. It is intended that future phases will have strong street presence along both King and Clarence Streets. Further, the concept for the building tower is well designed with high quality materials that are skillfully used. The Urban Design Peer Review Panel described the tower as ‘elegant’; it will add to the skyline of Downtown London with a prominent landmark building. The applicant has also proposed mitigative measures suggesting alternative development approaches. One such approach is the introduction of a public/private amenity space that extends the Dundas Place-Flex Street both functionally and visually into the forecourt to the building tower. The forecourt would functionally tie into Dundas Place by providing an outdoor gathering place for residents of the apartment building and the public (during outdoor festivals events). It would also visually be linked through the use of a common paved surface treatment and lighting. A gateway feature positioned along Dundas Street will help to define the street edge, and also subtly enclose the forecourt. The gateway will be constructed with both heritage masonry (reflecting the c1920s J. Gammage & Sons Ltd. building façade) and contemporary metal panels used in the

tower, and the lights mounted on sentinels are designed to match those used along Dundas Place. Additionally, it is noteworthy that the Downtown Vision in *Our Move Forward: London's Downtown Plan* identified the Dundas Street portion of the subject site as a "Mid-block connection", envisioning a publicly accessible walkway that facilitates pedestrian travel between King and Dundas Streets, rather than be occupied by a built form (p23 & 52).

The Downtown Heritage Conservation District has been designated to protect and enhance existing cultural heritage resources in the Downtown. Operationalizing district plans often necessitates weighing multiple interests. In reviewing Heritage Alteration Permit applications, staff weighs provincial and municipal official plan policies and heritage district policies, with City policies balancing heritage conservation with promotion, growth and development in the core. The two are not necessarily mutually exclusive. Ultimately, a successful Downtown District will delicately balance preserved buildings, modern infill, and increased density resulting in a more vibrant and diverse downtown (*DNTN – HCD Study*, p3.30), consistent with provincial interest in the promotion of built form that is well designed, and encourages a sense of place.

5.0 Conclusion

The construction of a new building and associated site development at 195 Dundas Street: 1) maintains the general intent of the *Provincial Policy Statement*, the *Ontario Heritage Act*, the *Official Plan* and *The London Plan*; 2) supports City goals of downtown urban regeneration, intensification and economic investment, articulated in London's *Strategic Plan*, *Cultural Prosperity Plan*, *Community Economic Roadmap* and *Downtown Plan*; and, 3) is compliant with the goals and objectives of the *Downtown Heritage Conservation District Plan* through mitigative measures aimed at creating a gateway feature along Dundas Street, and animating street activity through the incorporation of a public/private amenity space that is fully integrated with the City's Dundas Place-Flex Street initiative. The Heritage Alteration Permit application should be approved.

Submitted by:	Michael Pease, MCIP, RPP Manager, Development Planning
Reviewed by:	Heather McNeely Manager, Development Services (Site Plans)
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

March 7, 2019
LED/mp

Sources

- City of London. n.d. Dundas Place, Community at its Core. Retrieved 2018-02-26, <https://www.dundasplace.ca/>
- City of London. n.d. Property files: 195 Dundas Street.
- City of London. n.d. *Strategic Plan for the City of London, 2015-2019*.
- City of London. January 2011. *Downtown London Heritage Conservation District Study, Final Report*.
- City of London. March 2012. *Downtown London Heritage Conservation District Plan*.
- City of London. 2013. *Cultural Prosperity Plan*.
- City of London. April 14, 2015. *Our Move Forward, London's Downtown Plan*.
- City of London. November 2015. *London's Community Economic Road Map: An Economic Strategy 2015-2020*.
- International Council on Monuments and Sites. 1964. *The Venice Charter*.
- Ministry of Culture. 2006. *The Ontario Heritage Tool Kit: Heritage Resources in the Land Use Planning Process, HIAs and Conservation Plans-InfoSheet#5*.
- Oosterveld, J. June 20, 2018. Memo: Urban Design Peer Review Panel, Site Plan: 195 Dundas Street.
- Vintage London, Ontario. October 31, 2014. Image, J. Gammage & Sons Ltd., c1920s. Western Archives Hines Collection.
- Zelinka Priamo Ltd for Ayerswood Development Corp. May 28, 2015. *Heritage Impact Statement, 195 Dundas Street*.
- Zelinka Priamo Ltd for Danforth (London) Ltd. May 9, 2018. *Heritage Impact Statement, 195 Dundas Street*.

Appendix A – Maps



Figure 1: Property location at 195 Dundas Street.

Appendix B – Images



Image 1: View of vacant lot at 195 Dundas Street facing west, adjacent exterior wall at 189 Dundas Street.



Image 2: View of vacant lot at 195 Dundas Street facing east, featuring painted mural on adjacent exterior wall at 197 Dundas Street.

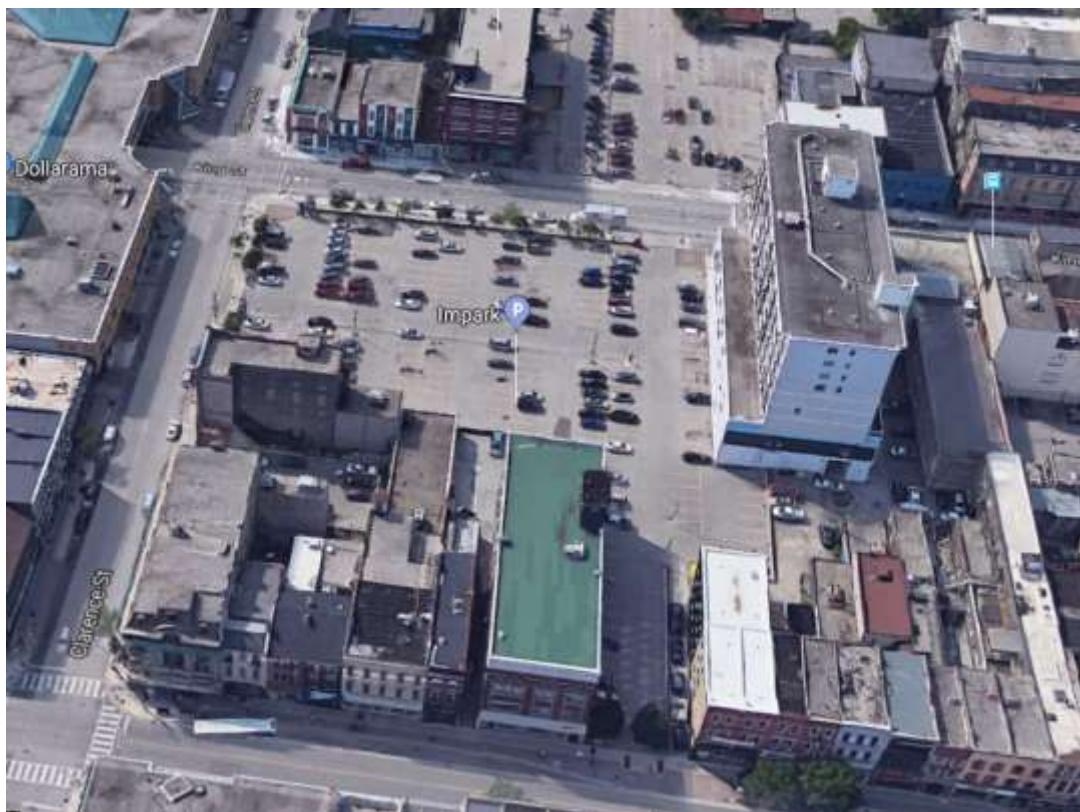


Image 3: Aerial view facing south, Dundas Street facade and parking lot at Clarence – King Street corner



Image 4: View of parking lot facing north-west, at Clarence – King Street corner



Image 5: 191-195 Dundas Street, c1920s, J. Gammage & Sons Ltd., c1920s. Western Archives Hines Collection



Image 6: Dundas Place, rendering showing Clarence to Richmond Street with vehicles



Image 7: Dundas Place, rendering showing Clarence to Richmond Street with people and events

Appendix C – Drawings

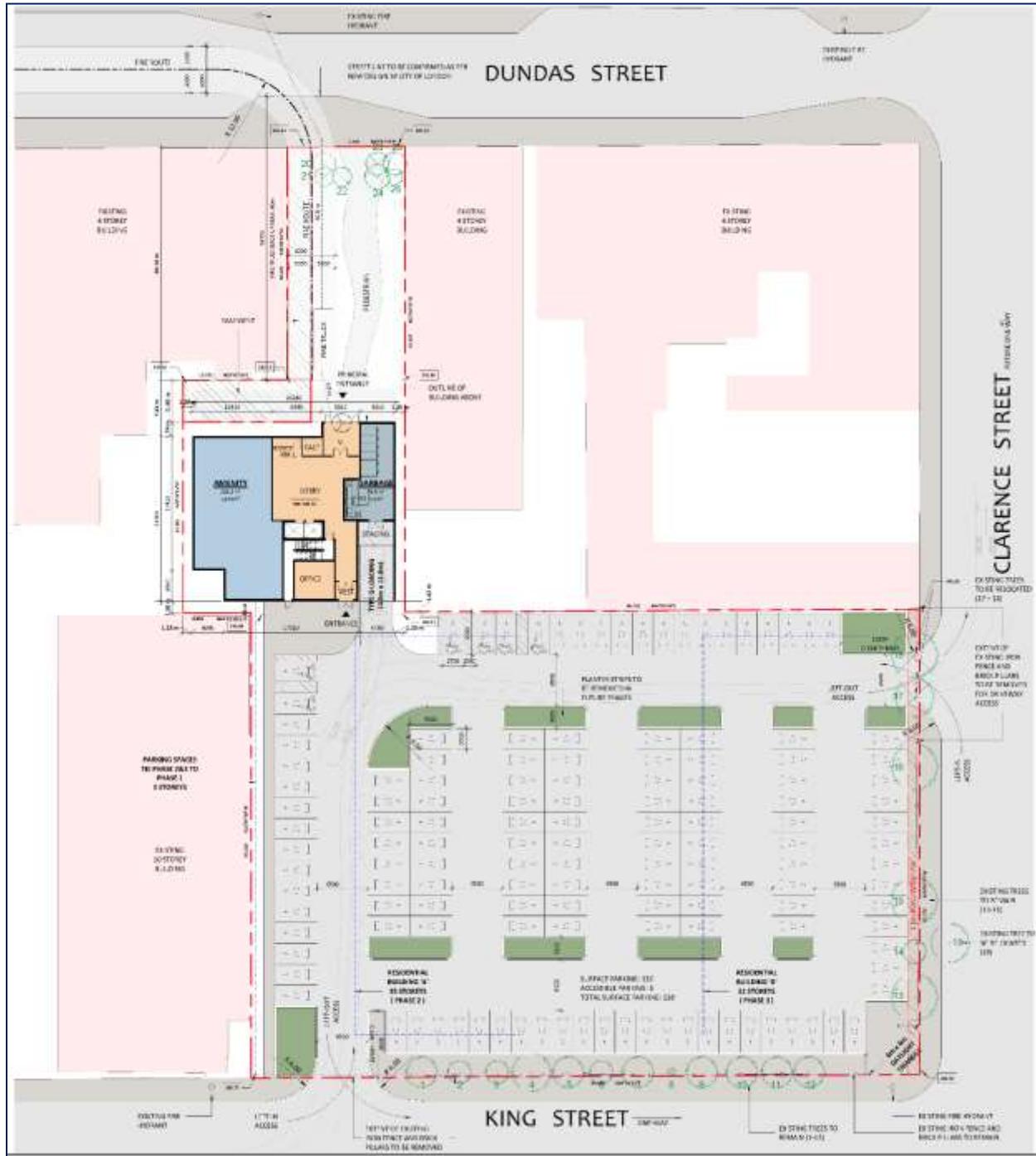


Figure 1: Full site plan, including forecourt/amenity space, tower and parking lot



Figure 2: Floor plan – floor 01



Figure 3: Floor plan – floor 02



Figure 4: Floor plan – floors 03 - 23

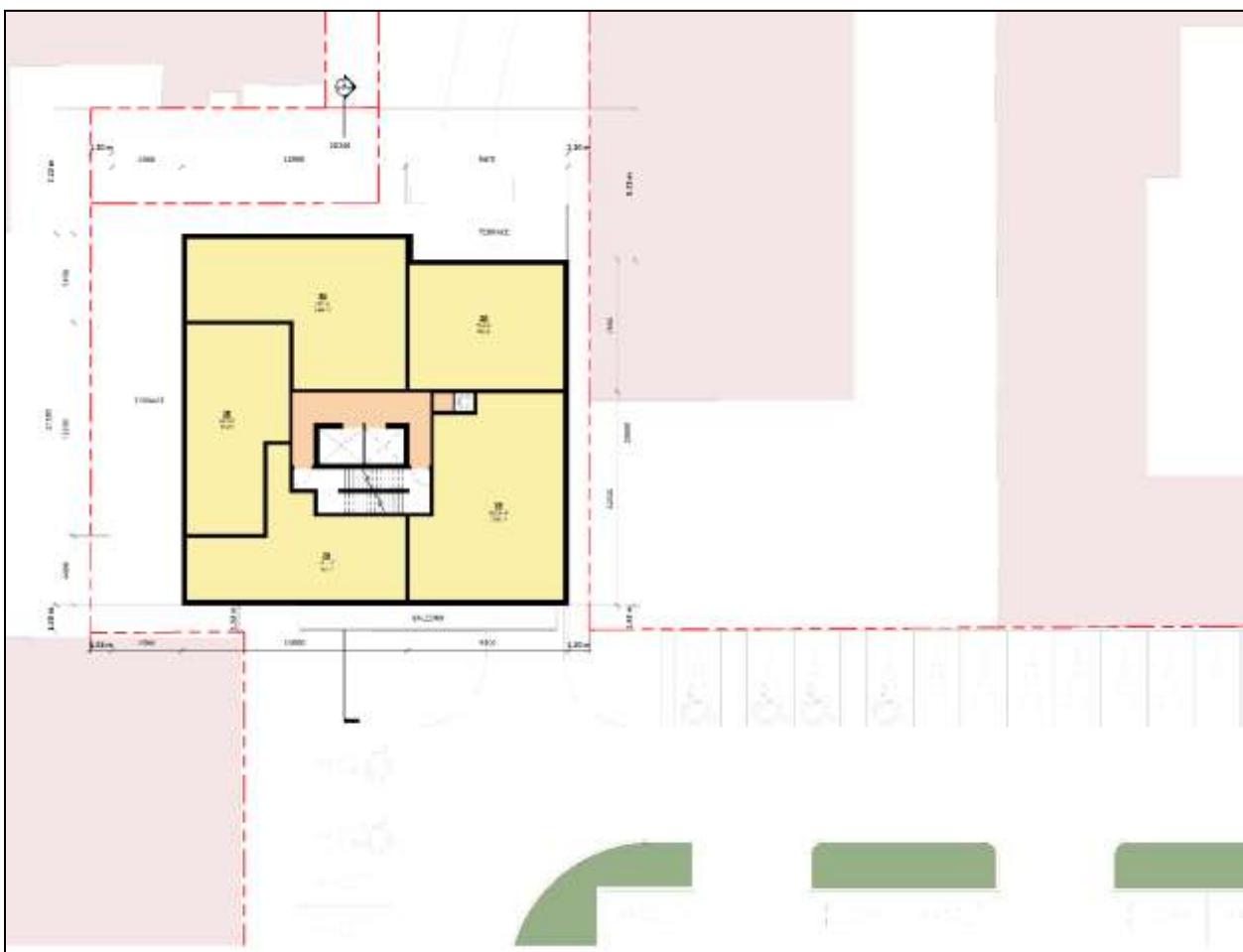


Figure 5: Floor plan – floors 24 – 25

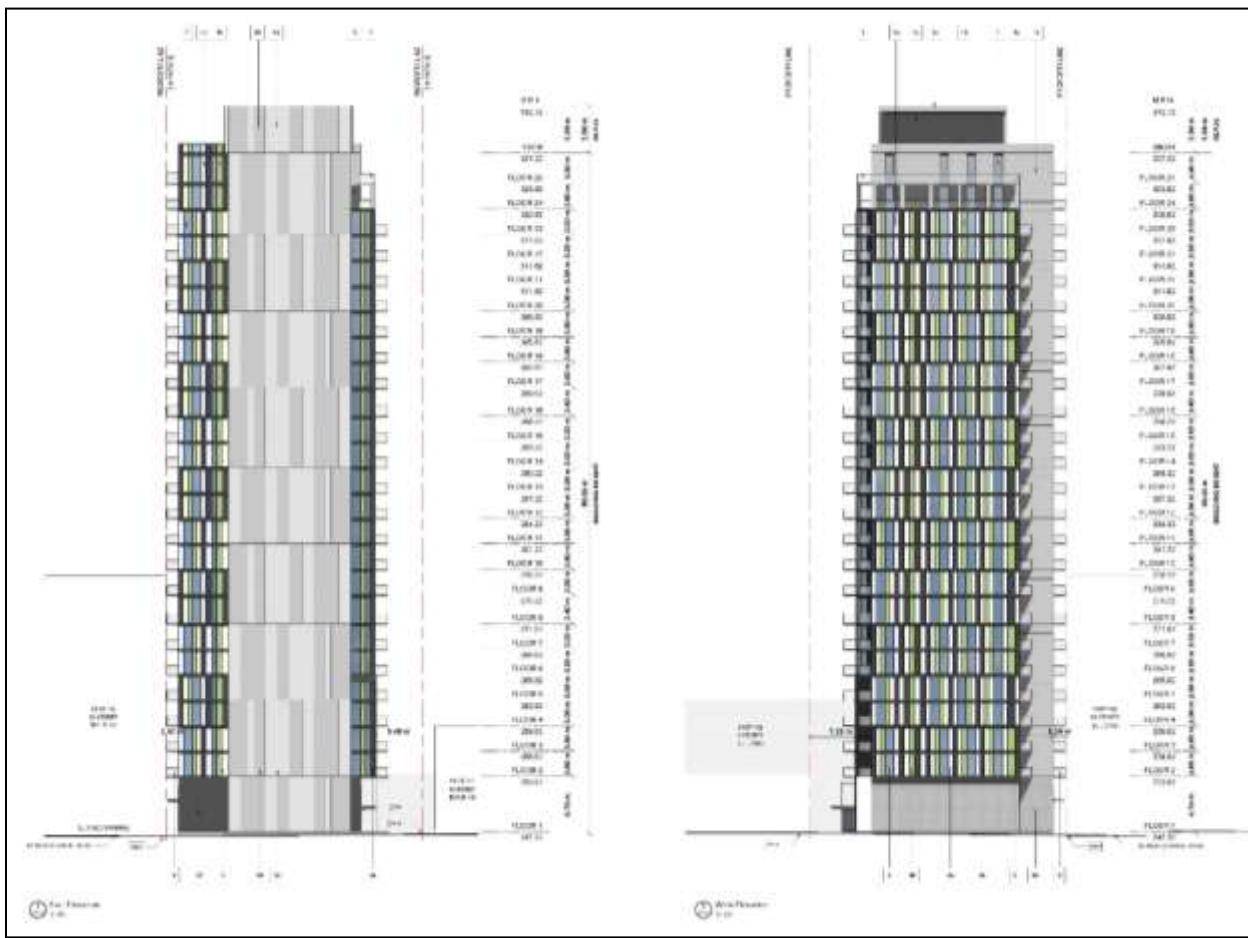


Figure 6: East and west elevations (respectively)



Figure 7: North and south elevations (respectively)

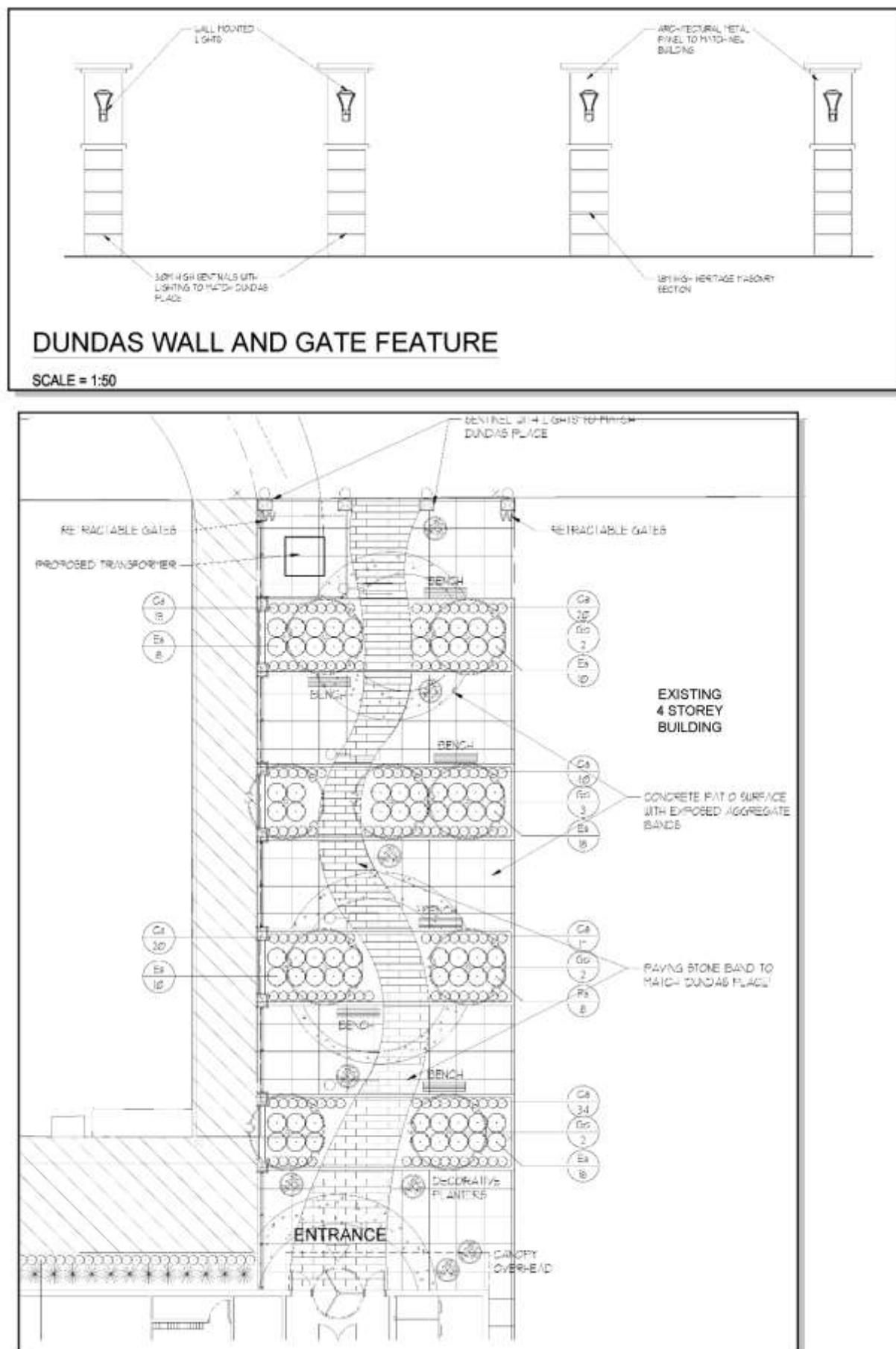


Figure 8: Dundas wall and gate feature and enlarged landscape plan of forecourt/amenity space.



Image 5: 191-195 Dundas Street, c1920s, J. Gammage & Sons Ltd., c1920s. Western Archives Hines Collection. Context for the proposed Dundas wall and gate feature as illustrated in Figure 8, above



Figure 9: Perspective view from King Street looking north



Figure 10: Perspective view from Dundas Street looking south



Heritage Alteration Permit 195 Dundas Street

London Advisory Committee on Heritage

Wednesday March 13, 2019

london.ca



Property Location and Heritage Status

- Vacant lot
- Part V designation as part of Downtown HCD
- Classification w/in HCD –
 - infill within a commercial landscape
- Guidelines –
 - subject new construction and commercial landscape pattern



Functions – Past + Future



Property Description



Aerial view facing south



View of vacant lot at 195 Dundas Street facing west



View of parking lot facing north-west, at Clarence – King Street corner



Dundas Place ('Flex' Street) rendering showing Clarence to Richmond Street with people and events

191-195 Dundas Street, c1920s, J. Gammage & Sons Ltd., c1920s. Western Archives Hines Collection



Downtown HCD Policies



Policy Framework

- Provincial Policy Statement
- Ontario Heritage Act
- Official Plan and The London Plan
- Strategic Plan for the City of London (2015-2019)
- Cultural Prosperity Plan
- London's Community Economic Road Map
- Our Move Forward: London's Downtown Plan

General Principles

- "importance of preserving the traditional setting and that a new building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent; a new building should reflect and support its context."

Goals

- "a successful [downtown] district will delicately balance preserved buildings, modern infill, and increased density for a vibrant and diverse downtown."

Specific Principles + Guidelines

- retention of a three to four storey height at the building line
- enhancement of the street character and pedestrian movement
- maintenance and enhancement of a continuous street edge by building out to the front property line
- buildings of varying heights (2-6 storeys) creating a varied street wall profile;
- rhythm of recessed entrances and storefronts creating interest at the street level;
- building materials that are predominantly masonry - brick, stone, and concrete - with a variety of ornamentation



Heritage Alteration Permit

- Meets the “conditions for referral”
 - new building within an HCD
 - requiring consultation with the LACH before a decision on the Heritage Alteration Permit application by Municipal Council

Phase 1 development includes:

- a 25-storey (80.16m in height) building with a total of 140 residential units
- public-private forecourt/amenity space intended to provide a gathering space for residents and members of the public
- reconfiguration of the existing surface parking area to accommodate 160 parking spaces for residents



Proposal – Site Plan



Full site plan, including forecourt/amenity space, tower and parking lot



Proposal – Floor Plan



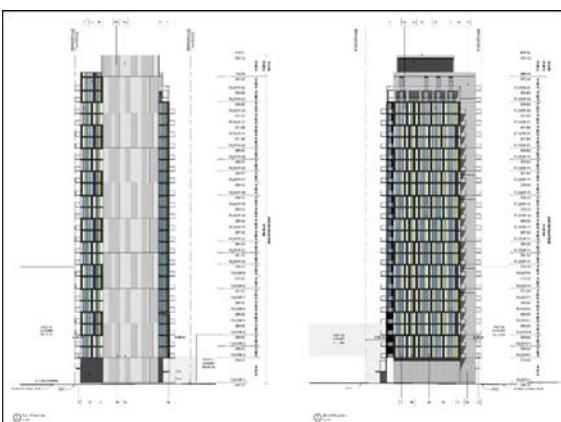
Floor plan – floor 01



Floor plan – floor 02



Proposal Elevations



East and west elevations (respectively)



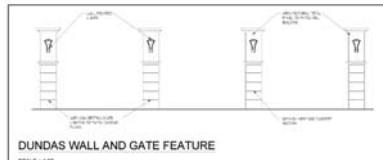
Proposal Elevations



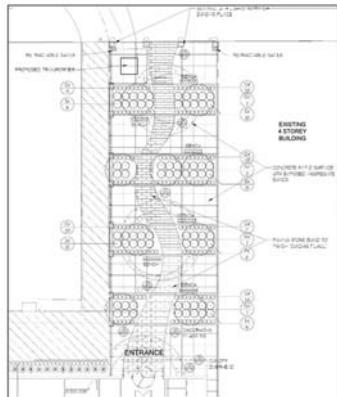
North and south elevations (respectively)



Proposal – Forecourt Detail



Dundas wall and gate feature and enlarged landscape plan of forecourt/amenity space.



Proposal – Rendering



looking north



Proposal – Rendering



looking south



Analysis + Conclusions

The construction of a new building and associated site development at 195 Dundas Street:

- ✓ 1) maintains the general intent of the Provincial Policy Statement, the Ontario Heritage Act, the Official Plan and The London Plan;
 - ✓ 2) supports City goals of downtown urban regeneration, intensification and economic investment, articulated in London's Strategic Plan, Cultural Prosperity Plan, Community Economic Roadmap and Downtown Plan; and,
 - ✓ **mitigation** 3) is compliant with the goals and objectives of the Downtown Heritage Conservation District Plan through mitigative measures aimed at creating a gateway feature along Dundas Street, and animating street activity through the incorporation of a public/private amenity space that is fully integrated with the City's Dundas Place-Flex Street initiative.

The Heritage Alteration Permit application should be approved.



Recommendation

Erection of a new building on the property located at 195
Dundas Street, within the Downtown HCD, **BE**

PERMITTED subject to the following terms and conditions:

- (a) The Manager of Development Planning be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit; and,
 - (b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Request to Repeal Heritage Designating By-law No. L.S.P.-
3227-417 – 429 William Street
David Fuller and Martine Fuller

Meeting on: Wednesday March 13, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the request to repeal the heritage designating By-law No. L.S.P.-3227-417 for the property at 429 William Street **BE REFUSED** and that notice of this decision **BE GIVEN** to the property owners and to the Ontario Heritage Trust.

Executive Summary

The property at 429 William Street is a significant cultural heritage resource that is designated under Part IV of the *Ontario Heritage Act*. The property owner submitted the request to repeal the heritage designating by-law citing difficulty with selling the property. The purpose of the recommended action is to refuse this request to repeal the designating By-law No. L.S.P.-3227-417 because the property at 429 William Street continues to demonstrate significant cultural heritage value.

Analysis

1.0 Background

1.1 Property Location

The property at 429 William Street is located on the west side of William Street, north of the intersection of Dundas Street and William Street (Appendix A).

1.2 Cultural Heritage Status

At the request of the property owner, 429 William Street was designated under Part IV of the *Ontario Heritage Act* in 1993 by By-law No. L.S.P.-3227-417 (Appendix B).

1.3 Cultural Heritage Resource

The building located at 429 William Street is a representative example of a one-and-a-half storey, front gable, frame building. The remnant finial in the central peak and the trim around all the windows and doors express Gothic Revival influences and display a high degree of craftsmanship. The bay window on the first floor of the front façade is rare for one-and-a-half storey, frame buildings with a front gable. The porch, although a later addition (c1910-1920), contributes to the cultural heritage resource as it expresses the evolution of this property.

The building located at 429 William Street was constructed between 1870 and 1871. In 1868, the property was noted as vacant land in the tax assessment rolls. In 1870, the property was owned by Robert Kirkpatrick, but noted as vacant. In the 1871 tax assessment rolls, the property was occupied by John Webb, a painter as identified in the City Directory.

Since the construction of the building at 429 William Street, the building has been a private residence for labourers, tailors, school teachers, freight agents, and shoe makers. The property has also been used as a private school and many businesses. Contextually, the property at 429 William Street was once surrounded by wooden

dwellings as seen in the 1881 Rev.1888 Fire Insurance Plans, but is now amongst brick dwellings (Appendix C, Image 14 &15). Some of the surrounding brick buildings have elaborate details such as the former Bishop Cronyn Memorial Church (442 William Street).

Throughout the changes in use and evolution of the surrounding area, the property at 429 William Street continues to have a high degree of integrity as the property has been retained as a one-and-a-half storey, front gable, frame building. Many of the heritage attributes at 429 William Street have also been retained, which demonstrates the property's continued cultural heritage value. The property at 429 William Street is a significant cultural heritage resources as it is a representative example of a one-and-a-half storey, front gable, frame building that contributes to the understanding of the neighbourhood's history (Appendix C).

2.0 Legislative and Policy Framework

4.3 Provincial Policy Statement

The *Provincial Policy Statement*, issued pursuant to Section 3 of the *Planning Act*, provides policy direction on matters of provincial importance related to land use planning and development, including cultural heritage. Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people.”

“Conserved” as defined in the *Provincial Policy Statement* (2014) means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.2 Ontario Heritage Act

In 1975, the *Ontario Heritage Act* came into force and effect and enabled municipalities to protect properties of “historic or architectural value or interest”. In 2005, there were comprehensive amendments to the *Ontario Heritage Act*, which included the replacement of “historic or architectural value or interest” with “cultural heritage value or interest” as the criteria for heritage designation.

The mandated criteria is currently known as *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*. The mandated criteria expands the reasons for heritage designation by providing values that protect intangible elements of a property. A property may be heritage designated under Part IV, pursuant to Section 29, of the *Ontario Heritage Act* if it meets one or more of the mandated criteria.

The 2005 amendments to the *Ontario Heritage Act* also included requirements for the content of a heritage designating by-law. A heritage designation by-law, which is required to be served and registered on title (Subsection 29 (6) of the *Ontario Heritage Act*), must include a statement that explains the cultural heritage value or interest of the property, and a description of the heritage attributes of the property.

For properties that were heritage designated prior to 2005 the existing designating by-law cannot be interpreted as invalid due to the language of the by-law not being consistent with the requirements of the *Ontario Heritage Act* or its regulations. The *Ontario Heritage Act* enables a process to amend a heritage designating by-law, which provides the opportunity to bring an existing heritage designating by-law into conformity

with the requirements of the *Ontario Heritage Act* (Section 30.1, *Ontario Heritage Act*).

2.2.1 Repeal of Heritage Designating By-law, Owner's Initiative

Under Section 32(1) of the *Ontario Heritage Act*, an owner of a property designated pursuant to Section 29 of the *Ontario Heritage Act* may apply to Municipal Council to repeal a heritage designating by-law. Section 32 of the *Ontario Heritage Act* states,

- (2) After consultation with its municipal heritage committee [London Advisory Committee on Heritage], where one is established, the council shall consider an application under subsection (1) and within ninety days of receipt thereof shall,
- a) Refuse the application and cause notice of its decision to be given to the owner and to the [Ontario Heritage] Trust; or,
 - b) Consent to the application to repeal the designating by-law, and
 - i) Cause notice of the intention to repeal the by-law to be served on the owner and the [Ontario Heritage] Trust, and
 - ii) Publish notice of the intention to repeal the by-law in a newspaper of general circulation in the municipality (Section 32(2), *Ontario Heritage Act*).

Should Municipal Council fail to notify the property owner of its decision within 90 days, consent shall be deemed given and the heritage designating by-law repealed. Pursuant to Section 32(3) of the *Ontario Heritage Act*, it is possible to extend the timeline in a mutual agreement between the applicant and Municipal Council.

Within 30 days of receiving Municipal Council's notice of decision, the property owner may appeal to the Conservation Review Board. The Conservation Review Board is a provincially-appointed review body which holds hearings to review appeals concerning the designation and alterations to properties designated pursuant to Section 29 of the *Ontario Heritage Act* as well as the repeal of a heritage designating by-law for an individually designated property. The Conservation Review Board makes recommendations regarding appeals, however, the final decision rests with Municipal Council.

Should Municipal Council consent to the repeal of the heritage designating by-law, any person may object to the City Clerk within 30 days of the publication of the notice of intent to repeal the heritage designating by-law. These appeals are also referred to the Conservation Review Board.

Designating Heritage Properties, a guide included in the Ontario Heritage Toolkit (Ministry of Culture, 2006), includes a flowchart illustrating the steps in the repeal of a heritage designating by-law (owner's request) (Appendix D).

2.3 The London Plan

The policies of *The London Plan* articulate the contributions that our cultural heritage resources make to our community. Our cultural heritage resources distinguish London from other cities, and make London a more attractive place for people to visit, live, or invest. Importantly, "our heritage resources are assets that cannot be easily replicated and they provide a unique living environment and quality of life. By conserving them for future generations, and incorporating, adapting, and managing them, London's cultural heritage resources define London's legacy and its future" (Policy 552_, *The London Plan*). Both tangible and intangible attributes are recognized as part of our cultural heritage (Policy 551_).

With the cultural heritage policies of *The London Plan*, we will (Policy 554_):

1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
2. Conserve London's cultural heritage resources so they can be passed on to our future generations.
3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.

The policies of *The London Plan* support the conservation, maintenance, retention, and protection of London's cultural heritage resources, including in the event of emergency or threat (Policy 564_). Where demolition or irrevocable damage has occurred, documentation may be required as well as interpretive techniques are encouraged where appropriate (Policies 567_, 569_, 591_).

3.0 Request to Repeal the Heritage Designating By-law

The property owners made the Heritage Planner aware of their challenges selling the property at 429 William Street in December 2018.

A request to repeal the heritage designating by-law for 429 William Street was received on January 15, 2019. The property owners' difficulty in selling the property is the motivating factor for requesting the repeal of the heritage designating by-law for 429 William Street.

Per Section 33 of the *Ontario Heritage Act*, the 90-day timeline will expire on April 15, 2019.

4.0 Analysis

Recent Conservation Review Board Hearings

Three Conservation Review Board hearings may provide a frame of reference for consideration of the property owners' request to repeal the heritage designating by-law for 429 William Street. The Conservation Review Board hearing CRB0807 reconciles the process and evaluation required to justify the repeal of a heritage designating by-law. The Conservation Review Board hearing CRB0906 highlights a case heard at the Superior Court of Justice, Tremblay v. Lakeshore (Town) (2003), which found that any municipal policy which requires an owner's permission to designate is in violation of the *Ontario Heritage Act*. Lastly, the Conservation Review Board hearing CRB1713 is specific to a request to repeal a heritage designating by-law that was motivated by the sale prospects of a property.

In Conservation Review Board hearing 0807 (CRB0807) (2009), the Municipality of the Village of Merrickville-Wolford refused the request of the property owner to repeal the designating by-law for 212 Drummond Street East, Village of Merrickville-Wolford, Ontario. The request was motivated by the alteration of the front verandah. In this case, the property owner proceeded to alter the verandah after Municipal Council of the Village of Merrickville-Wolford refused their application to obtain consent to alter the heritage designated property. The property owners subsequently requested the repeal of the heritage designating by-law for 212 Drummond Street East. The Village of Merrickville-Wolford denied their request, prompting the property owners to appeal to the Conservation Review Board.

The Conservation Review Board stated, "that a s.32 by-law repeal is effectively a reverse s.29 evaluation, and thus the primary scope of enquiry would be a determination of the cultural heritage value or interest of the property under the criteria of Ontario Regulation 9/06" (CRB0807). The Village of Merrickville-Wolford failed to demonstrate that the property demonstrated sufficient cultural heritage value or interest to merit designation, thus the Conservation Review Board recommended the designating by-law for the property be repealed. In 2010, the Council of the Village of Merrickville-Wolford repealed the designating by-law for 212 Drummond Street East.

In Conservation Review Board hearing 0906 (CRB0906) (2010), the Town of Parry Sound consented to a request to repeal the heritage designating by-law for 41 Church Street, Parry Sound, Ontario. The property owner cited difficulty in obtaining insurance as the motivating factor for requesting repeal of the designating by-law. The decision to repeal the heritage designating by-law was appealed by a community member to the Conservation Review Board.

Evidence presented in CRB0906 demonstrated that the Town of Parry Sound erroneously applied a “volunteer attitude for designation.” Council of the Town of Perry Sound felt that “the ability to obtain property insurance is critical to security of accommodation. It is considered a sufficient reason to remove the designation from the property.” In a previous case heard at the Superior Court of Justice, Tremblay v. Lakeshore (Town) (2003), any municipal policy which requires an owner’s permission to designate is in violation of the *Ontario Heritage Act*. The Conservation Review Board ruled that the Town of Parry Sound failed to present any reasoned arguments for repealing the designating by-law beyond its practice of “voluntary designation.”

In Conservation Review Board hearing CRB1713 (2018), the Municipality of Chatham-Kent made a motion to repeal the heritage designating by-law for 90 Park Street, Chatham, Ontario. The property owner of 90 Park Street requested the repeal of the heritage designating by-law citing the heritage designation of the property would negatively impacts the sale prospects of their property. The motion to repeal the heritage designating by-law prompted several community members to appeal to the Conservation Review Board.

The Objectors in Conservation Review Board hearing CRB1713 (2018), submitted that the reasons for designation had not changed since the time of designation and the property owner’s concern that the designation would negatively impact the sale prospects of the property, is “based on unsupported and unsubstantiated information”. The Objectors also argued that the repeal of the heritage designating by-law on the basis of financial hardship would create a dangerous precedent for future requests coming before the Municipality.

In Conservation Review Board hearing CRB1713 (2018), the Conservation Review Board cited hearing CRB1305 (February 26, 2014) as the framework for their recommendation regarding the request to repeal the heritage designating by-law for 90 Park Street. The hearing noted that the Conservation Review Board is to make “the determination of whether or not a property designated under s. 29 continues to hold cultural heritage value or interest as prescribed by O. Reg. 9/06” (CRB1713). The Conservation Review Board also stated that:

“Under the OHA, the Review Board is not tasked with weighing all other non-heritage related matters in arriving at its recommendation. For example, the property resale value issue raised in this proceeding does not relate to the “heritage merits” and is thus beyond the scope of the Review Board’s considerations.” (CRB1713).

In the hearing, the Conservation Review Board noted that there had been no substantial changes to the property since the date of the heritage designation and that both the Municipality and the property owner did not provide a report which suggests that the property is not of cultural heritage value or interest.

The Conservation Review Board recommended that the heritage designating By-law No. 130-2012 not be repealed due to the continued presence of cultural heritage value or interest. The Municipality of Chatham-Kent did not repeal the heritage designating by-law for 90 Park Street.

Test to Repeal a Heritage Designating By-law

To determine if a property merits protection pursuant to Section 29 of the *Ontario Heritage Act*, it must be evaluated using the criteria of Ontario Regulation 9/06. If a property meets one of the criteria, it may be designated pursuant to Section 29 of the *Ontario Heritage Act*. If a property does not meet any of the above criteria, it does not merit designation under the *Ontario Heritage Act*. The mandated criteria of Ontario Regulation 9/06 are:

A property may be designated under Section 29 of the Ontario Heritage Act if it meets one or more of the following criteria for determining cultural heritage value or interest:

1. *The property has design value or physical value because it,*

- a. Is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - b. Displays a high degree of craftsmanship or artistic merit, or
 - c. Demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - a. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - b. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - c. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
 3. The property has contextual value because it,
 - a. Is important in defining, maintaining or supporting the character of an area,
 - b. Is physically, functionally, visually, or historically linked to its surroundings, or,
 - c. Is a landmark.

As this evaluation is required for new heritage designations pursuant to Section 29 of the *Ontario Heritage Act*, it should be applied in considering the repeal of an existing heritage designating by-law. If a property previously designated pursuant to Section 29 of the *Ontario Heritage Act* is determined to not demonstrate sufficient cultural heritage value or interest to merit designation, as required by the mandated criteria of Ontario Regulation 9/06, its heritage designating by-law may be repealed. If a property previously designated pursuant to Section 29 of the *Ontario Heritage Act* is determined to demonstrate one or more of the criteria of Ontario Regulation 9/06, its heritage designating by-law should be upheld.

The methodology of applying the mandated criteria of Ontario Regulation 9/06 when considering a repeal the heritage designating by-law has been used by staff in past. In more recent years, there have been two requests to repeal the heritage designating by-law for 142 Kent Street (By-Law No. L.S.P.-2984) and 77 Price Street (By-Law No. L.S.P. -3249-28). In both cases, staff applied the Test to Repeal a Heritage Designating By-law and found that 142 Kent Street and 77 Price Street continued to have cultural heritage value or interest. Municipal Council refused both of the requests to repeal the heritage designating by-laws.

The Test to Repeal a Heritage Designating By-law has been conducted for the request to repeal the heritage designating By-law No. L.S.P.-3227-417 for 429 William Street (Appendix E). Although the heritage designating by-law for 429 William Street is structured differently than a contemporary heritage designating by-law, due to being designated prior to 2005 (e.g. no specific heritage attributes listed; only architectural reasons are discussed), the property continues to have design/physical value as well as contextual value.

The building located at 429 William Street has design/physical value because it is a representative example of a one-and-a-half storey, frame building with a front gable (Appendix F). The remnant finial in the central peak, as well as the trim around all windows and doors, express Gothic Revival influences and displays a high degree of craftsmanship in the building. The bay window on first floor of the front façade is rare for a one-and-a-half storey frame building. The porch, although a later addition (1910-1920), contributes to the cultural heritage resource as it expresses the evolution of the property.

The heritage designating by-law notes that the windows, storms, and front door are original, including the bay window on the main floor. Site visits were conducted on January 17, 2019 and February 22, 2019 by Krista Gowan, Heritage Planner, and found that the door and bay window have been retained. The top floor two windows appear to have changed. A Heritage Alteration Permit was not obtained, so the time of alteration is unknown. However, the believed newer windows are in similar style and design as the original and therefore, do not impact the overall integrity of the property.

Contextually, the property at 429 William Street was once surrounded by wooden dwellings as seen in the 1881 Rev.1888 Fire Insurance Plans, but is now amongst brick dwellings (Appendix C, Images 15 & 16). Some of the surrounding brick buildings have elaborate details such as the former Bishop Cronyn Memorial Church (442 William Street) (Appendix C, Images 9-16). The property at 429 William Street supports the character of the area by continuing to be a frame building in a neighbourhood that is known for its brick architecture.

The property at 429 William Street also has the potential to yield information that contributes to an understanding of the community. Since the construction of the building at 429 William Street, the building has been a private residence for labourers, tailors, school teachers, freight agents, and shoe makers. The property has also been used as a private school and for businesses.

The review of the heritage designating by-law affirms that 429 William Street continues to merit protection under Part IV of the *Ontario Heritage Act* (see Appendix E). Thus, By-law No. L.S.P.-3227-417 should not be repealed.

Opportunity to Amend Designating By-law

Given that 429 William Street was heritage designated under the Ontario Heritage Act, prior to 2005, it should be noted that Section 30.1(2)(a) of the *Ontario Heritage Act* provides the opportunity for Municipal Council to amend an existing heritage designating by-law. There are three scenarios which Municipal Council may amend a heritage designating by-law. They are:

- a) To clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;
- b) To correct the legal description of the property; or
- c) To otherwise revise the language of the by-law to make it consistent with the requirements of the *Ontario Heritage Act* or the regulations.

While the existing heritage designating by-law cannot be interpreted as invalid, this situation may provide the opportunity to bring an existing heritage designating by-law into conformity with the requirements of the *Ontario Heritage Act*.

5.0 Conclusion

Designation under the *Ontario Heritage Act* is based on the cultural heritage value or interest of a property and not on any economic considerations. While it is unfortunate that the property owners have experienced difficulty selling the property, this is not a sufficient reason to warrant the repeal of a designating by-law.

A review of the heritage designating by-law using the criteria of Ontario Regulation 9/06 affirmed that 429 William Street continues to demonstrate significant cultural heritage value and merits protection under Part IV of the *Ontario Heritage Act*. The request to repeal the heritage designating By-law No. L.S.P.-3227-417 for the property at 429 William Street should be refused.

The City promotes the conservation of its cultural heritage resources as positive contributions to the identity of London, instilling civic pride, and benefiting the local economy. To repeal the designating by-law for a property based on the request of a property owner citing sale prospects would set a negative precedent for the City and would detract from the momentum achieved to date in the conservation of London's cultural heritage resources.

Heritage Planner: Krista Gowan

Prepared by:	Krista Gowan, Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Sustainability
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

March 7, 2019
KAG/

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Attached:

- Appendix A: Property Location
- Appendix B: Heritage Designating By-law No. L.S.P.-3227-417
- Appendix C: Images
- Appendix D: Ontario Heritage Toolkit, *Designating Heritage Properties – Repeal of Designating By-law – Owners Initiative* (Ministry of Culture 2006)
- Appendix E: Review of By-Law No. L.S.P.-3227-417
- Appendix F: Comparative Properties
- Appendix G: Annotated Façade Assessment

Bibliography of Information and Materials

Request for Repeal of Designating By-law No. L.S.P. -3227-417: City of London Request for Repeal of Designating By-law, completed by Dave and Martine Fuller, January 15, 2019.

Reference Documents:

City of London. Designating By-law No. L.S.P. -3227-417.

City of London. File on 429 William Street.

City of London. Request to Repeal Designating By-Law No. L.S.P.-2984-126, 142 Kent Street. Report to the London Advisory Committee on Heritage. Wednesday June 8, 2016.

City of London. Request to Repeal Designating By-law No. L.S.P.-3249-28, 77 Price Street. Report to the London Advisory Committee on Heritage. Wednesday May 13, 2015.

Conservation Review Board. "Re: Objection under s.32(14) of the Ontario Heritage Act, to the Notice of Intention to Repeal Designation By-law No. 130-2012 that designates the property known municipally as 90 Park Street (Haddington Villa) in the Municipality of Chatham-Kent, under s.29 of the Ontario Heritage Act" (CRB1713). February 6, 2018.

Conservation Review Board. "Re: Objection under s.32(14) of the Ontario Heritage Act, to the Notice of Intention to Repeal By-law 94-3705 that designates the property known municipally as 41 Church Street in the Town of Parry Sound, under s.29 of the Ontario Heritage Act" (CRB0906). June 11, 2010.

Conservation Review Board. "Re: The Municipality of the Village of Merrickville-Wolford – refusal of an application by Diana McCavera and Michael McCavera under s.32 of the Ontario Heritage Act to repeal part of By-law 10-82 under s.29 of the Ontario Heritage Act designating the property known municipally as 212 Drummond Street East in the Village of MerrickvilleWolford" (CRB0807). August 10, 2009.

Ministry of Tourism, Culture and Sport. "Insuring Heritage Properties." 2006, revised 2012.

Ontario Heritage Act, R.S.P. 1990, Chapter O.18.

Superior Court of Justice. Tremblay v. Lakeshore (Town), 2003 6354 (ON SCDC). November 3, 2003.

Other:

Site visit January 17 and February 22, 2019. Photographs of the same date indicated.

Appendix A – Location Map



Appendix B – Heritage Designating By-law No. L.S.P.-3227-417

Bill No. 9
1994

By-law No. L.S.P.-3227-417

A by-law to designate 429 William Street to be of architectural value.

WHEREAS pursuant to the Ontario Heritage Act, R.S.O. 1990, c. 0.18, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic or architectural value or interest;

AND WHEREAS notice of intention to so designate the property known as 429 William Street has been duly published and served and no notice of objection to such designation has been received;

The Municipal Council of The Corporation of the City of London enacts as follows:

1. There is designated as being of architectural value or interest, the real property at 429 William Street, more particularly described in Schedule "A" hereto, for the reasons set out in Schedule "B" hereto.

2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.

3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in the London Free Press, and to enter the description of the aforesaid property, the name and address of its registered owner, and short reasons for its designation in the Register of all properties designated under the Ontario Heritage Act, R.S.O. 1990.

4. This by-law comes into force on the day it is passed.

PASSED in Open Council on December 6, 1993,

T.G. Gosnell
Mayor

K. W. Sadler
City Clerk

First reading - December 6, 1993
Second reading - December 6, 1993
Third reading - December 6, 1993

SCHEDULE "A"

To By-law No. L.S.P.-3227-417

Part Lot 4 according to Plan 36(E) in the City of London and County of Middlesex as in
Instrument No. 297240.

SCHEDULE "B"

To By-law No. L.S.P.-3227-417

In a neighbourhood known for its brick architecture, this pre-1877 frame building is noteworthy. This one and a half storey, front end gable frame house has door and unusual window trim detailing on all elevations which is seldom seen in London. All the windows and storms as original. There is a remnant finial in central peak. There is a bay window on first floor of front facade. The porch is a later addition (1910-1920). The original roof material was probably wood shingle.

Appendix C – Images



Image 1. 429 William Street, 1993
(at the time of designation)



Image 2. 429 William Street,
February 2019



Image 3. Front of 429 William Street,
February 2019



Image 4. Rear of 429 William Street,
February 2019



Image 5. Porch, 429 William Street,
February 2019



Image 6. Window Trim, 429 William Street,
February 2019



Image 7. Trim around front door, 429 William Street, February 2019



Image 8. Bay window, 429 William Street, February 2019

Contextual Images



Image 9. West Side of William Street, February 2019



Image 10. Looking North/West at the brick dwellings that surrounds 429 William Street, West Side of William Street, February 2019



Image 11. Looking North/East at the brick dwellings that surrounds 429 William Street, East Side of William Street, February 2019

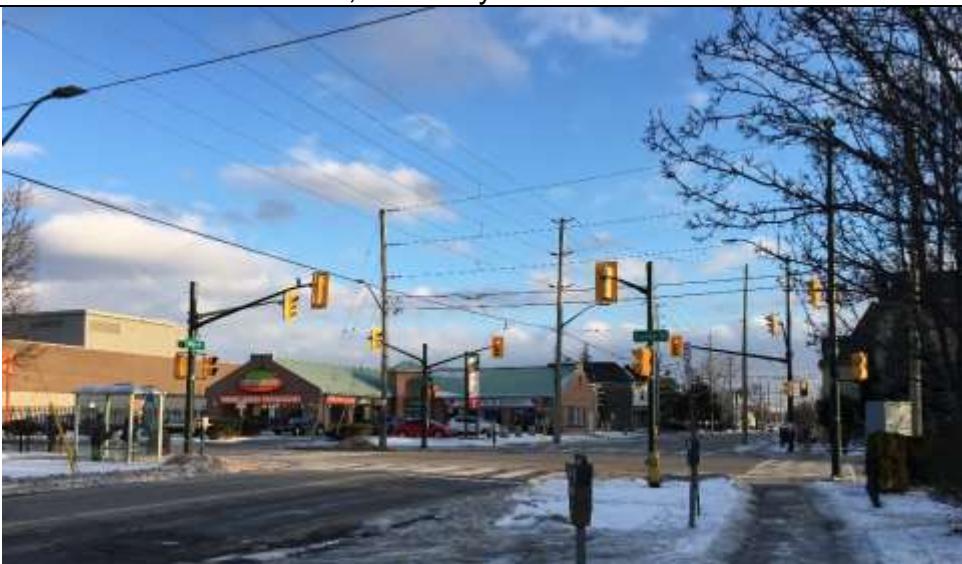


Image 12. Corner at Dundas Street and William Street. Looking at the brick dwelling that surrounds 429 William Street, February 2019

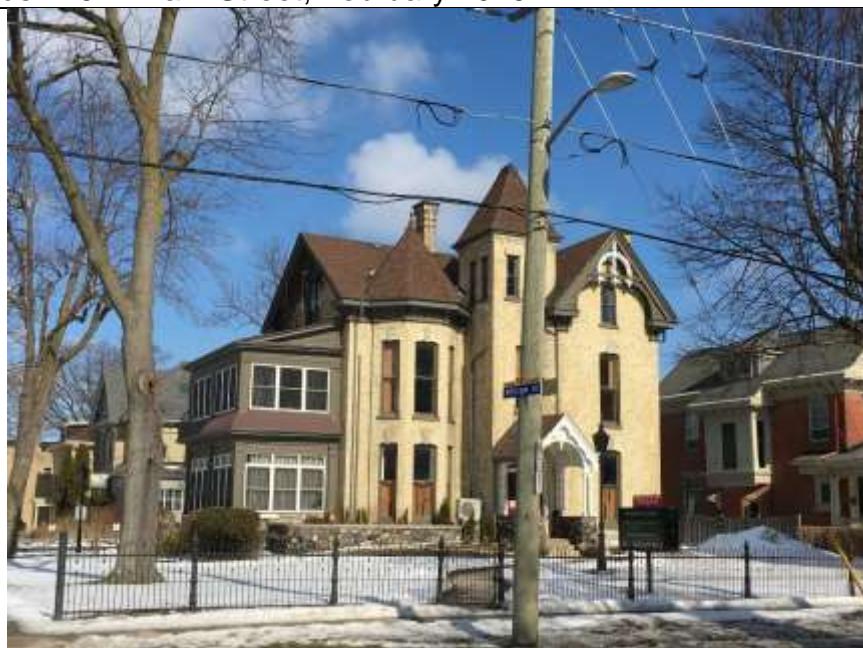


Image 13. Property at 536 Queens Ave. Corner of Queens Avenue and William Street (West Woodfield Heritage Conservation District). Looking North/East at the brick dwelling that surrounds 429 William Street , East Side of William Street, February 2019

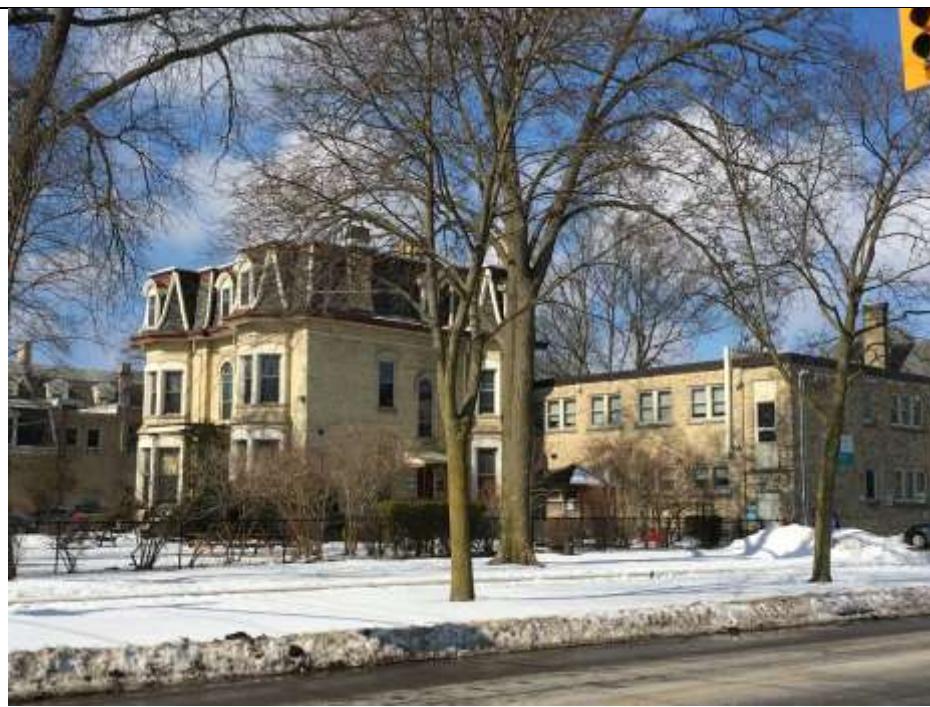


Image 14. Property at 534 Queens Ave. Corner of Queens Avenue and William Street (West Woodfield Heritage Conservation District). Looking North/East at the brick dwelling that surrounds 429 William Street , East Side of William Street, February 2019

Fire insurance Plans

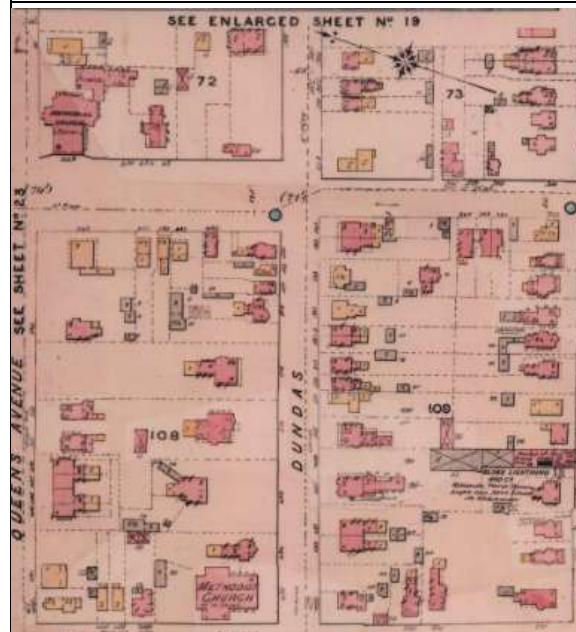


Image 15. Detail of sheet 24 of the 1881 Rev. 1888 Insurance Plan showing the property at 429 William Street surrounded by wooden dwellings. Courtesy Western Archives

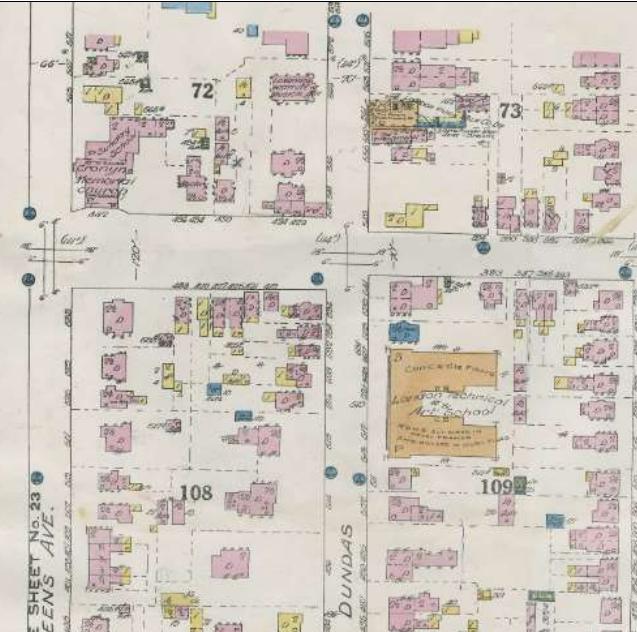
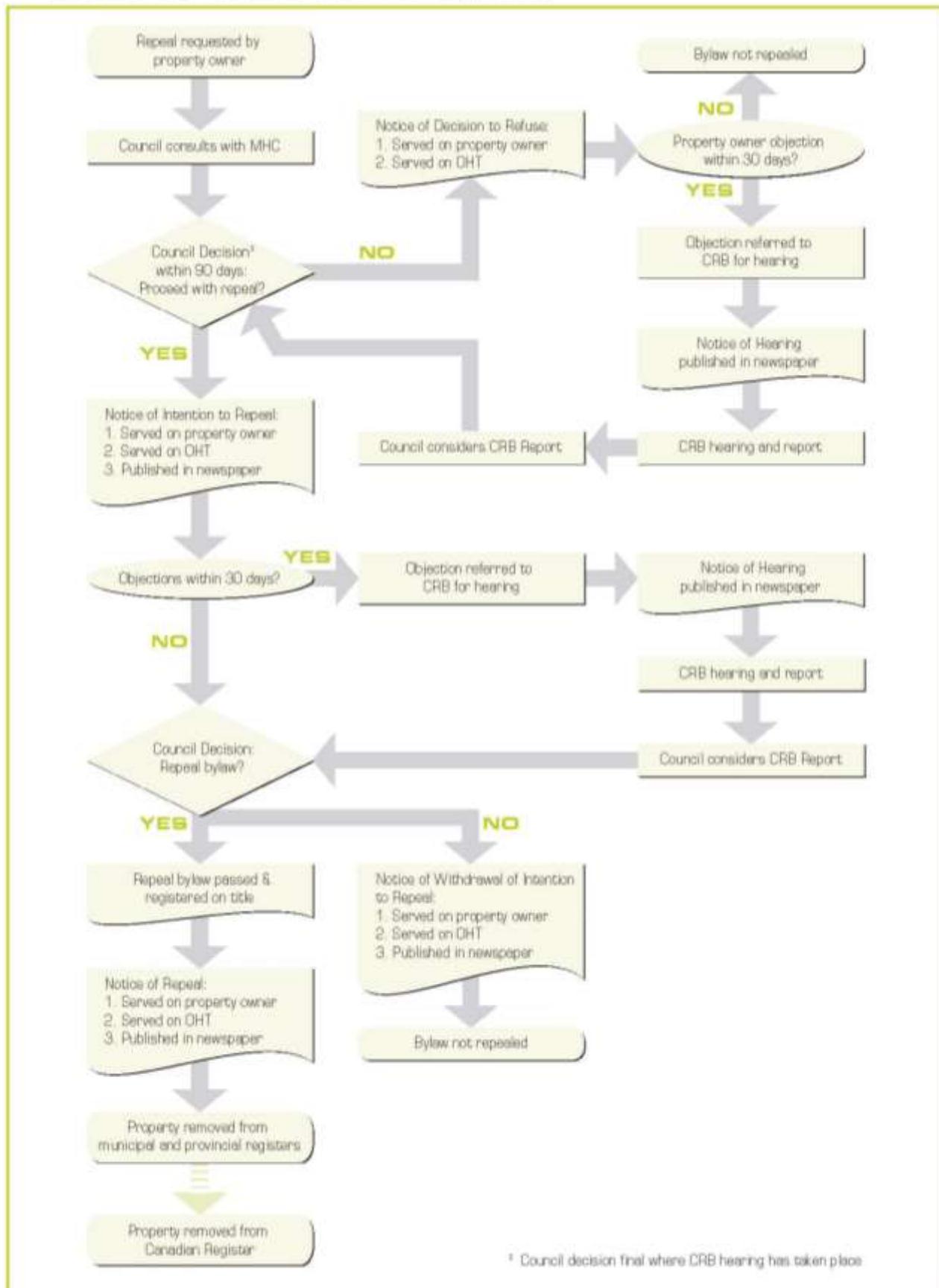


Image 16. Detail of sheet 24 of the 1912 Rev. 1922 Insurance Plan showing the property at 429 William Street surrounded by brick dwellings. Courtesy Western Archives.

Appendix D – Ontario Heritage Toolkit

5. Repeal of Designating Bylaw, Owner's Initiative (Section 32 of the Ontario Heritage Act)



¹ Council decision final where CRB hearing has taken place

Appendix E – Review of By-law No.L.S.P.-3227-417

Review of cultural heritage value or interest of 429 William Street, as articulated by By-law No. L.S.P.-3227-417, using the mandated criteria of Ontario Regulation 9/06:

Criteria		By-law No. L.S.P.- 3227-417	Heritage Planner Comment	Does the property Meet the Criteria?
A property may be designated under Section 29 of the <i>Ontario Heritage Act</i> if it meets one or more of the following criteria for determining cultural heritage value or interest:				
1. The property has design value or physical value because it,	a. Is a rare, unique, representative or early example of a style, type, expression, material or construction method,	"In a neighbourhood known for its brick architecture, this pre-1877 frame building is noteworthy. This one and half storey, front end, gable frame house has door and unusual window trim detailing on all elevations which is seldom seen in London. All the windows and storms as original. There is remnant finial in central peak. There is a bay window on first floor of front façade. The porch is a later addition (1910-1920). The original roof was probably wood shingle."	The building located at 429 William Street has design value because it is a representative example of a one and a half storey, frame building with a front gable in the City of London. The bay window on first floor of the front façade a rare attribute of one and a half storey, front gable, and frame buildings. The porch, although a later addition (1910-1920), contributes to the cultural heritage resource as it expresses the evolution of the property	Yes
	b. Displays a high degree of craftsmanship or artistic merit, or	"This one and half storey, front end, gable frame house has door and unusual window trim detailing on all elevations which is seldom seen in London."	The remnant finial in the central peak and trim around windows and doors on all elevations displays a high degree of craftsmanship.	Yes
	c. Demonstrates a high degree of technical or scientific achievement.	Not noted in designating by-law.	Research was undertaken, and the property at 429 William Street does not demonstrate a high degree of technical or scientific achievement..	No
2. The property has historical value or associative value because it,	a. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	Not noted in designating by-law.	Research was undertaken, and a significant theme, event, belief, person, activity, organization or institution to the community has not been discovered.	No
	b. Yields, or has the potential to yield, information that contributes to an understanding	Not noted in designating by-law.	Since the construction of the building at 429 William Street, the building has been a private residence for labourers, tailors, school teachers, freight agents, and shoe makers. The	Yes

Heritage Planner: Krista Gowan

	of a community or culture, or		property has also been used as a private school and for businesses. The property at 429 William has the potential to yield information that contributes to an understanding of the community.	
	c. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	Not noted in designating by-law.	Research was undertaken and an architect and builder were unable to be identified.	No
3. The property has contextual value because it,	a. Is important in defining, maintaining or supporting the character of an area,	"In a neighbourhood known for its brick architecture, this pre-1877 frame building is noteworthy."	The property at 429 William Street was once surrounded by wooden dwellings as seen in the 1881 Rev.1888 Fire Insurance Plans, but is now amongst brick dwellings (Appendix C, Image 14 &15). Some of the surrounding brick buildings have elaborate details such as the former Bishop Cronyn Memorial Church (442 William Street). The property at 429 William Street supports the character of the area by continuing to be a frame building in an area of brick dwellings.	Yes
	b. Is physically, functionally, visually, or historically linked to its surroundings, or,	Not noted in designating by-law.	Research was undertaken and the property at 429 William Street was not found to be physically, functionally, visually, or historically linked to its surroundings in a significant way.	No
	c. Is a landmark.	Not noted in designating by-law.	The property at 429 William Street is not a landmark.	No

Heritage attributes extracted from the By-law No. L.S.P.-3227-417 include:

- Frame house
- Front end gable
- Remnant finial in central peak
- Window trim on all elevations
- Door trim on all elevations
- Windows
- Original storms
- Bay window
- Porch – noted as a later additions (1910-1920)

Appendix F – Comparative Properties



Image 17. Property at 471 Maitland Street, c1850. Designated under Part IV of the *Ontario Heritage Act*.



Image 18. Property at 58 Blackfriars Street, c 1870. Designated under Part V of the *Ontario Heritage Act*.



Image 19. Property at 225 Maitland Street, c.1874. Listed property under Section 27 of the *Ontario Heritage Act*. Photo provided by Google Streetview



Image 20. Property at 136 Mill Street, c1868. Listed property under Section 27 of the *Ontario Heritage Act*. Photo provided by Google Streetview



Image 21. Property at 134 Mill Street, c.1870. Not protected under the *Ontario Heritage Act*. Photo provided by Google Streetview



Image 22. Property at 305 Grey Street, c. 1880. Not protected under the *Ontario Heritage Act*. Photo provided by Google Streetview

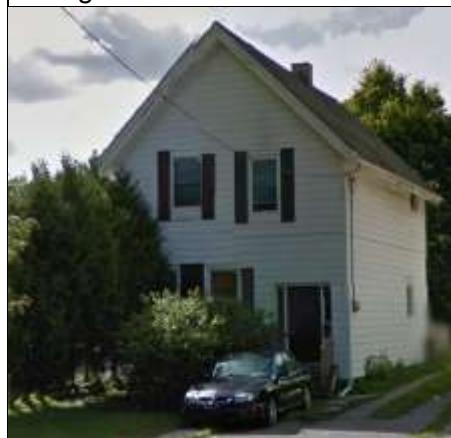


Image 23. Property at 307 Grey Street, c. 1893. Not protected under the *Ontario Heritage Act*. Photo provided by Google Streetview



Image 24. Property at 127 Ann Street, c.1870. Listed property under Section 27 of the *Ontario Heritage Act*. Photo provided by Google Streetview



Image 25. 125 Ann Street, c.1870. Not protected under the *Ontario Heritage Act*. Photo provided by Google Streetview

Appendix G –Annotated Façade Assessment

<p style="text-align: right;">02/22/2019 11:20</p>	
<p>1 & 2. Remnant finial in central peak. Front end gable</p>	<p>3. Trim around windows on all elevations</p>
<p>4. Trim around doors on all elevations</p>	<p>5. Bay window</p>
	<p>6. Porch, later addition</p>



Request to Repeal Heritage Designating By-law - 429 William Street

London Advisory Committee on Heritage

Wednesday March 13, 2019

london.ca



Repeal of Heritage Designating By-law - Owner's Initiative

Under Section 32(1) of the *Ontario Heritage Act*, an owner of a property designated pursuant to Section 29 of the *Ontario Heritage Act* may apply to Municipal Council to repeal a heritage designating by-law. Section 32 of the *Ontario Heritage Act* states,

- (2) After consultation with its municipal heritage committee [London Advisory Committee on Heritage], where one is established, the council shall consider an application under subsection (1) and within ninety days of receipt thereof shall,
 - Refuse the application and cause notice of its decision to be given to the owner and to the [Ontario Heritage] Trust; or,
 - Consent to the application to repeal the designating by-law; and
 - Cause notice of the intention to repeal the by-law to be served on the owner and the [Ontario Heritage] Trust; and
 - Publish notice of the intention to repeal the by-law in a newspaper of general circulation in the municipality (Section 32(2), *Ontario Heritage Act*).

A request to repeal the heritage designating by-law for 429 William Street was received on January 15, 2019 and the 90-day timeline will expire on April 15, 2019.



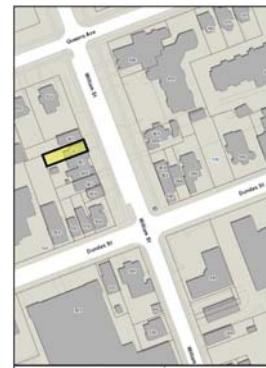
429 William Street



- Constructed 1871
- One-and-a-half story frame building
- Front end gable with a remnant finial in the central peak.
- Window and door trim on all elevations
- Original windows and storms
- Bay window on first floor of the front facade.
- The porch is a later addition (1910-1920).



Property Location and Status



Location of 429 William Street



Designated under Part IV under the
Ontario Heritage Act on December 6, 1993
(By-law No. L.S.P.-3227-417)



By-law No. L.S.P.-3227-417

"In a neighbourhood known for its brick architecture, this pre-1877 frame building is noteworthy. This **one and half storey, front end, gable frame house** has **door and unusual window trim detailing on all elevations** which is seldom seen in London. All the **windows and storms** as original. There is **remnant finial in central peak**. There is a **bay window** on first floor of front façade. The **porch** is a later addition (1910-1920). The original roof was probably wood shingle." (By-law No. L.S.P.-3227-417)



429 William Street





429 William Street



429 William Street



02/22/2019 11:20



429 William Street



429 William Street

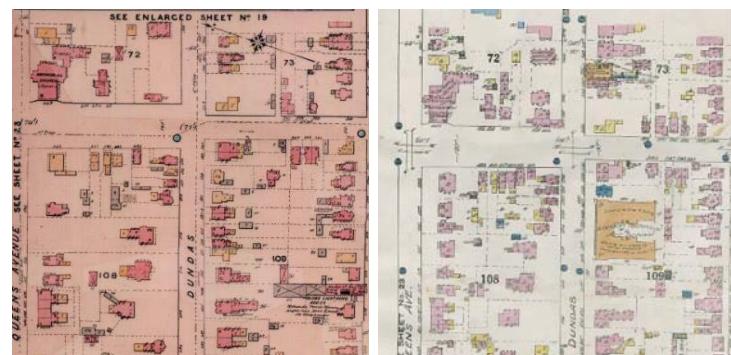


429 William Street - History

- 18??: Patent to John Wilson
- 1870: Owned by Robert Kirkpatrick, noted as vacant
- 1871-1875: Occupied by John Webb
- 1876-1883: Occupied by Charles Conover
- 1884-1886: Occupied by Richard Evans
- 1887: Occupied by Edward N King
- 1888-1889: Occupied by Robert W Scott
- 1890-1893: Occupied by Miss Ethel Penny
- 1894-1896: Occupied by Frank Harding
- 1897-1900: Occupied by William H Hamilton
- 1904-1906: Occupied by Charles E Cuttell
- 1907... Occupied by Louis Roedding

*appears to have stayed in the Roedding family until 1962

Fire Insurance Plans



Detail of sheet 24 of the 1881 Rev. 1888 Insurance Plan showing the property at 429 William Street surrounded by wooden dwellings. Courtesy Western Archives

Detail of sheet 24 of the 1912 Rev. 1922 Insurance Plan showing the property at 429 William Street surrounded by brick dwellings. Courtesy Western Archives.



Contextual Images



West Side of William Street, February 2019



Contextual Images



West Side of William Street, February 2019



Contextual Images



East Side of William Street, February 2019



Contextual Images



Corner at Dundas Street and William Street, February 2019



Contextual Images



536 Queens Ave, February 2019



534 Queens Ave, February 2019



Test to Repeal a Heritage Designating By-law

A property may be designated under Section 29 of the Ontario Heritage Act if it meets one or more of the following criteria for determining cultural heritage value or interest:

1. The property has design value or physical value because it,
 - a) Is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - b) Displays a high degree of craftsmanship or artistic merit, or
 - c) Demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - a) Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - b) Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - c) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - a) Is important in defining, maintaining or supporting the character of an area,
 - b) Is physically, functionally, visually, or historically linked to its surroundings, or,
 - c) Is a landmark.



Recent Conservation Review Board Hearings

1. Conservation Review Board hearing 0807 (2009)
2. Conservation Review Board hearing 1713 (2018)
 - The Conservation Review Board also stated that: “the property resale value issue raised in this proceeding does not relate to the “heritage merits” and is thus beyond the scope of the Review Board’s considerations.” (CRB1713).
 - There had been no substantial changes to the property since the date of the heritage designation



Comparative Properties



Test to Repeal a Heritage Designating By-law

Ontario Reg. 9/06 Criteria	Heritage Planner Comments	Does the property Meet the Criteria?
3. The property has contextual value because it,	a. Is important in defining, maintaining or supporting the character of an area,	<ul style="list-style-type: none"> The property was once surrounded by wooden dwellings but is now amongst brick dwellings. Some of the surrounding brick buildings have elaborate details such as the former Bishop Cronyn Memorial Church (442 William Street). The property supports the character of the area by continuing to be a frame building in an area of brick dwellings.
	b. Is physically, functionally, visually, or historically linked to its surroundings, or,	<p>Research was undertaken and the property at 429 William Street was not found to be physically, functionally, visually, or historically linked to its surroundings in a significant way.</p>
	c. Is a landmark.	The property at 429 William Street is not a landmark.



Test to Repeal a Heritage Designating By-law

Ontario Reg. 9/06 Criteria	Heritage Planner Comments	Does the property meet the Criteria?
1. The property has design value or physical value because it,	a. Is a rare, unique, representative or early example of a style, type, expression, material or construction method,	<ul style="list-style-type: none"> a representative example of a one and a half storey, frame building with a front gable in the City of London. The bay window is a rare attribute of one and a half storey, front gable, and frame building. The porch, although a later addition (1910-1920), contributes to the cultural heritage resource as it expresses the evolution of the property
	b. Displays a high degree of craftsmanship or artistic merit, or	<ul style="list-style-type: none"> trim around windows and doors on all elevations displays a high degree of craftsmanship.
	c. Demonstrates a high degree of technical or scientific achievement	Research was undertaken, and the property at 429 William Street does not demonstrate a high degree of technical or scientific achievement.



Test to Repeal a Heritage Designating By-law

Ontario Reg. 9/06 Criteria	Heritage Planner Comments	Does the property Meet the Criteria?
2. The property has historical value or associative value because it,	a. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,	Research was undertaken, and a significant theme, event, belief, person, activity, organization or institution to the community has not been discovered.
	b. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or	<ul style="list-style-type: none"> The building has been a private residence for labourers, tailors, school teachers, freight agents, and shoe makers. The building has also been used as a private school and for businesses. The property has the potential to yield information that contributes to an understanding of the community.
	c. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	Research was undertaken and an architect and builder were unable to be identified.



429 William Street





Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the request to repeal the heritage designating By-law No. L.S.P.-3227-417 for the property at 429 William Street **BE REFUSED** and that notice of this decision **BE GIVEN** to the property owners and to the Ontario Heritage Trust.

London Advisory Committee on Heritage

Report

3rd Meeting of the London Advisory Committee on Heritage
February 13, 2019
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, D. Brock, J. Cushing, H. Elmslie, S. Gibson, T. Jenkins, J. Manness, K. Waud and M. Whalley and J. Bunn (Secretary)

ABSENT: H. Garrett

ALSO PRESENT: R. Armistead, J. Dent, L. Dent, K. Gonyou, K. Gowan and J. Ramsay

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on January 30, 2019:

a) the attached Stewardship Sub-Committee Report, as noted above, BE FORWARDED to J. Ramsay, Project Director, Rapid Transit Implementation so that the comments within it can be incorporated into future Cultural Heritage Evaluation Reports (CHER) and Environmental Project Reports; it being noted that the London Advisory Committee on Heritage supports an individual CHER or Heritage Impact Assessment (HIA) being completed during detailed design for the following six properties that the Stewardship Sub-Committee recommended be further reviewed:

- 740 Richmond Street;
- 744 Richmond Street;
- 746 Richmond Street;
- 136 Wellington Road;
- 138 Wellington Road; and,
- 142 Wellington Road; and,

b) the following items, related to the above-noted matter, BE RECEIVED:

- the attached presentation and hand-out from M. Tovey and J. Hunten with respect to properties located on Richmond Street;
- the attached presentation and hand-out from J. Ramsay, Project Director, Rapid Transit Implementation with respect to the Rapid Transit CHERs; and,
- the above-noted Stewardship Sub-Committee Report.

3. Consent

3.1 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 2nd Report of the London Advisory Committee on Heritage, from its meeting held on January 9, 2019, was received.

3.2 Municipal Council Resolution - 1st Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 15, 2019, with respect to the 1st Report of the London Advisory Committee on Heritage, was received.

3.3 Municipal Council Resolution - 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 29, 2019, with respect to the 2nd Report of the London Advisory Committee on Heritage, was received.

3.4 Public Meeting Notice - Official Plan Amendment - Draft Old East Village Dundas Street Corridor Secondary Plan

That the following actions be taken with respect to the Notice of Public Meeting, dated January 24, 2019, from K. Killen, Senior Planner, with respect to an Official Plan Amendment for the Draft Old East Village Dundas Street Corridor Secondary Plan as well as the Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report (CHAR) prepared by ASI Archaeological and Cultural Heritage Services:

- a) K. Killen, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage recommends that the properties included on the attached Appendix C of the above-noted Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report, be added to the Register (Inventory of Heritage Resources); and,
- b) the above-noted Notice of Public Meeting and CHAR, BE RECEIVED.

3.5 Notice of Planning Application - Zoning By-law Amendment - 2096 Wonderland Road North

That B. Debbert, Senior Planner, BE ADVISED of the following with respect to the Notice of Planning Application for a Zoning By-law Amendment for the property located at 2096 Wonderland Road North:

- the London Advisory Committee on Heritage (LACH) is not satisfied with the research and assessment of the Heritage Impact Statement (HIS) Addendum, appended to the agenda, from zedd Architecture and Kirkness Consulting;
- the LACH does not support the conclusions of the above-noted HIS Addendum;
- the LACH suggests that further consideration be given to the conservation of the heritage attributes, described in the designating by-law, for the property located at 2096 Wonderland Road North; and,
- the LACH has concerns about the following with respect to this application:

- o retaining the Georgian character of the current building;
 - o massing of the proposed development related to the Georgian farmhouse, particularly townhouse 1, 2, 8 and 9 on the submitted plans;
 - o proposed window and door replacement, which was proposed to match design treatment of the new townhouses, but should, instead, reflect the Georgian character of the farmhouse;
 - o the lack of green space to retain the context of the Georgian farmhouse; and,
 - o potential construction impacts on the heritage building;
- it being noted that the attached presentation from L. Dent, Heritage Planner, was received with respect to this matter.

3.6 Community Heritage Ontario Newsletter - Winter 2019

That it BE NOTED that the CHOnews newsletter for Winter of 2019 was received; it being noted that a copy is on file in the City Clerk's Office.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Request for Designation - 75 Langarth Street East

That the communication, dated January 30, 2019, from L. Curnoe, with respect to a request for designation for the property located at 75 Langarth Street East, BE REFERRED to the Stewardship Sub-Committee for further research and review.

5.2 Community Heritage Ontario Questionnaire

That it BE NOTED that the Community Heritage Ontario Questionnaire entitled "Finding Out From Members of Municipal Heritage Committees what Training Do You Need?", was received.

5.3 2018 Heritage Planning Program

That it BE NOTED that the attached Memo, dated February 6, 2019, from K. Gonyou, L. Dent and K. Gowan, Heritage Planners, with respect to the 2018 Heritage Planning Program, was received; it being noted that the London Advisory Committee on Heritage commends the work done by the Heritage Planners in 2018.

5.4 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent and K. Gowan, Heritage Planners, with respect to various updates and events, was received.

6. Deferred Matters/Additional Business

- 6.1 (ADDED) Notice of Planning Application - Official Plan and Zoning By-law Amendments - 124 St. James Street

That it BE NOTED that the Notice of Planning Application, dated February 6, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the property located at 124 St. James Street, was received.

7. Adjournment

The meeting adjourned at 7:25 PM.



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

March 6, 2019

J. M. Fleming
Managing Director, Planning and City Planner

J. Ramsay
Project Director, Rapid Transit Implementation

I hereby certify that the Municipal Council, at its meeting held on March 5, 2019 resolved:

That, the following actions be taken with respect to the 3rd Report of the London Advisory Committee on Heritage from its meeting held on February 13, 2019:

a) the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on January 30, 2019:

i) the Stewardship Sub-Committee Report, as noted above and appended to the 3rd Report of the London Advisory Committee on Heritage, BE FORWARDED to J. Ramsay, Project Director, Rapid Transit Implementation so that the comments within it can be incorporated into future Cultural Heritage Evaluation Reports (CHER) and Environmental Project Reports; it being noted that the London Advisory Committee on Heritage supports an individual CHER or Heritage Impact Assessment (HIA) being completed during detailed design for the following six properties that the Stewardship Sub-Committee recommended be further reviewed:

- 740 Richmond Street;
- 744 Richmond Street;
- 746 Richmond Street;
- 136 Wellington Road;
- 138 Wellington Road; and,
- 142 Wellington Road; and,

ii) the following items, related to the above-noted matter, BE RECEIVED:

- the presentation and hand-out appended to the 3rd Report of the London Advisory Committee on Heritage from M. Tovey and J. Hunten with respect to properties located on Richmond Street;
- the presentation and hand-out appended to the 3rd Report of the London Advisory Committee on Heritage from J. Ramsay, Project Director, Rapid Transit Implementation with respect to the Rapid Transit CHERs; and,
- the above-noted Stewardship Sub-Committee Report;

b) the following actions be taken with respect to the Notice of Public Meeting, dated January 24, 2019, from K. Killen, Senior Planner, with respect to an Official Plan Amendment for the Draft Old East Village Dundas Street Corridor Secondary Plan as well as the Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage

Assessment Report (CHAR) prepared by ASI Archaeological and Cultural Heritage Services:

- i) K. Killen, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage recommends that the properties included on the Appendix C appended to the above-noted Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report, be added to the Register (Inventory of Heritage Resources); and,
 - ii) the above-noted Notice of Public Meeting and CHAR, BE RECEIVED;
- c) B. Debbert, Senior Planner, BE ADVISED of the following with respect to the Notice of Planning Application for a Zoning By-law Amendment for the property located at 2096 Wonderland Road North:
- the London Advisory Committee on Heritage (LACH) is not satisfied with the research and assessment of the Heritage Impact Statement (HIS) Addendum, appended to the agenda, from zedd Architecture and Kirkness Consulting;
 - the LACH does not support the conclusions of the above-noted HIS Addendum;
 - the LACH suggests that further consideration be given to the conservation of the heritage attributes, described in the designating by-law, for the property located at 2096 Wonderland Road North; and,
 - the LACH has concerns about the following with respect to this application:
 - retaining the Georgian character of the current building;
 - massing of the proposed development related to the Georgian farmhouse, particularly townhouse 1, 2, 8 and 9 on the submitted plans;
 - proposed window and door replacement, which was proposed to match design treatment of the new townhouses, but should, instead, reflect the Georgian character of the farmhouse;
 - the lack of green space to retain the context of the Georgian farmhouse; and,
 - potential construction impacts on the heritage building;
- it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage from L. Dent, Heritage Planner, was received with respect to this matter; and,
- d) clauses 1.1, 3.1 to 3.3, 3.6, 5.1 to 5.4, inclusive, and 6.1 BE RECEIVED, for information. (5.1/5/PEC)



C. Saunders
City Clerk
/lm

cc. G. Barrett, Manager, Long Range Planning and Research
K. Gonyou, Heritage Planner
K. Killen, Senior Planner
B. Debbert, Senior Planner
S. Langill, Executive Assistant to the City Planner
Chair and Members, London Advisory Committee on Heritage



NOTICE OF PLANNING APPLICATION

Zoning By-Law Amendment

4680 Wellington Road South



File: Z-9027

Applicant: 761030 Ontario Limited

What is Proposed?

Zoning amendment to allow:

- The continuation of the existing golf driving range facility use for an additional three (3) years.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **March 19, 2019**

Planner: Meg Sundercock

msundercock@london.ca

519-661-CITY (2489) ext. 4471

Development Services, City of London, 300 Dufferin Avenue, 6th Floor,
London ON PO BOX 5035 N6A 4L9

File: TZ-9027

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Steven Hillier

shillier@london.ca

519-661-CITY (2489) ext. 4014

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

Commonly Used Planning Terms are available at london.ca/planapps.

Requested Zoning By-law Amendment

To extend the existing Temporary Use (T-74) Zone to allow for the continuation of the existing golf driving range facility on the subject lands for an additional three (3) years. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Current Zoning

Zone: Urban Reserve Temporary Use (UR6/T-74) Zone

Permitted Uses: A range of pastoral and existing industrial uses, conservation, and passive recreation uses, as well as a golf driving range facility for a temporary period not exceeding three (3) years.

Requested Zoning

Zone: Urban Reserve Temporary Use (UR6/T-74) Zone

Permitted Uses: The continuation of the existing golf driving range facility use on the subject lands for an additional three (3) years in addition to the full range of uses in the Urban Reserve Temporary Use (UR6/T-74) Zone noted above.

Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. These lands are currently designated as Agriculture and Environmental Review in the Official Plan, which permits agricultural uses such as the cultivation of land and livestock operations as the main uses, though also contemplates existing residential uses.

The subject lands are in the Farmland and Green Space Place Types in *The London Plan*, permitting a range of agricultural and recreational uses associated with the passive enjoyment of natural features, but also allows for residential dwellings on existing lots of record.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](#) page at london.ca.

See More Information

You can review additional information and material about this application by:

- visiting Development Services at 300 Dufferin Ave, 6th floor, Monday to Friday between 8:30am and 4:30pm;
- contacting the City's Planner listed on the first page of this Notice; or
- viewing the application-specific page at london.ca/planapps.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

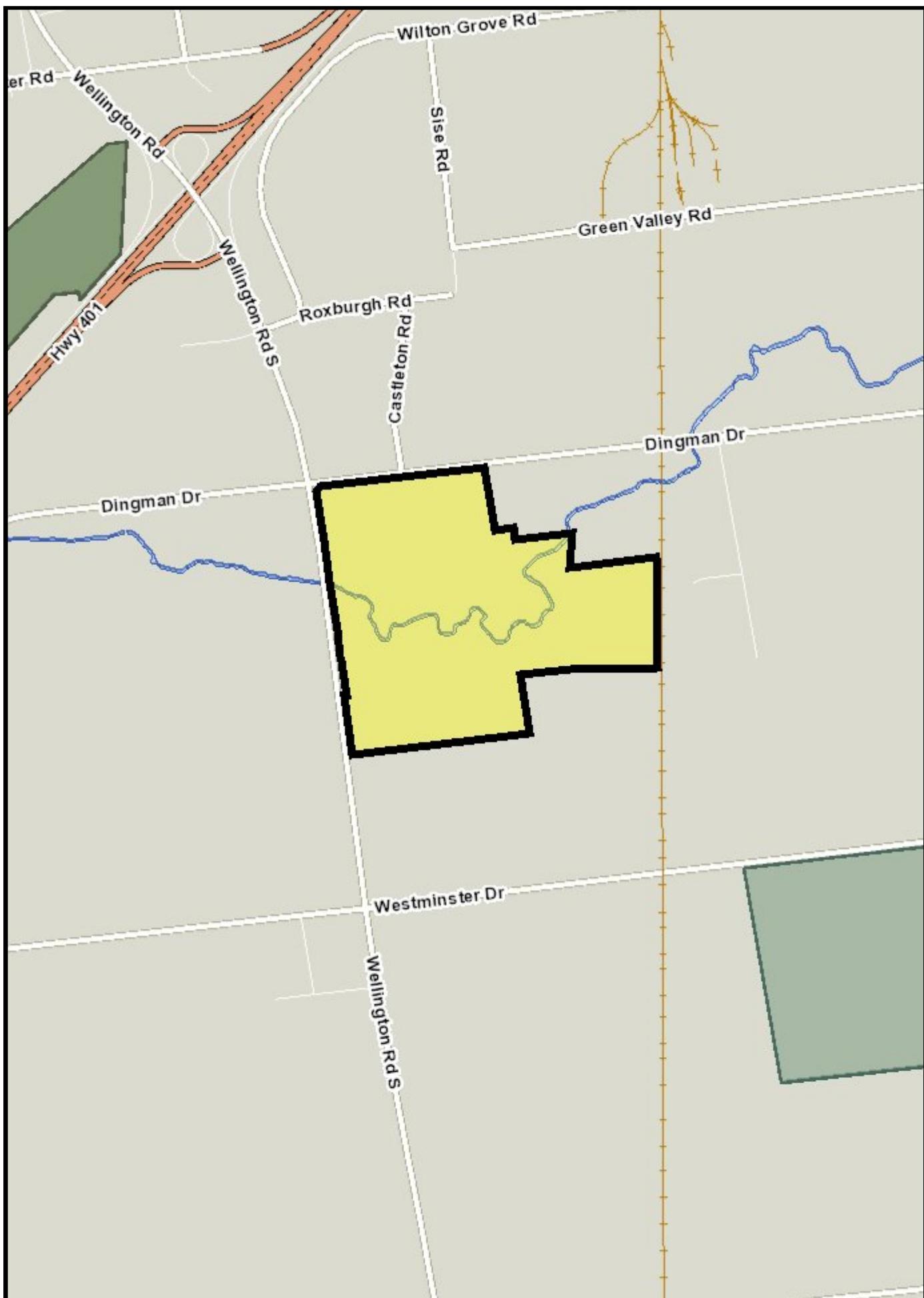
If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act, 2001*, as amended, and the *Planning Act, 1990 R.S.O. 1990, c.P.13* and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY(2489) ext. 4937.

Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact accessibility@london.ca or 519-661-CITY(2489) extension 2425 for more information.



Location Map

Subject Property: 4680 Wellington Road S
Applicant: 761030 Ontario Ltd.
File Number: TZ-9027
Created By: Meg Sundercock
Date: 2/22/2019
Scale: 1:16000

Legend

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers



TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON FEBRUARY 20, 2019
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	BY-LAW MONITORING AND MODERNIZATION

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the report on By-law Monitoring and Modernization **BE RECEIVED** for information purposes.

BACKGROUND

Over the past number of years, Civic Administration has reviewed a number of by-laws in an effort to streamline and consolidate regulations and approval processes, address emerging issues and repeal archaic unnecessary regulations. The largest review involved a complete revamp of the Business Licensing By-law, which had not been fully reviewed and/or revised for at least three decades. Emerging issues such as car sharing initiated a review of the former Taxicab By-law.

DISCUSSION

Generally, all Community By-laws can be categorized by one or more of the following municipal purposes:

- Consumer protection
- Nuisance control
- Health and safety
- Crime prevention

London's By-laws vary in the level of complexity, length and degree of enforcement required to achieve compliance.

Civic Administration is continually monitoring emerging issues, consulting with industry advocates, and discussing issues with the general public in an effort to efficiently and effectively administer and enforce Council approved By-laws.

In recent comprehensive by-law reviews, Council approved Civic Administration utilizing section 23 of the *Municipal Act*, authorizing the delegation of legislative powers. The intent of this section is to streamline City Council's decision-making process and enable it to focus on larger community issues in a more strategic manner. This process has been used in the Vehicle for Hire By-law and Business Licensing By-law. The process is efficient as it allows for the development and implementation of operational regulations by Civic Administration, which otherwise would be required to be approved by Council by way of By-law amendments. The process allows for prompt decision making and alternative solutions without having to report out to Council on operational matters. From a resource perspective, preparing numerous reports and amendments to a current By-law, is far more time-consuming than addressing operational matters administratively.

CONCLUSION

As the continuous process of By-law modernization unfolds, Civic Administration plan to amend two bundles of By-laws yearly. This will involve a full municipal scan, industry meetings and a public participation process to ensure full public transparency. The two proposed bundles for the 2019 calendar year are:

- The Pool Fence By-law and the Fence By-law
- Property Standards

In addition to these two bundles, Civic Administration will continue to prepare By-law amendments as emerging issues arise.

PREPARED BY:	RECOMMENDED BY:
	
O. KATOLYK, MLEO (c) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & AND COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

Property Standards By-law

CP-16 – as of June 28, 2010

As Amended by

By-law No.	Date Passed at Council
CP-16	August 3, 1999
CP-16-00001	September 3, 2000
CP-16-09002	November 23, 2009
CP-16-10003	June 14, 2010
CP-16-10004	June 28, 2010

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For by-law related inquiries or complaints please contact the Licensing & Municipal Law Enforcement Department at 519-661-4660 or enforcement@london.ca.

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London
CANADA

**OFFICE CONSOLIDATION
INCLUDING AMENDMENT CP-16-10004 (June 28, 2010)**

CITY PLANNING

By-law CP-16

**A by-law prescribing
STANDARDS FOR THE MAINTENANCE AND OCCUPANCY OF PROPERTY**

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WHEREAS the Official Plan for the City of London includes provisions relating to conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 of the Building Code Act provides that the Council may pass a by-law with respect to the prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards on the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.

AND WHEREAS section 220.1 of the *Municipal Act, R.S.O. 1990, c. m.45*, as amended by section 10 of Schedule M of the *Savings and Restructuring Act, 1996* provides that the Council may by by-law impose fees for services and activities provided or done by or on behalf of The Corporation of the City of London,

THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

SHORT TITLE
PROPERTY STANDARDS BY-LAW

PART 1

DEFINITIONS & GENERAL REQUIREMENTS

1.1 DEFINITIONS

In this by-law.

Acceptable - defined

"acceptable" means

- (a) accepted by the Chief Building Official of the Municipality with respect to matters under the Building Code;
- (b) accepted by the Chief Fire Official of the Municipality with respect to matters under the Fire Code;
- (c) accepted by the Property Standards Officer with respect to the standards set out in this by-law.

Act - defined

"Act" means the *Building Code Act, 1992, S.O. 1992, c.23* as amended.

Building Code - defined

"Building Code" means the regulations made under section 34 of the Act.

City - defined

"City" shall mean the Corporation of the City of London.

Exterior Property Areas - defined

"exterior property areas" means the property excluding buildings.

Fence - defined

"fence" includes a privacy or other screen.

Ground Cover - defined

"ground cover" means organic or non-organic material applied to prevent erosion such as concrete, flagstone, gravel, asphalt, grass or other equivalent landscaping.

Habitable Space - defined

"habitable space" means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a washroom.

Heritage attributes - defined

means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest and that is defined or described:

- a) in a by-law designating a property passed under section 29, Part IV, of the *Ontario Heritage Act* and identified as a heritage attribute, reason for designation or otherwise;
- b) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as a heritage attribute or otherwise;
- c) in a by-law designating a heritage conservation district passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a heritage attribute or otherwise; or
- d) in the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes or otherwise.

Maintained - defined

"maintained" means to carry out any repairs, reconstruction, refinishing, or replacement of any part or parts of a structure or building or appurtenances including mechanical

equipment required so they may properly perform the intended function.

Part IV heritage property - defined

means real property, including all buildings and structures thereon, which has been designated by a municipality under section 29 of the *Ontario Heritage Act*, or which has been designated by the Minister under section 34.5 of the *Ontario Heritage Act*.

Part V heritage property - defined

means real property, including all buildings and structures thereon, which is located in a heritage conservation district designated under section 41 of the *Ontario Heritage Act*.

Vacant building – defined

means a building or part of a building that is not used by an owner or is not occupied by an owner.

1.2 Word - term- not defined - meaning

Any word or term not defined in this by-law shall have the meaning ascribed to it in the Act or the Building Code

**PART 2
GENERAL DUTY TO REPAIR**

2.1 Owners - Shall Repair and Maintain

Owners of property that does not conform to the standards of this by-law, shall repair and maintain the property to conform with the standards of the by-law or to clear it of all buildings, structures, debris or refuse and left in a graded and levelled condition except that no building or structure on a Part IV heritage property or a Part V heritage property shall be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.

2.2 Repairs - Manner Acceptable

All repairs to comply with this by-law shall be carried out with suitable and sufficient materials in a manner acceptable to the Officer as good and workmanlike for the trades concerned.

2.3 Application – All Property

This by-law applies to all property within the City of London.

2.4 Repairs – Vacant Building – Occupied

All repairs to be carried out inside a vacant building or inside a vacant part thereof shall be carried out before the vacant building or vacant part is used or occupied.

2.5 Repairs Required - Section 15.1 - Act

This by-law is applicable to repairs required under Section 15.1 of the Act, and sections 35.3 and 45.1 of the *Ontario Heritage Act*, but not any other section of the Act, Fire Code or any other provincial act or regulations.

2.6 Dimension - Specified - Officer Accept - Level of Performance

Whenever a dimension, either maximum or minimum is specified, the Officer may accept a dimension that is more or less than the requirement provided it will not reduce the level of performance required by the by-law.

STANDARDS FOR HERITAGE PROPERTIES

2.7 (1) In section 2.7 only, “maintained” in respect of heritage attributes means maintained, preserved, protected, repaired, reconstructed, refinished, or replaced, in compliance with the *Ontario Heritage Act*. Subject to the

requirements in the *Ontario Heritage Act*, maintenance may include using the same types of material as the original exterior heritage fabric of the building or structure, in order to maintain the character and visual integrity of the heritage attributes of the building or structure, in keeping with the design, colour, texture and any other distinctive feature of the original material that is being maintained.

(2) In addition to the minimum standards for the maintenance of property set out in this by-law, all of the heritage attributes of a Part IV heritage property and a Part V heritage property shall be maintained.

(3) (a) For a Part IV heritage property, the owner must comply with the provisions of the *Ontario Heritage Act* if the alteration is likely to affect the property's heritage attributes, and the owner must apply to Council under the *Ontario Heritage Act* to obtain written consent, or receive the Minister's consent, as the case may be.

(b) For a Part V heritage property, the owner must comply with the provisions of the *Ontario Heritage Act* and obtain a permit when altering or permitting the alteration of any part of the property, other than the interior of any structure or building on the property, or when erecting, demolishing or removing any building or structure on the property, or permitting same, unless excepted from such requirement under the *Ontario Heritage Act*.

(c) No building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished or relocated, except in accordance with the *Ontario Heritage Act*.

(4) No order made under section 15.2 of the *Building Code Act* in respect of a Part IV heritage property or a Part V heritage property shall state that the site is to be cleared of all buildings or structures and left in a graded and levelled condition. That part of an order in respect of a Part IV heritage property or a Part V heritage property that states that a site is to be cleared of all buildings or structures and left in a graded and levelled condition is of no force or effect.

VACANT BUILDINGS ON DESIGNATED HERITAGE PROPERTIES

- 2.8** (1) This section applies only to vacant buildings on a Part IV heritage property or a Part V heritage property.
- (2) Despite section 4.3, in order to minimize the potential of deterioration of a building, where the exterior doors, windows or other openings are missing, broken, improperly fitted, unsecure or in disrepair, or where the property remains vacant for a period of 30 days or more, the property shall be boarded in compliance with the following requirements:
- (a) all boards used in the boarding shall be installed from the exterior and shall be properly fitted in a watertight manner to fit within the side jambs, head jamb and the exterior bottom sill of the door or window so that any exterior trim remains uncovered and undamaged by the boarding;
 - (b) all boards should be at least 12.7mm (0.5 in.) weatherproofed sheet plywood secured with nails or screws at least 50 millimetres (2 inches) in length and be installed at appropriate intervals on centre;
 - (c) all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.

(4) In addition to section 4.6, the exterior of the building shall be maintained to prevent moisture penetration and damage from the elements.

(5) In addition to section 5.2, the owner shall ensure that appropriate utilities serving the building are connected so as to provide, maintain and monitor proper heating and ventilation to prevent damage caused to the building by fluctuating temperatures and humidity.

PART 3 ENVIRONMENT

3.1 EXTERIOR PROPERTY AREAS

3.1.1 Exterior - Maintained - Neat and Tidy

Exterior property areas shall be maintained in a neat and tidy condition.

3.1.2 Neat and Tidy Includes

Without restricting the generality of subsection 3.1.1, maintained in a neat and tidy condition includes removal of:

- (a) rubbish, garbage, brush, waste, litter and debris;
- (b) injurious insects, termites, rodents, vermin and other pests;
- (c) growth of weeds in excess of 20 cm (8");
- (d) ground cover, hedges and bushes which are unreasonably overgrown;
- (e) dead, decayed or damaged trees or other growth and the branches and limbs thereof which create an unsafe condition;
- (f) wrecked, dismantled, inoperative, discarded, unused, or unlicensed vehicles or trailers, except in an establishment licensed or authorized to conduct or operate a wrecking business;
- (g) machinery or parts thereof, or other objects or parts thereof, or accumulation of material that creates an unsafe condition or which is not in keeping with the neighbouring properties;
- (h) dilapidated or collapsed structures or erections, and the filling or protecting of any uncovered cavities such as wells, cisterns, septic tanks.

3.1.3 Drives, Ramps - Surfaced - Marked

Driveways, ramps, parking areas, paths, outside stairs and landings, except for those on properties zoned and used for agricultural purposes, shall be:

- (a) surfaced, resurfaced, repaired or regraded to provide a uniform surface for pedestrian or vehicle use;
- (b) provided with markings or islands, to indicate parking spaces, ingress and egress routes and snow piling areas;

3.1.4 Exterior - Regraded - Prevent Unstable Soil

Exterior property areas shall be regraded and/or provided with ground cover as appropriate to prevent unstable soil conditions, or erosion.

3.1.5 Lighting - Maintained

Lighting fixtures, lamps and their supports and connections shall be maintained in a safe and complete condition, without visible deterioration and in working order.

3.1.6 All Conditions - Maintained

All conditions of development and redevelopment including, but not limited to, drainage, ground cover, hedges, trees, landscaping and recreation equipment shall be maintained. The Officer may accept alternatives provided the intent of the original conditions of approval are maintained.

3.1.7 Furniture - Exterior Use

All furniture used for exterior use that becomes dilapidated shall be disposed of.

3.2 ACCESSORY BUILDINGS

3.2.1 Accessory Buildings - Maintained

Accessory buildings, other than farm out-buildings, unless they are unsafe shall be maintained.

3.3 FENCES

3.3.1 Fences - Maintained

Fences, except for those on properties zoned and used for agricultural purposes, shall be maintained.

3.4 RETAINING WALLS

3.4.1 Retaining Walls - Maintained

Retaining walls shall be maintained and where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

3.5 REFUSE STORAGE AND DISPOSAL

3.5.1 Refuse - Collected - Stored

All refuse shall be collected, stored and placed for pick-up and disposal, in accordance with the City Waste Collection By-law.

3.5.2 Collection - Comply

Without limiting the generality of subsection 3.5.1, the collection, handling, storage and disposal of refuse shall comply with the following:

- (a) it shall facilitate collection and disposal as required by the municipal corporation or private collecting agency, as applicable;
- (b) refuse storage facilities within a building shall be readily accessible to all occupants for whom the storage facility is provided, or in the alternative be readily accessible by an operable refuse chute provided for this purpose in compliance with all regulations applicable thereto;
- (c) refuse storage facilities shall be maintained in a clean, sanitary and odour controlled condition;
- (d) it shall not obstruct an emergency route, recreation facility, parking area, driveway or walkway; and
- (e) where a refuse compactor is provided it shall not be connected to an electrical or other source of power unless provisions are made to prevent unauthorized operation.

3.5.3 Outside - Storage of Refuse

Where refuse is permitted by an owner to be stored for disposal outside the enclosing walls of a building, the storage of refuse by that owner shall:

- (a) be kept at all times in a litter free condition and in a manner that will not attract pests or create a health or safety hazard due to the nature of

- the storage or through deterioration, wind or misuse of the storage facility;
- (b) except for single and semi-detached residential buildings be screened if less than 60 m (196 ft) from a public highway, street, walkway, park or residential property so as not to be visible from such locations; and
 - (c) the required screening in (b) above shall:
 - (i) extend from grade to a height of 0.3 m (1 ft) above the height of the storage container(s),
 - (ii) consist of a continuous opaque visual barrier when viewed at 90° to the surface,
 - (iii) be maintained in a clean, sanitary and odour controlled condition.

3.5.4 Refuse - Inside

Where refuse is stored or placed for disposal inside the enclosing walls of a building the storage and placement for disposal shall:

- (a) comply with the Fire Code;
- (b) be large enough to contain all refuse generated between collections by the occupants served.

3.5.5 Refuse Chute System - Maintained

Where a refuse chute system was originally provided in a multiple floor building, the system shall be maintained except that acceptable alternatives may be provided if readily accessible to occupants.

3.5.6 Temporary Storage - Provided

Notwithstanding the requirements of this section, temporary storage resulting solely from the construction, demolition or alteration of a building or part thereof may be placed on the property provided:

- (a) it is removed frequently and in its entirety from the property;
- (b) it will not cause risk to the health or safety of any person.

PART 4 BUILDINGS

4.1 STRUCTURAL

4.1.1 Structural System - Capable

A building, and every structural system or component serving a part thereof, shall be capable of sustaining its own weight together with the loads that may be imposed by the use and occupancy therein and by natural causes such as snow and winds.

4.1.2 Doubt - Structural Condition - Engineer's Report

If, in the opinion of the officer, there is doubt as to the structural condition of a building or structure or parts thereof, the officer may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and employed by the owner of the building or authorized agent, and that a written report, which may include drawings for any recommended remedial work designed by the engineer, and giving details of the findings of such examination to be submitted to the officer.

4.1.3 Report Acceptance

The officer may accept the findings in the report pursuant to subsection 4.1.2 as the requirements for compliance with the required repairs provided the officer is satisfied all

deficiencies have been identified and appropriately dealt with by the report.

4.2 FOUNDATION, WALLS, COLUMNS, BEAMS, FLOOR AND ROOF SLABS

4.2.1 Foundations, Walls, - Maintained

The foundations, walls, columns, beams, floor and roof slabs of a building including ancillary structures such as parking garages shall be maintained.

4.2.2 Maintenance - Includes

Without restricting the generality of subsection 4.2.1 the maintenance may include:

- (a) extension of the wall foundations below grade or regrading to provide adequate frost cover;
- (b) installing subsoil drains where such would be beneficial;
- (c) repairing or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (d) grouting, waterproofing, cladding or replacing as necessary so as to be weather tight;
- (e) the replacement, cladding or treatment with other methods to restore the wall to its original or acceptable equivalent appearance;
- (f) the applying of acceptable materials to preserve all wood, metal work or other materials not inherently resistant to weathering or wear;
- (g) the restoring, or replacing of:
 - (i) the foundations, walls, columns, beams, floor and roof slabs; and
 - (ii) components, cladding, finishes and trims forming a part thereof;
- (h) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the building;
- (i) removing or replacing loose or unsecured objects and materials.

4.3 DOORS, WINDOWS AND SKYLIGHTS

4.3.1 Apertures - Provided - Perform

Apertures on the exterior surface of a building designed for doors, windows or skylights shall be provided with a door, window or skylight capable of performing the intended function.

4.3.2 Doors, Windows - Maintained

All doors, windows, skylights and shutters, including storm and screen doors and windows shall be maintained.

4.3.3 Maintenance - Includes

Without restricting the generality of subsection 4.3.2, the maintenance includes:

- (a) the refitting, replacing or renewing of damaged, decaying or defective doors, windows, frames, sashes, casings, shutters, hatchways or screens.
- (b) reglazing cracked, broken or missing glass.
- (c) replacing or providing defective or missing hardware.
- (d) re-screening or weatherstripping where such is defective or missing.
- (e) painting or the applying of a similarly effective preservative.

4.3.4 Required Opening - Protected

When an opening is used or required for ventilation or illumination and is not required to be protected by a door, window or similar closure it shall be protected with a:

- (a) wire mesh screen, metal grille or other equivalent durable material; or
- (b) other protection so as to effectively prevent the entry of rodents or vermin.

4.3.5 Door/Window - Latched or Secure

All entrance doors to a dwelling and all opening windows in a dwelling unit shall be provided with the means of being latched or secured from within.

4.3.6 Windows - Screens

All windows that can be or are required to be openable in a dwelling unit shall be provided with screens to effectively prevent the entry of insects, from May 15th to September 15th annually.

4.3.7 Screens - Acceptable

Where compliance with subsection 4.3.6 is not practicable screens shall be installed in an acceptable manner.

4.3.8 Vacant Building – Exception

Nothing in Part 4.3 shall be construed as restricting any door, window or other opening in the exterior of a vacant building from being protected by preventing entry thereto as required by the City of London's By-law to Regulate Vacant Buildings.

4.4 ROOFS AND ROOF STRUCTURES

4.4.1 Roof/Related Roof Structure - Maintained

Every roof including related roof structures, fascias, soffits, eavestroughs, roof gutters, downpipes, guards and lightning arrestors shall be maintained.

4.4.2 Chimneys - Maintained

Chimneys, smoke or vent stacks and other roof structures shall be maintained and free from:

- (a) loose bricks and mortar and loose or broken capping.
- (b) loose or rusted stanchions, guy wires, braces and attachments or other unsafe conditions.

4.5 FLOORS, STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS AND BALCONIES

4.5.1 Floors, Stairs - Maintained

Every floor, stair, verandah, porch, deck, balcony and every appurtenance and surface finishing attached or laid thereto shall be maintained.

4.5.2 Maintenance - Includes

Without restricting the generality of subsection 4.5.1, the maintenance includes:

- (a) repairing or replacing floors, treads and risers, including finishes such as linoleum and carpet that contain depressions, protrusions or are broken, torn, warped, loose or otherwise defective;
- (b) renewing or strengthening structural members that are rotted, deteriorated or loose;
- (c) repainting or the re-applying of other equivalent preservative, if required.

4.5.3 Guard - Provided

A guard with a minimum height of 900 mm (35 inches) shall be provided and maintained along the open sides of balconies, mezzanines, landings or other areas where the vertical drop exceeds 600 mm (24 inches), except that a guard of 710 mm (28 inches) minimum height is acceptable for exterior porches, decks and balconies where the

vertical drop from the open side exceeds 600 mm (24 inches) but does not exceed 1 800 mm (71 inches).

4.5.4 Stairs - Guard Required

Except as provided in subsection 4.5.5, every exterior stair with more than 6 risers and every interior stair with more than 2 risers shall be protected with guards on all open sides having a minimum height of 800 mm (31 inches) measured vertically above a line drawn through the outside edge of the stair nosing except that a guard of 710 mm (28 inches) minimum height is acceptable where the stair serves an exterior porch, deck, balcony or exterior landing with a floor height less than 1 800 mm (71 inches) above finished grade.

4.5.5 Stair - Unfinished Basement - Guard

A stair within a dwelling unit serving an unfinished basement need only have a guard or a wall on one side.

4.5.6 Guard - Openings

Guards for residential occupancies shall have no openings which would permit the passage of a spherical object having a diameter of 100 mm (4 inches) unless it can be shown that the location and size of such openings which exceed this limit does not represent a hazard.

4.5.7 Guards - Not to Facilitate Climbing

Guards around exterior balconies, porches and decks of buildings of residential occupancy shall be constructed not to facilitate climbing.

4.5.8 Handrail - Provided - Maintained

A handrail shall be provided and maintained on all stairs having more than three risers. Handrails shall have a maximum uniform height of 920 mm (36 inches) when measured vertically from a line drawn through the outside edge of the stair nosing and minimum uniform height of 800 mm (31").

4.5.9.1 Handrail - Both Sides

A handrail shall be provided on both sides for any stair wider than 1100 mm (3' 7") unless serving a single dwelling unit.

4.5.9.2 One Handrail - Central

Except as provided in 4.5.9.1, one handrail may be provided centrally for stairs up to 2.4 metres (8') wide.

4.5.10.1 Stairs - Interior - Single Dwelling

The stair tread rise and run for residential interior single dwelling unit shall not exceed these dimensions;

- (a) maximum rise 230 mm (9")
- (b) minimum tread 230 mm (9")
- (c) minimum run 200 mm (8")
- (d) if run is less than 240 mm (9½"), a 25 mm (1") nosing is required

4.5.10.2 Stairs - Residential - Not within

The stair tread rise and run for residential stairs not within dwelling unit shall not exceed these dimensions;

- (a) maximum rise 210 mm (8 1/4")
- (b) minimum tread 240 mm (9 1/4")
- (c) minimum run 212 mm (8 1/2")
- (d) if run is less than 240 mm (9 1/2"), a 25 mm (1") nosing is required

4.5.10.3 Stairs - Non-residential

The stair tread rise and run for non-residential stairs shall not exceed these dimensions;

- (a) rise minimum 125 mm (5") maximum 200 mm (8")
- (b) minimum run of 230 mm (9"), must be uniform
- (c) if run is less than 240 mm (9 ½"), a 25 mm (1") nosing is required
- (d) existing winders of not more than 3 in 90° and not more than 1 set between floors are permitted and where each tread is not less than 30° and each tread is not greater than 45°.

4.5.10.4 Stairs - Service Rooms - curved/spiral

Stairs may exceed the requirements in 4.5.10.1, 4.5.10.2, 4.5.10.3 if serving only service rooms, service spaces and other rooms used in industrial occupancies serving equipment and machinery; or existing curved and spiral stairs in dwelling units.

4.6 EXTERIOR SURFACES

4.6.1 Exterior Surfaces - Maintained

All exterior surfaces on a building shall be maintained.

4.6.2 Remove - Stains - Defacement

Appropriate measures shall be taken to remove any stains or other defacement occurring on the exposed finished exterior surfaces and, where necessary, to restore the surface and adjacent areas to, as near as possible, their appearance before the staining or defacement occurred.

4.6.3 Temporary Barricades - Finish Compatible

Exterior surfaces of materials used for the temporary barricading of openings to the interior of a building shall be surfaced with a finish compatible with the surrounding finishes.

4.7 INTERIOR CLADDING AND FINISHES

4.7.1 Interior - Maintained

Interior cladding and finishes of walls and ceilings including elevator cages shall be maintained.

4.7.2 Interior - Free- Stains, Defacement

Interior cladding and finishes of walls and ceilings of common areas shall be kept free of stains and other defacement.

4.8 HUMAN HABITATION AND OCCUPANCY STANDARDS

4.8.1 Habitable Space - Human Habitation

Only habitable space shall be used for human habitation.

4.8.2 Dwelling - Use - Human Habitation

No dwelling unit or lodging unit shall be used for human habitation unless:

- (a) interior cladding and finishes of walls, ceilings and floors are in accordance with sections 4.5 and 4.7;
- (b) doors and windows are in accordance with section 4.3;
- (c) a heating system is provided and maintained in accordance with section 5.2;
- (d) plumbing and drainage systems are maintained in accordance with section 5.3;
- (e) electrical systems are maintained in accordance with section 5.4.

- (f) the minimum floor areas are in accordance with subsection 4.8.11 or 4.9.2;
- (g) the minimum headroom is in accordance with subsection 4.8.5.

4.8.3 No Owner - Disconnect - Any Service

No owner, nor anyone acting on his behalf, shall cease, disconnect or caused to be disconnected any service, supply of fuel or utility providing light, heat, refrigeration, water or cooking facilities for a dwelling unit occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

4.8.4 No Toilet - Located

No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

4.8.5 Headroom - Heights

The minimum floor to ceiling headroom for habitable space shall be:

- (a) not be less than 1.95 m (6 ft 5 in) over the floor area and in any location that would normally be used as a means of egress; or
- (b) not be less than 1.95 m (6 ft 5 in) over at least 50% of the floor area, provided that any part of the floor having a clear height of less than 1.4 m (4 ft 7 in) shall not be considered in computing the floor area. However, a minimum height of 1.95 m (6 ft 5 in) shall be required for all floor area used as a means of egress.
- (c) except as required in section 4.8.5(a), headroom may have a lower requirement if serving only service rooms and service spaces.
- (d) not be less than 1800 mm (5' 11") over stairs and landing.

4.8.6 Ventilation - Provided - Maintained

Ventilation shall be provided and maintained as follows:

- (a) every habitable room except for a living room and a dining room shall be provided with:
 - (i) natural ventilation which shall:
 - (1) consist of an opening or openings with a minimum aggregate unobstructed free flow area of 0.278 m² (3 sq ft), and
 - (2) be located in the exterior walls or through openable parts of skylights, or
 - (ii) mechanical ventilation which shall change the air once each hour;
- (b) every washroom shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed free flow area of 0.092 m² (1 sq ft);
- (c) an opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided, such as an exhaust fan with a duct leading to outside the dwelling;
- (d) every enclosed attic or roof space shall be vented by openings to the exterior to provide at least 0.092 m² (1 sq ft) of unobstructed vent area for every 27.9 m² (300 sq ft) of attic or roof space;
- (e) the vents required by clause (d) may be roof, eave or gable-end type or any combination thereof;
- (f) a crawl space or non-habitable basement space shall be adequately ventilated to the exterior by natural or mechanical means;

- (g) in residential buildings with multiple dwelling units, every laundry room, garbage disposal room, boiler room, storage garage, public corridors and other similar public rooms or spaces of the building shall be adequately ventilated.

4.8.7 Occupancy - Maximum

The maximum number of residents in a dwelling unit or lodging house shall not exceed one (1) person per 9.3 m^2 (100 ft^2) of habitable floor space.

4.8.8 Windows - Provided

Living rooms, dining rooms and bedrooms shall be provided with one or more windows and/or skylights that have a total light transmitting area of 5% of the floor area in the case of living and dining rooms and 2.5% of the floor area in the case of bedrooms.

4.8.9 Cooking Facilities - Equipped

Each dwelling unit shall have cooking facilities:

- (a) equipped with a sink that:
 - (i) is provided with potable hot and cold water; and
 - (ii) is maintained;
- (b) equipped with electrical or other service, fuel or utility outlets suitable for refrigerator and cooking stove; and
- (c) equipped with an impervious splashback and counter top around the kitchen sink; and
- (d) when equipped with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.

4.8.10 Enclosed Sanitary Facilities - One Containing

Each dwelling unit shall have enclosed sanitary facilities with at least one containing:

- (a) toilet;
- (b) wash basin;
- (c) bathtub or shower;
- (d) water resistant floor;
- (e) water resistant wall around the bathtub or shower; and
- (f) a door in the enclosure that can be secured from the inside and can be opened from the outside in an emergency.

4.8.11 Minimum - Area - Dwellings

The minimum floor areas for a dwelling unit shall be as follows:

- (a) living areas within dwelling units, either as separate rooms or in combination with other spaces, shall have an area not less than 13.5 m^2 (145 ft^2).
- (b) where the area of a living space is combined with a kitchen and dining area, the living area alone in a dwelling unit that contains sleeping accommodation for not more than 2 persons shall be not less than 11 m^2 (118 ft^2);
- (c) a dining space in combination with other space shall have an area of not less than 3.25 m^2 (35 ft^2);
- (d) dining rooms not combined with other space shall have a minimum area of 7 m^2 (75 ft^2);
- (e) kitchen areas within dwelling units either separate from or in combination with other spaces, shall have an area of not less than 4.2 m^2 (45 ft^2) including the area occupied by the base cabinets, except that in dwelling units containing sleeping accommodation for not more

- than 2 persons, the minimum area shall be 3.7 m² (40 ft²);
- (f) except as provided in clause (g) and (h), bedrooms in dwelling units shall have an area not less than 7 m² (75 ft²) where built-in cabinets are not provided and not less than 6 m² (65 ft²) where built-in cabinets are provided;
 - (g) except as provided in clause (h), not less than one bedroom in every dwelling unit shall have an area of not less than 9.8 m² (105 ft²) where built-in cabinets are not provided and not less than 8.8 m² (95 ft²) where built-in cabinets are provided;
 - (h) bedroom spaces in combination with other spaces in dwelling units shall have an area not less than 4.2 m² (45 ft²)
 - (i) in every dwelling unit, an enclosed space of sufficient size shall be provided to accommodate a water closet, wash basin and bathtub or shower stall.

4.8.12 Facilities - Maintained

In multiple dwellings where a voice communications system between each dwelling unit and the front lobby and security locking and release facilities for the entrance, have been provided and are controlled from each dwelling unit, such facilities shall be maintained.

4.9 LODGING HOUSES

4.9.1 Lodging House - Requirement

Each lodging house shall have at least one toilet, one wash basin and one bathtub or shower for every five tenants and all tenants shall have access to a kitchen sink.

4.9.2 Floor Area - Required

The minimum floor areas for a lodging unit shall be as follows:

sleeping rooms shall have an area not less than 7 m² (75 ft²) per person for single occupancy and 4.6 m² (50 ft²) per person for multiple occupancy.

4.9.3 Cooking Facilities - Equipped

Where a lodging house has cooking facilities they shall be;

- (a) equipped with a sink that:
 - (i) is provided with potable hot and cold water; and
 - (ii) is maintained;
- (b) equipped with electrical or other service, fuel or utility outlets suitable for refrigerator and cooking stove; and
- (c) equipped with an impervious splashback and counter top around the kitchen sink; and
- (d) when equipped by the owner with a refrigerator, cooking stove, kitchen fixtures and fittings have such appliances, fixtures and fittings maintained.

4.9.4 Sanitary Facilities - Contained

Each lodging house shall have enclosed sanitary facilities containing:

- (a) toilet;
- (b) wash basin;
- (c) bathtub or shower;
- (d) water resistant floor;
- (e) water resistant wall around the bathtub or shower; and
- (f) a door in the enclosure that can be secured from the inside and can be

opened from the outside in an emergency.

4.10 PEST INFESTATION

4.10.1 Free of Pests

All buildings shall be kept free of rodents, vermin and insects at all times and methods used for exterminating rodents or insects or both shall be in accordance with the provisions of the Pesticides Act, R.S.O. 1990, Chapter P.11, as amended, and all regulations enacted pursuant thereto.

PART 5 BUILDING SERVICES, SYSTEMS AND FACILITIES

5.1 ELEVATING DEVICES

5.1.1 Elevating Devices - Maintained

Elevating devices shall be maintained:

- (a) in accordance with the requirements of the Elevating Devices Act, R.S.O. 1990, Chapter E.8 and the Fire Code;
- (b) with all parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans in good repair and operational; and
- (c) repaired as expeditiously as possible.

5.2 HEATING, VENTILATING AND MECHANICAL SYSTEMS

5.2.1 Heating, Ventilating and Mechanical Systems - Maintained

Heating, ventilating and mechanical systems including factory built stoves, fireplaces and chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat and air conditioning or other services shall be maintained.

5.2.2 Heating System - Capable - Temperatures

The heating system shall be capable of maintaining the temperatures specified in the City of London Vital Services By-law.

5.2.3 Portable Heating - Not Used - Primary Source

Portable heating equipment shall not be used as the primary source of heat for any rented or leased dwellings or living accommodations.

5.3 PLUMBING AND DRAINAGE SYSTEMS

5.3.1 Plumbing and Drainage - Maintained

Plumbing and drainage systems shall be provided and installed so that such systems:

- (a) are free from leaks and adequately protected from freezing;
- (b) supply potable hot and cold water commensurate with the normal requirements of the use and or occupancy served; and
- (c) operated to provide at the hot water outlets in each dwelling unit hot water at a temperature of not less than 43°C (109°F).

5.3.2 Washing Machine and Plumbing Fixtures - Maintained

Where washing machines and plumbing fixtures are provided they shall be maintained.

5.3.3 Air Conditioners - Prevent Condensation

Air conditioners shall be equipped with proper devices to prevent condensation draining onto publicly owned sidewalks, walkways, entrances and other pedestrian routes.

5.3.4 Septic Tanks - Field Beds - Maintain

Septic tanks, field beds and dry wells shall be maintained.

5.3.5 Decommissioning - Septic Tanks - Drywell

To decommission, tanks or dry wells, they shall be pumped dry and contents disposed at a suitable disposal site and a receipt of the disposal fee shall be submitted to the City of London Property Standards Officer. The tanks or dry wells may be broken up and buried, cavities shall be filled with sand or another suitable material and the ground graded to match existing grades. Existing building drain(s) not being reused shall be removed from the foundation wall and the foundation wall shall be repaired and made impervious to water.

5.4 ELECTRICAL SYSTEMS

5.4.1 Provide - Outlets

Dwelling units and, where required by the Ontario Electrical Code, buildings and all parts thereof shall be provided with outlets to receive electricity from an electrical supply system.

5.4.2 Wall Switch - Provided

Except as provided in Subsection 5.4.3, a lighting outlet with fixture controlled by a wall switch shall be provided in kitchens, bedrooms, living rooms, dining rooms, washrooms, vestibules and hallways in dwelling units.

5.4.3 Receptacle Controlled

Where a receptacle controlled by a wall switch is provided in bedrooms or living rooms, such rooms need not conform to the requirements of Subsection 5.4.2.

5.4.4 Capacity of Connection - Conform - Ontario Electrical Code

The capacity of the connection to the building or parts thereof and the system of circuits and electrical outlets distributing the electrical supply within the building shall conform to the Ontario Electrical Code.

5.4.5 Lighting Outlet - Provided - Maintained

A lighting outlet with a fixture shall be provided and maintained in every laundry room, furnace room, garbage room, utility room, storage room, service room, unfinished basements in dwelling units and any other public spaces in residential buildings.

5.4.6 Exit, Public Corridor or Corridor - Access - Lighting - Provided - Maintained

Every exit, public corridor or corridor providing access to exit for the public and storage garages shall be provided and maintained with lighting fixtures which furnish an average illumination level of 50 lux (4.6 foot candles) at floor or tread level.

5.4.7 Electrical Systems - Central Station - Maintained

Electrical systems and central station connections shall be maintained as required by the Ontario Electrical Code and the Fire Code.

5.5 RECREATIONAL FACILITIES

5.5.1 Amenities - Provided - Maintained

Recreational amenities, facilities, rooms and play area surfaces and equipment provided by the owner shall be maintained in accordance with the appropriate section in this by-law.

PART 6 APPEAL TO COMMITTEE

6.1 Fee for Appeal - Required

An owner who appeals an Order shall pay the fee for the appeal as set out in Schedule "B" at the time the appeal is filed.

PART 7 ESTABLISHMENT OF A COMMITTEE

7.1 Council - Establish - Committee

City Council shall establish a Committee of not fewer than three to hold office for up to a three year period.

7.2 Forthwith Fill - Vacancy

Council shall forthwith fill any vacancy that occurs in the membership of the committee.

7.3 Council - Remuneration - Committee

Council shall provide remuneration to members of the Committee in accordance with the Remuneration By-law.

7.4 Committee - Elect - Chair

The Committee shall elect a chair from among themselves and when the chair is absent, may appoint an acting chair.

7.5 Majority - Quorum

A majority of members constitutes a quorum for transacting the Committee's business.

7.6 Secretary - Committee

The members shall provide for a secretary for the Committee.

7.7 Secretary - Retain - Records

The secretary shall keep on file the records of all official business of all applications and minutes of all decisions respecting those applications.

7.8 Committee - Rules and Procedures

The Committee may subject to subsection 6.9, adopt its own rules and procedures and any member may administer on this.

7.9 Committee - Notice of Hearing

The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

PART 8 CERTIFICATE OF COMPLIANCE

8.1 Officer - On Request - Issue Certificate

Following the inspection of a property, the officer may, or on request of the owner shall, issue to the owner a certificate of compliance if, in his or her opinion, the property is in compliance with the standards of the Property Standards By-law passed under Section 15.1 of the Building Code Act.

8.2 Fee - Payable - Certificate of Compliance

A fee shall be payable to the City prior to the issuance of a Certificate of Compliance where it is issued at the request of the owner in the amounts prescribed by Schedule "A" to this by-law.

PART 9 VALIDITY

9.1 **Severability**

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

PART 10 REPEAL

10.1 **By-laws - Repealed**

By-law CP-15 and all of its amendments are hereby repealed.

10.2 **Planning Act Repealed - By-laws Repealed - Order Continuous**

Despite the repeal of Section 31 of the *Planning Act* and the repeal of all preceding by-laws passed pursuant to Section 31 of the *Planning Act*, an Order made under any repealed Property Standards By-law is continued as an Order made under Section 15.1 of the Act.

PART 11 COMMENCEMENT

11.1 This by-law comes into force

PASSED in Open Council on August 3, 1999.

Diane Haskett
Mayor

Jeff A. Malpass
City Clerk

First Reading - August 3, 1999
Second Reading - August 3, 1999
Third Reading - August 3, 1999

SCHEDULE "A"**TO BY-LAW CP-16****FEE SCHEDULE FOR ISSUANCE OF CERTIFICATE OF COMPLIANCE**

CATEGORY	COST
Residential Property, Multiple Commercial and Industrial Buildings	Number of Inspected Charge Units per Building
	1-2 units \$50.00 per unit
	More than 2 - not more than 5 units \$40.00 per unit
	More than 5 - not more than 15 units \$200.00 plus \$15.00 per unit above 5th unit
	More than 15 - not more than 25 units \$350.00 plus \$10.00 per unit above 15th unit
	More than 25 units \$450.00 plus \$5.00 per unit above 25th unit
Free Standing Industrial and Commercial Buildings (Single Occupancy)	\$50.00 per 98 square metres (1,000 square feet) \$200.00 minimum
Vacant and Derelict Property	\$100.00

SCHEDULE “B”
TO BY-LAW CP-16

FEE FOR APPEAL

Appeals to Order issued under 15.3(1) of the Building Code Act	\$150.00
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**LACH Stewardship Sub-Committee
REPORT**

Wednesday February 27, 2019

Location: Planning Office, 206 Dundas Street

Start Time: 6:30pm – 8:00pm

Present: M. Whalley, J. Hunten, J. Cushing, T. Regnier; K. Gowan, K. Gonyou (staff)

Agenda Items:

1. New Chairperson

Maggie Whalley agreed to be the new Chairperson for the Stewardship Sub-Committee.

2. Request to Repeal Heritage Designating By-law: 429 William Street

The Stewardship Sub-Committee received a verbal presentation from K. Gowan, Heritage Planner, on the request to repeal the heritage designating by-law for the property at 429 William Street. The Stewardship Sub-Committee reviewed the heritage designating by-law, and considered the criteria for heritage designation used today.

Motion: The Stewardship Sub-Committee recommends that the heritage designating by-law for the property at 429 William Street not be repealed. Mover: M. Walley; Seconder: J. Cushing. Moved.

3. Demolition Request: 1588 Clarke Road

L. Dent, Heritage Planner, was unable to attend the Stewardship Sub-Committee meeting to provide information on the demolition request for the heritage listed property at 1588 Clarke Road.

The Stewardship Sub-Committee did not comment on the demolition request for the property at 1588 Clarke Road.

4. Potential Cultural Heritage Landscapes

The Stewardship Sub-Committee was referred a request from the LACH to compile a list of potential cultural heritage landscapes in London from the LACH's January 2019 meeting.

The Stewardship Sub-Committee had a general discussion of various areas throughout the City of London that may be considered as potential cultural heritage landscapes.

The Heritage Planners were asked to review previously completed work on cultural heritage landscapes in London, and circulate the information to the Stewardship Sub-Committee.

5. Request for Designation: 75 Langarth Street East

The Stewardship Sub-Committee discussed the request for designation for the property at 75 Langarth Street East, and agreed to undertake some preliminary research to determine if this property was worth pursuing for designation under the *Ontario Heritage Act*.

6. Request for Designation: 36 Pegler Street

The Stewardship Sub-Committee discussed the request for designation for the property at 36 Pegler Street. Maggie Whalley agreed to undertake some City Directory research. Social history themes were suggested for research, as well as research into John Pegler and the Hamilton Road area (“Hamilton Road Remembers”) and Carrie Kirkwood research.

7. Request for Listing

- a. **630 Dundas Street** – no further action required, as this property was included within the Old East Village-Dundas Street Corridor Secondary Plan – CHAR.
 - b. **700-706 Dundas Street** – no further action required, as this property was included within the Old East Village-Dundas Street Corridor Secondary Plan – CHAR.
 - c. **430 Elizabeth Street**– no further action required, as this property was included within the Old East Village-Dundas Street Corridor Secondary Plan – CHAR.
 - d. **80 Rectory Street** – general discussion, culminating in an interest to pursue the listing of this property on the Register; further research required²⁰⁹ egerton street.
 - e. **209 Egerton Street** – general discussion, culminating in an interest to pursue the listing of this property on the Register.
- 8. Request for Listing: 700 Oxford Street East** – general discussion, culminating in an interest to pursue the listing of this property on the Register, pending further research.

The property first appears as 700 Oxford Street East in the City Directory in 1914, following the annexation of this area by the City of London in 1913. Prior to 1914, the Thomas Legg family (and dairy) is recorded on the City Directory as early as 1892 (Street Directory).

- 9. Register Error: 982 Princess Avenue (listed at 892 Princess Avenue)** – an error was identified in the listing of the property at 982 Princess Avenue related to the London East Industrial properties, where the property was referred to as 892 Princess Avenue.

The property at 892 Princess Avenue is located within Old East Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*.

Motion: The Stewardship Sub-Committee recommends that the property at 982 Princess Avenue (Orange Crust Bottling Building) be added to the Register with the description of the property below, recognizing that the property address of 892 Princess Avenue was in error (that property is already in the Old East Heritage Conservation District). Mover: M. Whalley; Seconder: T. Regnier. Moved.

982 Princess Avenue

The Orange Crust Bottling Building (built 1923) is a structure of sharply limited historical interest, but significant architectural charms. The building was constructed with a single storey factory floor stretching through the block from Princess Avenue to Elias Street, while a brick, two-storey office block was constructed facing Princess Avenue. The arcade of five brick arches and the slight setback from the street enliven an otherwise residential stretch of Princess Avenue, while at the same time as respecting its residential neighbours. The chimney attached to the structure is also of interest.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: George Kotsifas, P. Eng.
Managing Director, Development and Compliance Services
And Chief Building Official

Subject: Demolition Request for Heritage Listed Property at
1588 Clarke Road

By: Sifton Properties Ltd.

Meeting on: March 13, 2019

Recommendation

That, on the recommendation of the Heritage Planner, Development Services, the following actions **BE TAKEN** with respect to the request for the demolition of the barn on the heritage listed property located at 1588 Clarke Road:

- a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the barn on this property;
- b) That 1588 Clarke Road **BE REMOVED** from the *Register (Inventory of Heritage Resources)*; and,
- c) The property owner **BE REQUESTED** to commemorate the historic contributions of the Tackabury family in the future development of this property.

Executive Summary

Summary of Request

The property owner has requested consent of Municipal Council to demolish the barn on a heritage listed property at 1588 Clarke Road.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to allow the barn on the property to be demolished and to remove the property from the *Register (Inventory of Heritage Resource)*.

Rationale of Recommended Action

Staff evaluated the barn on the property using the criteria of *Ontario Heritage Act* Regulation 9/06 and found that the barn and associated farmstead property and structures do not meet the criteria for designation.

Analysis

1.0 Background

1.1 Property Location

The property at 1588 Clarke Road is located on the east side of Clarke Road, just south of Kilally Road, at the intersection of Clarke and Kilally Roads (Appendix A). The property is part of the former London Township that was annexed by the City of London in 1993. The property is near the north-east limits of the City of London, just west of the Fanshawe Dam and Conservation Area.

1.2 Cultural Heritage Status

The property has been included on the *Inventory of Heritage Resources* since March 26, 2007. The *Inventory of Heritage Resources* was adopted as the *Register* pursuant to Section 27 of the *Ontario Heritage Act* in 2007.

There are several properties adjacent to 1588 Clarke Road that are LISTED on the *Register (Inventory of Heritage Resources)* as having potential cultural heritage value or interest:

- 1424 Clarke Road (c1860; may be earlier), Ontario Farmhouse
- 1511 Clarke Road (c1865), Ontario Farmhouse
- 2304 Kilally Road (1910), Georgian Revival, known as Edgewood

1.3 Description

The property at 1588 Clarke Street is a large property with a rural character (Appendix B). The property is approximately 38 acres (15 hectares) in size and is historically known as the north half of Lot 4, Concession III, in the former London Township. Portions of the original 100 acre parcel were previously sold.

The current entrance to the property is from Clarke Road which at one time was presumably from Kilally Road. The entrance road is bounded by a partial allée, and crosses a small culvert leading up from a wooded ravine to a small hill and clearing. The property comprises several buildings clustered around a looped drive and includes a house, barn, shed and two ancillary modern metal sheds. The remainder of the property is agricultural fields that are not being actively farmed.

1.3.1 Barn

The subject of this demolition request is a granary barn dating in part from the middle of the nineteenth century; it is positioned to the south of the loop-drive. The barn is a gabled roof barn (approx. 12.2m x 15.2; 40' x 50') with timber frame construction and a rubble stone foundation; it appears to be clad with a metal roof. Its typology is that of a Bank Barn, which features a gangway (or barn hill) on the north side to access the upper level of the structure (hayloft); access to the stables below is from the south side of the barn. A small addition was constructed to the north and is not original to the primary barn. A silo existed on the east elevation which was removed 2009-2010 and may account for considerable damage to a primary beam on the east exterior bent. Comer posts and girts are roughly hewn with joints fashioned with a mortise and tenon. Smaller structural pieces (i.e. purlins) appear to be of sawn lumber. Most of the exterior wall planks are over a foot wide.

1.3.2 Other Buildings (House and Shed)

The house at 1588 Clarke Road consists of a 1 ½ storey Ontario Farmhouse, side gable roof design constructed with buff brick. N. Tausky estimates that the construction of the main portion of the house to be c1865, noting that: "the only house on this property in the 1861 census is a log structure, however, the stylistic qualities described above and the quality of the brick suggest that the house was built soon after, in the 1860s." (Archaeologix, p47-48). A series of additions have been made to the back and to the east side of the house. The kitchen addition dates from c1875, with the other additions to the south and east being constructed more recently.

Typical of many similar farmhouses, the gabled roof ridge runs parallel with the façade. The façade features three bays with a centre door with a small gable positioned above which originally likely contained an ornamental window proportioned within the gable. Window and door openings on the front façade are topped with brick voussoirs, each consisting of a stretcher and a header to form a rectangular arch; voussoirs of vertically positioned stretchers form a segmental arch over a kitchen wing added to the house at a somewhat later date.

The interior layout of the house has changed to accommodate multiple additions and the relocation of the primary entrance at the rear 'mud room'. Interior materials and finishes have been altered considerably with contemporary replacements. Much of the original flooring, baseboards and historic trim have been removed. All of the windows have been replaced with vinyl windows, along with the front door, including the sidelight and transom window. The fireplace is one of the few historic interior features that remains in the house.

The basement is partially excavated and the walls are constructed of the fieldstone foundation for the house. The floor of the basement consists of a mix of gravel/dirt floor and some brick that appear to have been laid to form a partial masonry floor.

Note that the site visit and photographing did not include access directly into the hayloft space of the barn, and the stable area below was only cursorily inspected due to safety concerns. Access was not provided to the house, and the drive shed was locked. Information provided in this report for the interior of the house and basement was gained from the Heritage Impact Assessment prepared by AECOM.

1.4 Property History

The Euro-Canadian history of this property begins with land records for Lot 4, Con III which indicate that the whole 200 acres was granted to the Honorable John Hale in 1817 (Archaeologix, p17). In 1853, the subject property at N ½ Lot 4 Con III, lists Edward Hale and then John Tackabury as the owner. The *Index to London Township Map* (along with 1878 Map) illustrate the division of the property among J. Tackabury's male children after his death in 1877 (Jason, Robert and Samuel) noting that Nathan already held 50 acres at N ½ Lot 3 Con III. Samuel Tackabury assumed ownership of the farmstead at 1588 Clarke Road which, based on 1863 mapping, was likely already established by his father J. Tackabury.

The 1588 Clarke Road property is associated with the Tackabury family who are among the earliest settlers in this community commonly referred to as 'The Grove' (a hamlet south of the subject property). The Tackabury family originated from Ireland, Counties of Wicklow-Wexford. They emigrated from upstate New York to London Township in 1819 and are associated with Methodist Irish pioneer settlement in this area. Throughout the 19th century, the Tackabury family were active members in the fledgling Grove Community. In 1862, they donated land on their property (Lot 4, Con III – at the southwest corner) for the construction of a church and school. The church was erected in 1883 and stood until 1980 as The Grove United Church. The S.S. #27 Grove School was opened in 1865 with a new building being constructed on the same site; it operated until 1960. Into the 20th century, many descendants of John Tackabury remained in London Township on Lot 4, Concession 3, including at the 1588 Clarke Road (London Township History Book Committee 2001b: 487-488). At the Grove-Webster Cemetery (located at 1425 Huron St), 17 descendants of John Tackabury are buried (Find a Grave).

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." "Significant" is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people."

2.2 Ontario Heritage Act

Section 27 of the *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council "believes to be of cultural heritage value or interest" on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the London Advisory Committee on Heritage (LACH) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also

establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB).

2.3 Official Plan/The London Plan

Chapter 13 (Heritage of the City of London's *Official Plan* (1989, as amended) recognizes that properties of cultural heritage value or interest

Provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the City. These properties, both individually and collectively, contribute in a very significant way to the identity of the City. They also assist in instilling civic pride, benefitting the local economy by attracting visitors to the City, and favourably influencing the decisions of those contemplating new investment or residence in the City.

The objectives of Chapter 13 (Heritage) support the conservation of heritage resources, including encouraging new development, redevelopment, and public works to be sensitive to, and in harmony with, the City's heritage resources (Policy 13.1.iii). This direction is also supported by the policies of *The London Plan* (adopted 2016); *The London Plan* has greater consideration for potential cultural heritage resources that are listed, but not designated under the *Ontario Heritage Act*, through planning processes.

2.4 Register (Inventory of Heritage Resources)

Municipal Council may include properties on the *Inventory of Heritage Resources* (Register) that it "believes to be of cultural heritage value or interest." These properties are not designated, but are considered to have potential cultural heritage value or interest. The *Inventory of Heritage Resources* (Register) states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

2.5 Additional Reports

2.5.1 Archaeological & Built Heritage Assessment, Kilally East Area Plan (2001)

In preparation of the Kilally East Area Plan, a *Stage 1 Archaeological & Built Heritage Assessment* was prepared in 2001 (Archaeologix). The report describes background research and field observation activities carried out for the municipal area plan comprising approximately 243 Ha. Seven built heritage features were identified as being of cultural significance – 1588 Clarke Road was one of them. Report conclusions recommended that efforts be made to preserve and designate the properties and protect them from development impact. At the time four of the seven were listed on the Register, with the remaining three having no heritage status

Regarding 1588 Clarke Road specifically, the report notes that it "exemplify[ies] typical brick Ontario farmhouses of the last half of the nineteenth-century", and further draws comparisons to the house at 1511 Clarke Road noting that 1511 "is a particularly good example of the popular local type" presumably due to its "good state of preservation." The preservation state of the house on 1588 Clarke Road was found to be fair, mainly due to recent window replacements and the radically altered profile of the gable window. The landscape setting was identified as a significant feature, but noting that "tentative plans for widening Clarke Road may pose a threat to the rural farmstead context."

2.5.2 Heritage Impact Assessment, 1588 Clarke Road (2016)

As per Policies of London's *Official Plan* (1989) and *The London Plan*, a *Heritage Impact Assessment* was prepared to assess potential impacts of a proposed development at 1588 Clarke Road. This HIA was prepared according to the guidelines set out in the MTCS Ontario Heritage Toolkit and the property was evaluated using the mandated criteria of *Ontario Heritage Act Regulation 9/06*. The evaluation concluded that the property does not have cultural heritage value and did not meet the criteria for designation; as a result designation of the property under the *Ontario Heritage Act* was not recommended.

2.5.3 Cultural Heritage Assessment Report, Clarke Road Improvements – Environmental Assessment (2019)

A Cultural Heritage Assessment Report (CHAR) was prepared in 2019 for the Clarke Road Improvements proposed between the Veterans Memorial Parkway Extension and Fanshawe Park Road East. The CHAR was completed to identify cultural heritage resources, including built heritage and cultural heritage landscapes present within the study area and to recommend mitigative measures to potential impacts of road improvements. The property at 1588 Clarke Road was identified as having potential cultural heritage value or interest (CHVI) and further evaluated according to O.Reg. 9/06.

Regarding 1588 Clarke Road specifically, impacts were identified (i.e. potential impacts from construction vibrations) due to the location of heritage attributes within 50 metres of the proposed road improvements and construction activities. There may be a need identified for mitigative measures such as the construction of one metre retaining walls at the property line. Further, conclusions of the 9/06 evaluation determined that the property met four of the nine criteria for designation, that it:

- is a rare, unique, representative or early example of a style, type, expression, material or construction method;
- has direct associations with a theme, event, belief, person, activity organization or institution that is significant to a community;
- is important in defining, maintaining or supporting the character of an area; and,
- is physically, functionally, visually or historically linked to its surroundings.

3.0 Demolition Request

Written notice of their intention to demolish the barn located at 1588 Clarke Road was submitted by the property owner and received on February 7, 2019.

Municipal Council must respond to a notice of intention to demolish a heritage listed property within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning & Environment Committee.

The 60-day period for the demolition request for the barn on the property at 1588 Clarke Road expires on April 8, 2019.

Staff undertook a site visit of the property, accompanied by a representative of the property owner, on February 14, 2019. The site visit included an exterior inspection of the property and buildings. The hayloft space of the barn was viewed from inside the barn doors, and the stable area below was only cursorily inspected due to safety concerns. Access was not provided to the house, and the drive shed was locked.

Consultation

Pursuant to Council Policy for the demolition of heritage listed properties, notification of the demolition request was sent to 9 property owners within 120m of the subject property on February 27, 2019, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was also published in *The Londoner* on February 28, 2019.

At the time of writing, no replies have been received seeking further information regarding this demolition request.

4.0 Cultural Heritage Evaluation

4.1 Criteria for Determining Cultural Heritage Value or Interest

The criteria of *Ontario Heritage Act* Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
 - i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted and the property removed from the *Register (Inventory of Heritage Resources)*.

4.2 Comparative Analysis

Most historic barns that are still standing in what has become the City of London are timber frame bank barns like that found at 1588 Clarke Road. This type of barn is common, although it is unclear precisely how many barns remain. While rural properties, which may include barns, are included on the *Register (Inventory of Heritage Resources)*, only a small number include a direct reference to the barns on the property. A cursory count revealed no less than 20 properties mentioning ‘barn’ in the Register. This review is certainly not comprehensive, but does provide some indication that bank barns in the City are not rare. Some mention of barns include:

- 3544 Dingman Drive (ell-shaped bank barn with a gable roof, built circa 1870)
- 5406 Highbury Avenue South (type unclear but has a gable roof, built circa 1870)
- 5617 Highbury Avenue South (T-shaped bank barn with gable roof, built circa. 1900)
- 2240 Manning Drive (noted as “early barns” but details unclear)
- 4335 Murray Road (T-shaped bank barn with gambrel roof, circa 1870)
- 2012 Oxford Street (type unclear, built circa 1865)
- 2154 Richmond Street (bank barn with gable roof, 1865)
- 1383 Scotland Drive (T-plan bank barn with gable roof, 1865)
- 3583 Westminster Drive (bank barn with gable roof, circa 1865)

Further, a cursory count of ‘Ontario Farmhouse’ revealed no less than 100 properties mention on the *Register* exhibiting this specific architectural style. Once again, this review is certainly not comprehensive (as currently, many properties on the Register do not note style), but does provide some indication that this style is not rare in the City. There are other Ontario farmhouses located within the Kilally-Clarke Road area noted in the *Archaeological & Built Heritage Assessment – 2001* and *Cultural Heritage Assessment Report – 2019*; 1395 Sandford Street, 1424 Clarke Road and 1511 Clarke Road. 1511 Clarke Road was described as being comparable in proportions and details, yet exhibiting a higher degree of conservation and integrity than the farmhouse at 1588 Clarke Road.

4.3 Ontario Heritage Act – 9/06 Evaluation of 1588 Clarke Road

Criteria for Determining Cultural Heritage Value or Interest			
	Criteria	Evaluation	Analysis - Response
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.	<ul style="list-style-type: none"> Mid-century Bank Barn with timber frame construction Early constructed Ontario farmhouse (c1865) 	<ul style="list-style-type: none"> The barn on the property is a common type and not altogether rare in the City of London. The farmhouse on the property is not unique or rare in the City of London (and other municipalities in ON). There are other farmhouses within the Kilally-Clarke area better conserved and representative of this style (e.g. 1511 Clarke Road).
	displays a high degree of craftsmanship or artistic merit.	The barn, farmhouse and drive shed are ordinary structures, typical of the period with no outstanding or unusual details or ornamentation. There is no evidence of a high degree of craftsmanship or artistic merit.	
	demonstrates a high degree of technical or scientific achievement	No evidence of a high degree of technical or scientific merit was found.	
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.	<ul style="list-style-type: none"> The property is associated with the Tackabury family who are among the earliest settlers in this area The family is identified with Methodist Irish pioneer settlement in the area and the establishment of 'The Grove' community 	<ul style="list-style-type: none"> Long term retention through designation of the adjacent property at 1424 Clarke Road (likely constructed by Nathan Tackabury, John Tackabury's eldest son) should be considered. It is an earlier and more exemplary example of an Ontario Farmhouse (than that at 1588 Clarke Rd). It is better suited to reflect the contribution of the family in the area. See Appendix B, images 16 and 17.
	yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	The barn and associated farmstead property and structures are not believed to yield, or have the potential to yield, information that contributes to an understanding of a community of culture.	
	demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.	The barn, farmhouse and drive shed are built in a vernacular tradition and not attributed to a particular builder or architect.	
The property has contextual value because it,	is important in defining, maintaining, or supporting the character of an area.	<ul style="list-style-type: none"> The property comprises elements of a 19th century farmstead inclusive of a barn and farmhouse The property is reflective of original survey road patterns The property is not actively farmed but linked to the rural, agricultural setting through its past function 	<ul style="list-style-type: none"> The surrounding area is transitioning from an agricultural area to an area that will likely be more residential in character. The proposed widening of Clarke Road and extension of the Veteran's Memorial Parkway to Fanshawe Road East will likely isolate the property at 1588 Clarke Rd and compromise the historic
	is physically, functionally, visually, or historically linked to its surroundings.		

			<p>lot and development pattern of its surrounding agricultural area.</p> <ul style="list-style-type: none">• Regrettably, if retained, the barn and farmstead property risk becoming 'a contextual', isolated and devoid of the meaning once derived from its rural setting.• This will irrevocably diminish the potential for this property to be recognized as a tangible link to the agricultural past of this area.
	<p>is a landmark.</p>		<p>While certainly recognizable, it is not conclusive if the barn and associated farmstead property and structures are a landmark in the context of the community.</p>

5.0 Conclusion

The evaluation of the barn and associated farmstead property and structures on the property at 1588 Clarke Road did not meet the criteria for designation under Part IV of the *Ontario Heritage Act*. Municipal Council should consent to the demolition of the barn on this property and advise the Chief Building Official accordingly.

Recommended by:	<p>Laura E. Dent, M.Arch, PhD, MCIP, RPP Heritage Planner</p>
Reviewed by:	<p>Michael Tomazincic, MCIP, RPP Manager, Current Planning</p>
Concurred in by:	<p>Paul Yeoman, RPP, PLE Director, Development Services</p>
Submitted by:	<p>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

LED/

Appendix A Maps
Appendix B Images

Sources

- AECOM. 2018, September. Heritage Impact Assessment, 1588 Clarke Road London, Ontario.
- Archaeologix Inc. 2001, August. Stage 1 Archaeological & Built Heritage Assessment Kilally East Area Plan, City of London, County of Middlesex, Ontario. Report on file with the Ministry of Tourism, Culture and Sport, Toronto.
- Arthur, E. and Witney, D. 1972. *The Barn – A Vanishing Landmark in North America*. Toronto: New York Graphic Society.
- Auer, M. J. 1989, October. *The Preservation of Historic Barns* (Preservation Briefs, 20). Washington, DC: Heritage Preservation Services.
- City of London. n.d. Property files: 1588 Clarke Road.
- City of London. 2003, June. Kilally South Area Plan, Update.
- Find a Grave. <https://www.findagrave.com/cemetery/2315575/Grove-Cemetery>, retrieved 2019-03-05.
- Gonyou, K. 2017, July 17. Request for Demolition of Heritage Listed Property at 660 Sunningdale Road East, Report to the Planning and Environment Committee, City of London.
- Grainger, J. 2002. *Vanished Villages of Middlesex*. Toronto: Natural Heritage Books.
- London Township History Book Committee. 2001a. *London Township A Rich Heritage 1796-1997 Volume 1*. Aylmer: London Township History Book Committee.
- London Township History Book Committee. 2001b. *London Township Families Past and Present Volume 2*: Aylmer: London Township History Book Committee.
- McIlwraith, T.F. 1997. *Looking for Old Ontario – Two Centuries of Landscape Change*. Toronto: University of Toronto Press.
- Storey, L (indexed). 1992. *Index to London Township Map by Concession and Lot from the Historical Atlas of Middlesex County, 1878*. London, Ontario: Ontario Genealogical Society, London Branch.
- Page. H.R. & Co. 1878. *Illustrated Historical Atlas of the County of Middlesex*. Toronto: Correll, Craig & Co. Lith. Toronto.
- Peters, S. 1863. *Map of the Township of London, Canada West*.
- Rosser, F.T. 1975. *London Township Pioneers*. Belleville, Ontario: Mika Publishing Co.
- Stantec. 2018. Stage 1 Archeological Assessment: Clarke Road Widening, Schedule C Municipal Class Environmental Assessment.
- Stantec. 2019. Cultural Heritage Assessment Report Clarke Road Improvements (VMP Extension to Fanshawe Road East) Environmental Assessment.
- Tremaine, G. 1862. *Tremaines' Map of the County of Middlesex, Canada West. Compiled and Drawn from Actual Surveys by the Publishers*.

Appendix A – Maps

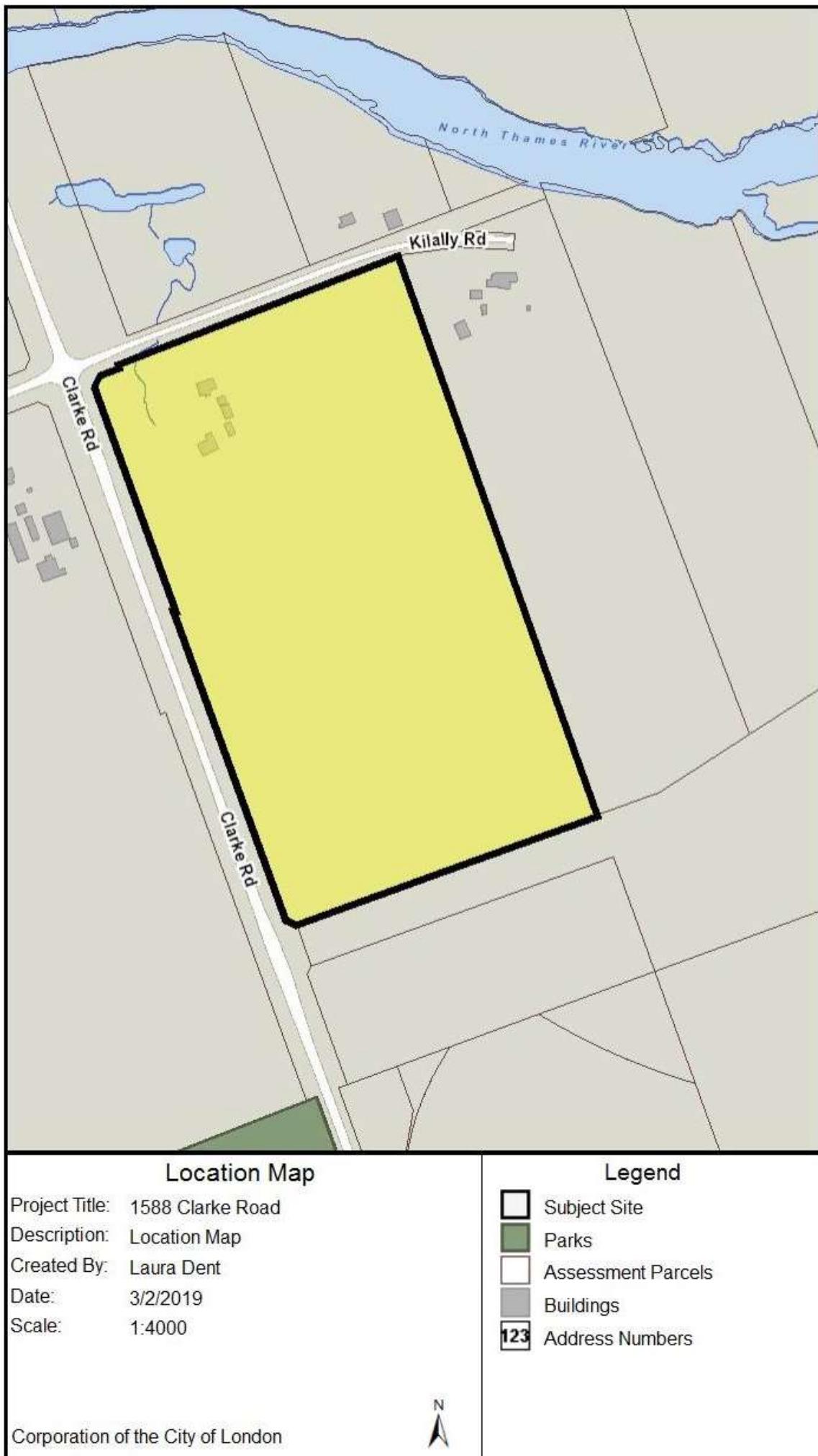


Figure 1: Property location of 1588 Clarke Road

Planner: L.E. Dent



Figure 2: Aerial image of property located at 1588 Clarke Road (2018)

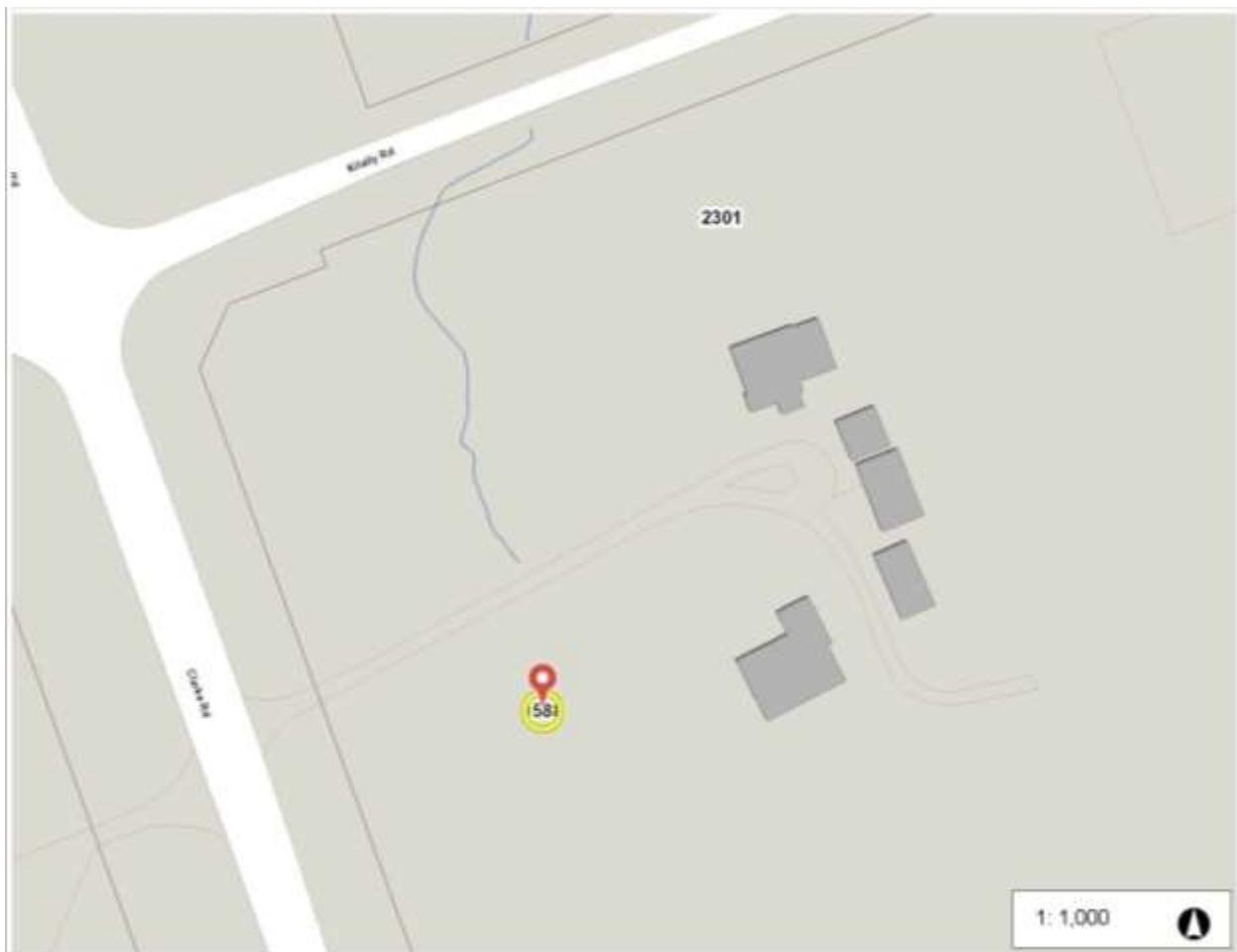


Figure 3: Plan view showing buildings at 1588 Clarke Road



Figure 4: Detail of the Samuel Peters Map of the Township of London (1863), Concession III

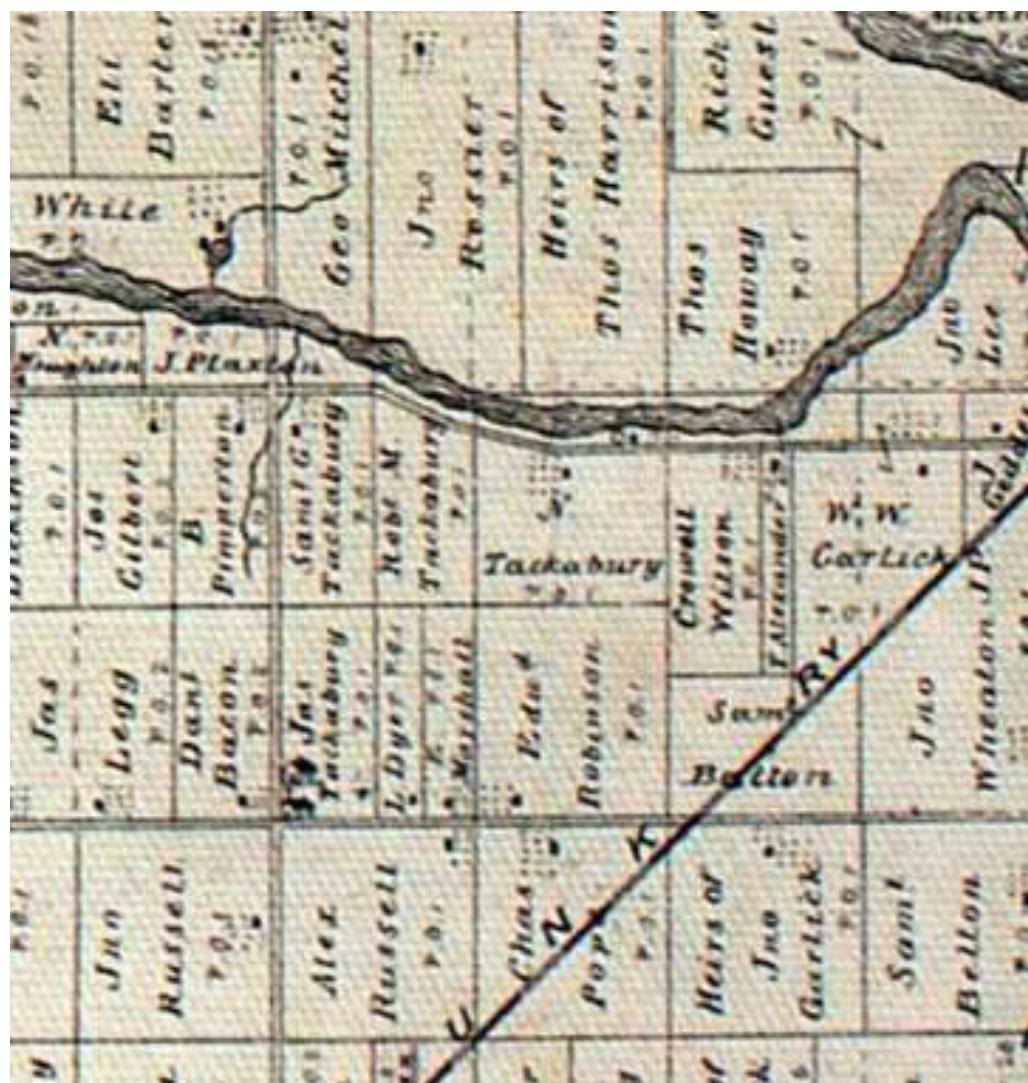


Figure 5: Detail of the Map of the Township of London in the Illustrated Historical Atlas of Middlesex County (1878) identifying the property at 1588 Clarke Road

Appendix B – Images



Image 1: Entrance from Clarke Road, barn to the right and house to the left of the drive (2019-02-14)



Image 2: View of barn from entrance drive illustrating setting on property (2019-02-14)



Image 3: View of the barn and addition, east face (2019-02-14).



Image 4: View of barn, east-south corner illustrating gangway, rubble foundation and lower stable level (2019-02-14).

Planner: L.E. Dent



Image 5: View of barn interior illustrating structure, middle bay and timber framed bents (2019-02-14).



Image 6: View of barn interior illustrating exterior bent, west face (2019-02-14).



Image 7: View of barn interior illustrating damaged exterior bent and cladding, east face (2019-02-14).



Image 8: View looking up of barn interior (2019-02-14).



Image 9: View of barn interior illustrating damaged exterior bent and cladding, east face (2019-02-14).



Image 10: View of lower section of barn, stable area (2019-02-14).



Image 7: View of drive shed (2019-02-14)



Image 12: Front façade of farmhouse – north face, facing Kilally Road (2019-02-14)



Image 13: Side elevation of house – west-south corner, with additions to original farmhouse (2019-02-14)



Image 14: View of 1588 Clarke Road farmhouse through woodlot at the corner of Clarke and Kilally Roads (2019-02-14).

Planner: L.E. Dent



Image 15: 1511 Clarke Road, front façade (2018-11-23, KG).



Image 16: View of 1424 Clarke Road, front façade – north facing (2016-09-29).



Image 17: View of 1424 Clarke Road, elevation – east facing (2016-09-29).

One and a half storey farmhouse, built with buff (London) brick.

The house is of a modified Ontario cottage style with a typical centre peaked gable and gable roof. The centre gable is substantial and frames a pointed arch gable window. This farmhouse exhibits Gothic Revival overtones with the three pointed arch windows in the upper storey, the elaborate bargeboard ornamenting the facade gable and finials atop the gable and at each end of the roof.

This is an economical and functional building but it has been embellished by some striking details: swagged bargeboard (in good condition) in the centre gable, well executed brick quoins at all corners of the building and swagged bargeboard at either end of the roof. Further embellishments include pointed arch windows, stepped brick detailing on the frieze line at each end of the gable (side walls), finials at each end of the roof as well as topping out the centre gable and brick voussoirs over all the windows. The brick frieze line is also carried around the side of the house to define the upper storey. This is a comparatively rare relic to find within the City limits. (Maggie Whalley)



Request for Demolition Heritage Listed Property 1588 Clarke Road

London Advisory Committee on Heritage

Wednesday March 13, 2019

london.ca

Property Location



Aerial view showing adjacent farm buildings



Property location at 1588 Clarke Road



Overview + Status

- demolition request is for barn on property
- part of mid-19th century farm
- former London Township
- 38 acre property – currently not being actively farmed

Heritage Status

- listed on the City's Register
- adjacent to (3) LISTED properties

Additional Conditions

- Kilally East Area Plan
- EA – Clarke Rd Improvements (Veteran's Memorial Parkway Extension to Fanshawe Park Rd E)

View of barn from Clarke Road
Adjacent properties LISTED on the Register



Adjacent Properties

View of 1424 Clarke Road, front façade – north facing



1511 Clarke Road, front façade



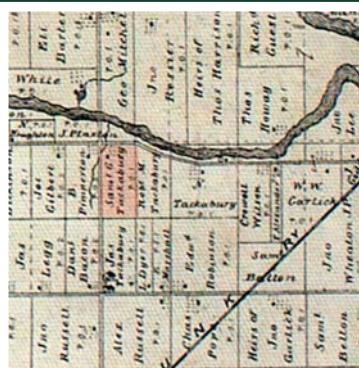
View of 1424 Clarke Road, elevation – east facing



Historical Background



S. Peters Map (1863) – Lot 4, Con III



Detail of the Map of the Township of London, Illustrated Historical Atlas of Middlesex County (1878) identifying the property at 1588 Clarke Road



Property ownership



Historical Background

- property associated with the Tackabury family – early settlers in 'The Grove' (a hamlet south of the subject property)
- Tackabury family originated from Ireland, emigrated from upstate New York to London Township in 1819 and are associated with Methodist Irish pioneer settlement in this area
- active members growing 'Grove' Community -- donated land on their property (Lot 4, Con III – at the southwest corner) for the construction of a church and school
- at the Grove-Webster Cemetery (located at 1425 Huron St), 17 descendants of John Tackabury are buried



The Grove United Church, built 1883 (London Township History Book Committee 2001a: 190)



Description – Barn

Entrance from Clarke Road, barn to the right and house to the left of the drive



View of barn, east-south corner illustrating gangway, rubble foundation and lower stable level



View of the barn and addition, east face



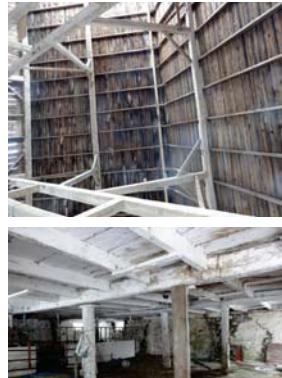
View of barn interior illustrating exterior bent, west face



Description – Barn



Description – Barn



View looking up of barn interior



View of lower section of barn, stable area



Description – Other Buildings

View of drive shed



Front façade of farmhouse – north face, facing Kilally Road

Side elevation of house – west-south corner, with additions to original farmhouse



1588 Clarke Road farmhouse through woodlot at the corner of Clarke and Kilally Roads

Demolition Request



- Request for the demolition – February 7, 2019
- Request for the demolition of a heritage listed property must be resolved by Municipal Council within a 60-day period (by April 8, 2019 or deemed permitted)
- Consultation with the LACH and must provide for a PPM before the Planning and Environment Committee
 - notice published in The Londoner on February 28, 2019
 - at the time of writing, no replies have been received seeking further information regarding this demolition request.
- LISTED properties are not designated, but are considered to have potential cultural heritage value or interest; further research required to determine cultural heritage value or interest (OHA 9/06); entire property evaluation
- Heritage Impact Assessment completed 2018 – by applicant, Sifton Properties Ltd



Evaluation – OHA 9/06

Criteria	Evaluation	Analysis - Response
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.	<ul style="list-style-type: none"> Mid-century Bank Barn with timber frame construction Early constructed Ontario farmhouse (c1865) <ul style="list-style-type: none"> The barn on the property is a common type and not altogether rare in the City. The farmhouse on the property is not unique or rare in the City. There are other farmhouses within the Kilally-Clarke area better conserved and representative of this style (e.g. 1511 Clarke Road).
	displays a high degree of craftsmanship or artistic merit.	The barn, farmhouse and drive shed are ordinary structures, typical of the period with no outstanding or unusual details or ornamentation. There is no evidence of a high degree of craftsmanship or artistic merit.
	demonstrates a high degree of technical or scientific achievement.	No evidence of a high degree of technical or scientific merit was found.



Evaluation – OHA 9/06

Criteria	Evaluation	Analysis - Response
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.	<ul style="list-style-type: none"> The property is associated with the Tackabury family who are among the earliest settlers in this area. The family is identified with Methodist Irish pioneer settlement in the area and the establishment of 'The Grove' community
	yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The barn and associated farmstead property and structures are not believed to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
	demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The barn, farmhouse and drive shed are built in a vernacular tradition and not attributed to a particular builder or architect.



Evaluation – OHA 9/06

Criteria	Evaluation	Analysis-Response
The property has contextual value because it,	is important in defining, maintaining, or supporting the character of an area.	<ul style="list-style-type: none"> The surrounding area is transitioning from an agricultural area to an area that will likely be more residential in character. Proposed widening of Clarke Rd and VMP extension to Fanshawe Rd E will isolate property and compromise historic lot and development pattern of its surrounding agricultural area. Regrettably, if retained, the barn and farmstead property risk becoming 'a contextual', isolated and devoid of the meaning once derived from its rural setting. This will irrevocably diminish the potential for this property to be recognized as a tangible link to the agricultural past of this area.
	is physically, functionally, visually, or historically linked to its surroundings.	<ul style="list-style-type: none"> The property comprises elements of a 19th century farmstead inclusive of a barn and farmhouse The property is reflective of original survey road patterns The property is not actively farmed but linked to the rural, agricultural setting through its past function
	is a landmark.	While certainly recognizable, it is not conclusive if the barn and associated farmstead property and structures are a landmark in the context of the community.



Conclusion

- The property did not meet the criteria for designation using mandated criteria of the Ontario Heritage Act Regulation 9/06
- Designation of this property under the *Ontario Heritage Act* is not recommended.
- Municipal Council should consent to the demolition of this property and advise the Chief Building Official accordingly.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: **Heritage Alteration Permit Application by City of London,
 Pocket Parks, Bishop Hellmuth Heritage Conservation District**

Meeting on: March 13, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to construct two pocket parks within the Bishop Hellmuth Heritage Conservation District, **BE PERMITTED** as submitted in the drawings included Appendix D, with the terms and conditions that commercial advertisement within the pocket parks be prohibited.

Executive Summary

A Heritage Alteration Permit application was submitted for the construction of two proposed pocket parks in the municipal boulevard within the Bishop Hellmuth Heritage Conservation District. The proposed pocket parks are consistent with the policy of the *Bishop Hellmuth Heritage Conservation District Plan* and comply with its guidelines.

Analysis

1.0 Background

1.1 Locations and Descriptions

Two locations are being considered for proposed pocket parks within the Bishop Hellmuth Heritage Conservation District (HCD). Both locations are located within the municipal boulevard (public property).

1.1.1 Pocket Park A – 782 Waterloo Street

The first location is on the east side of Waterloo Street, adjacent to the St. George's Public School (782 Waterloo Street) (Appendix A, Figure 1; Appendix B, Images 1-2). The first location, adjacent to St. George's Public School, is located between the two driveways which provide access to the school property (Appendix B). The first location is to the east of the municipal sidewalk and abuts the sidewalk to the school as well as the designated accessible parking spaces.

1.1.2 Pocket Park B – 860 Waterloo Street

The second location is on the east side of Waterloo Street, adjacent to the Extendicare home (860 Waterloo Street) (Appendix A, Figure 2; Appendix B, Images 3-4). The second location, adjacent to the Extendicare home, is located between the two driveways which provide access to the property (see Appendix B). The second location is to the east of the municipal sidewalk and abuts the sidewalk which provides access to the Extendicare building. There is an existing bench in the general location of the proposed pocket park.

1.2 Cultural Heritage Status

The Bishop Hellmuth HCD includes approximately 199 properties, as well as the municipal property within its boundaries. The Bishop Hellmuth Heritage Conservation District was designated under Part V of the *Ontario Heritage Act* on February 7, 2003 by By-law No. L.S.P.-3333-305.

1.3 Waterloo Street Reconstruction

Waterloo Street, between Oxford Street East and Grosvenor Street, is planned to be reconstructed in 2019 under the City's Infrastructure Renewal Program. Originally conceived for 2018, the project construction was to be funded by senior levels of government through the Clean Water and Wastewater Stimulus Fund, unfortunately that funding source became unavailable and thus the construction had to be deferred. This 2019 construction of Waterloo Street is now proposed to be funded through existing available budgets.

Appointment of the consulting engineer to complete the pre-design and detailed design of Clean Water and Wastewater Stimulus funded Waterloo Street reconstruction from Oxford Street to Grosvenor Street was authorized by Municipal Council, at its meeting held on July 25, 2017.

The Waterloo Street reconstruction project includes new sanitary sewers to replace the existing sewers dated circa 1903, new larger size storm sewers to replace the existing sewers dated circa 1916, additional catchbasins and implementation of low impact development stormwater management controls for improved drainage, and a new larger sized watermain and services to replace the existing century-old main and to remove lead water service piping from the public road allowance. The existing road will be replaced with new curb and gutter, asphalt, and sidewalks, all following the same widths and alignments as existing. The project will be introducing raised concrete intersections at both Waterloo Street/St. James Street and Waterloo Street/Grosvenor Street as well as the proposed pocket parks which are the subject of this Heritage Alteration Permit application.

1.4 Previous Reports

July 17, 2017. Report to the Civic Works Committee. Appointment of Consulting Engineers, Infrastructure Renewal Program 2017-2019.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2014) promotes the wise use and management of cultural heritage resources and directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved."

2.2 Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must respond within 90 days after a request for a Heritage Alteration Permit application (Section 42(4), *Ontario Heritage Act*).

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London's cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to "ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources." To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district*

2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

2.4 Bishop Hellmuth Heritage Conservation District Plan

One of the goals of the *Bishop Hellmuth HCD Plan* is,

To assist the City of London in identifying and prioritizing capital expenditures in the heritage district, particularly the streetscape policies and their long-term goal of period street signs, lights, pocket parks and upgraded back lanes (Section 3, Bishop Hellmuth HCD Plan).

Section 5.6 of the *Bishop Hellmuth HCD Plan* recognizes that there are no parks, “in the conventional sense”, in the Bishop Hellmuth HCD. The policies and guidelines provide direction to enhance the linear streetscape parks. Four locations were proposed for consideration:

- North side of St. James Street beside St. John the Evangelist Anglican Church (280 St. James Street)
- East side of Waterloo Street beside the Extendicare home (860 Waterloo Street)
- North side of Oxford Street East beside the New St. James Presbyterian Church (280 Oxford Street East)
- East side of Waterloo Street beside St. George’s Public School (782 Waterloo Street).

Guidelines around design of pocket parks are brief, but specific. The *Bishop Hellmuth HCD Plan* states, “...the design should include seating and period landscaping” (Section 5.6). A concept image of a potential pocket park is included within the *Bishop Hellmuth HCD Plan* (see Appendix C).

3.0 Heritage Alteration Permit Application

The *Bishop Hellmuth HCD Plan* is specific in identifying “streetscape improvements by City” as requiring Heritage Alteration Permit approval. Section 6 of the *Bishop Hellmuth HCD Plan* states,

All changes to public streetscapes, including street signs, lighting, trees, parks and back lanes, should require approval by City Council as advised by The LACH in accordance with the streetscape policies.

A Heritage Alteration Permit application was submitted by a representative of the property owner (The Corporation of the City of London) and received on February 25, 2019. The property owner has applied for a Heritage Alteration Permit to:

- Construct two “Pocket Parks” in the municipal boulevard on Waterloo Street within the Bishop Hellmuth Heritage Conservation District (see drawings in Appendix D)
- Widen the sidewalk in front of the St. George’s Public School (762 Waterloo Street) and add two (2) concrete walkways for students across the boulevard from the bus drop-off to the sidewalk
- Stamp street names in the concrete sidewalk

This work is being undertaken as part of the Waterloo Street reconstruction under the City’s Infrastructure Renewal Program.

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on May 26, 2019.

4.0 Analysis

4.1 What is a Pocket Park?

A “pocket park” is a small scale outdoor space that is intended for people to gather, relax, and enjoy the outdoors. They provide a safe and inviting environment for community members. Pocket parks may also be known as “miniparks” or “vest-pocket parks.” Pocket parks are not for vehicle parking, and are permanent (unlike a “pop-up park”). Pocket parks are intimate in their nature and generally include passive recreational opportunities. Pocket parks are not intended to service the entire City in the same way as a District park or City-wide park.

The National Recreation and Parks Association (US) identifies four key qualities for a successful pocket park:

1. *They are accessible*
2. *They allow people to engage in activities*
3. *They are comfortable spaces and have a good image*
4. *They are social places where people meet each other and take people when they come to visit*

4.2 Compliance with Bishop Hellmuth Heritage Conservation District Plan

The policies and guidelines of the *Bishop Hellmuth HCD Plan* seek to ensure the conservation of the area’s heritage character through appropriate design of pocket parks in pre-identified locations. Guidelines around design of pocket parks are brief, but specific.

The proposed locations of the pocket parks conforms to the potential locations identified within the *Bishop Hellmuth HCD Plan*.

The design of the proposed pocket parks reflects an evolution in our understanding of park design since the development of the *Bishop Hellmuth HCD Plan* in 2001. While a trellis or lattice screen is shown in the concept design of the pocket park in the *Bishop Hellmuth HCD Plan* (see Appendix C), such a screen may present CPTED (Crime Prevention Through Environmental Design) challenges as well as accumulate debris. This element has been eliminated from the proposed design of the pocket parks.

Both of the proposed pocket parks will include seating, set in a landscape of period-inspired plant species. Hardscaping (unit paves) will distinguish the proposed pocket parks from the regular concrete sidewalk to create a more intimate and inviting area of respite. “Unilock ‘Mattoni’ unit pavers in cocoa brown” laid in a double herringbone pattern with a sailor course around the perimeter is proposed (see Appendix D, Image 15; Appendix D, Figure 6).

Seating has been provided in compliance with the direction in the *Bishop Hellmuth HCD Plan*. Each pocket park will have two benches that are constructed of powder-coated metal frame with wooden seat and back. The “Magline Site Furniture Inc., 450 Series Model MLB450-W” is proposed (see Appendix D, Image 14). The proposed benches will be fixed to their concrete pads (not movable).

Development and building within the Bishop Hellmuth HCD was largely completed during a short period of time, 1895-1910, following the demolition of the Hellmuth Boys College. This is understood to be the applicable period when referring to “period landscaping,” reflecting prevailing late Victorian and Edwardian garden themes.

The proposed plant materials have been reviewed by a landscape architect to verify their suitability for a late Victorian or Edwardian garden. The selected colour palette of flowering species reflects soft pinks and whites, which would have been popular colour selections of the period. A variety of plant species were selected to provide visual and aesthetic interest throughout the growing season, including textures as well as heights. The proposed plant materials include (see Appendix D, Images 5-13):

- Serviceberry
- Chinese Flowering Dogwood

- Annabelle Hydrangea
- Little Princess Spirea
- Astilbe
- Bergenia
- Summer Phlox

Stamping of the street names within the concrete sidewalk will continue to implement this historic detail in London's Heritage Conservation Districts (see Appendix D, Image 16 for an example on Central Avenue in the East Woodfield Heritage Conservation District).

The additional walkways perpendicular to the widened municipal sidewalk in front of St. George's Public School (782 Waterloo Street) have been included in the scope of this overall project in consultation with the school.

The proposed pocket parks complies with the guidelines of the *Bishop Hellmuth HCD Plan* in the provision of seating and period-appropriate landscaping.

4.3 Consultation

Consultation was undertaken for the proposed pocket parks in conjunction with the Waterloo Street infrastructure renewal and upcoming construction.

Correspondence was sent to abutting property owners, as well as the Bishop Hellmuth Neighbourhood Association. Comments received from the abutting property owners were mixed or in objection to the proposed pocket parks. Comments received include:

- May be incompatible with adjacent nursing home
- May lead to an increase in crime
- May block sight-lines to the [school] buses
- May beautify the neighbourhood
- Need for continued maintenance
- May attract unwelcomed pedestrian traffic and loitering
- May become an attractive spot to smoke

Proposed layout and planting plans for the pocket parks were displayed at a Project Update Meeting (PUM) on February 26, 2019 at St. George's Public School, held as part of the Pre-Construction Notice for the Waterloo Street construction project.

Comments and feedback received at the PUM were overwhelmingly positive, and specifically noted the following:

- Advertising within the pocket parks (e.g. on the benches) should be prohibited
- Concern for potential garbage (e.g. cigarette butts)

4.4 Maintenance

During the development of the *Bishop Hellmuth HCD Plan* in 1998-2003, the maintenance of the pocket parks "could be carried out by gardening members" of the community association (Section 5.6). This would be an ideal solution for the maintenance of the proposed pocket parks and would fit within the existing Adopt-a-Park/Adopt-a-Street program.

If that is no longer the case or the community association is not willing to support the maintenance of the pocket parks, minimum maintenance would be undertaken by the City's Parks Operations.

4.5 Other

Neither of the pocket parks have specific assigned names. Naming of the pocket parks would need to comply with Municipal Council's Naming/Re-Naming or Dedicating of Municipal Property, Buildings and Park Elements Policy in the Council Policy Manual.

The pocket parks may be suitable locations for the installation of potential future cultural heritage interpretive signs.

5.0 Conclusion

The proposed pocket parks, located adjacent to the Extendicare home and St. George's Public School, within the Bishop Hellmuth HCD comply with the policies and guidelines of the *Bishop Hellmuth HCD Plan* and should be permitted.

This report was prepared with the assistance of Ryan Armstrong, C.E.T., Wastewater & Drainage, Engineering Division and Amanda Lockwood, Urban Designer, City Planning.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

March 7, 2019
KG/

- Appendix A Property Locations
- Appendix B Images
- Appendix C *Bishop Hellmuth HCD Plan* – Proposed Pocket Park
- Appendix D Proposed Pocket Park Design Details

Additional Sources

National Recreation and Parks Association (US). *Creating Mini-Parks for Increased Physical Activity*. Retrieved from www.nrpa.org.

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Appendix A – Property Locations

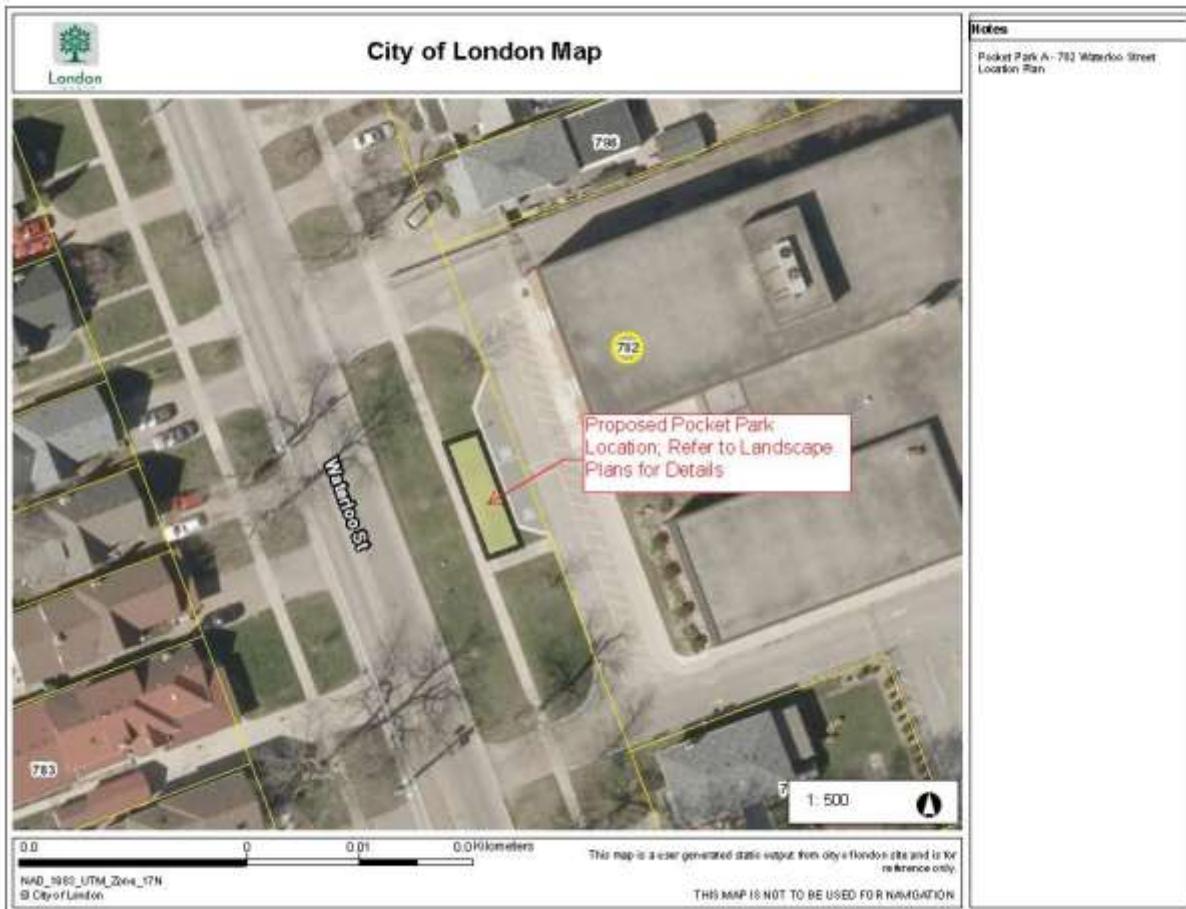


Figure 1: Proposed location of proposed Pocket Park A, in front of 782 Waterloo Street (St. George's Public School).



Figure 2: Proposed location of proposed Pocket Park B, in front of 860 Waterloo Street (Extendicare home).

Appendix B – Images



Image 1: Proposed location of proposed Pocket Park A, in front of 782 Waterloo Street (St. George's Public School).



Image 2: Proposed location of proposed Pocket Park A, in front of 782 Waterloo Street (St. George's Public School) (courtesy Google, July 2018).



02/27/2019

Image 3: Location of the proposed Pocket Park B, in front of 860 Waterloo Street (Extendicare home).

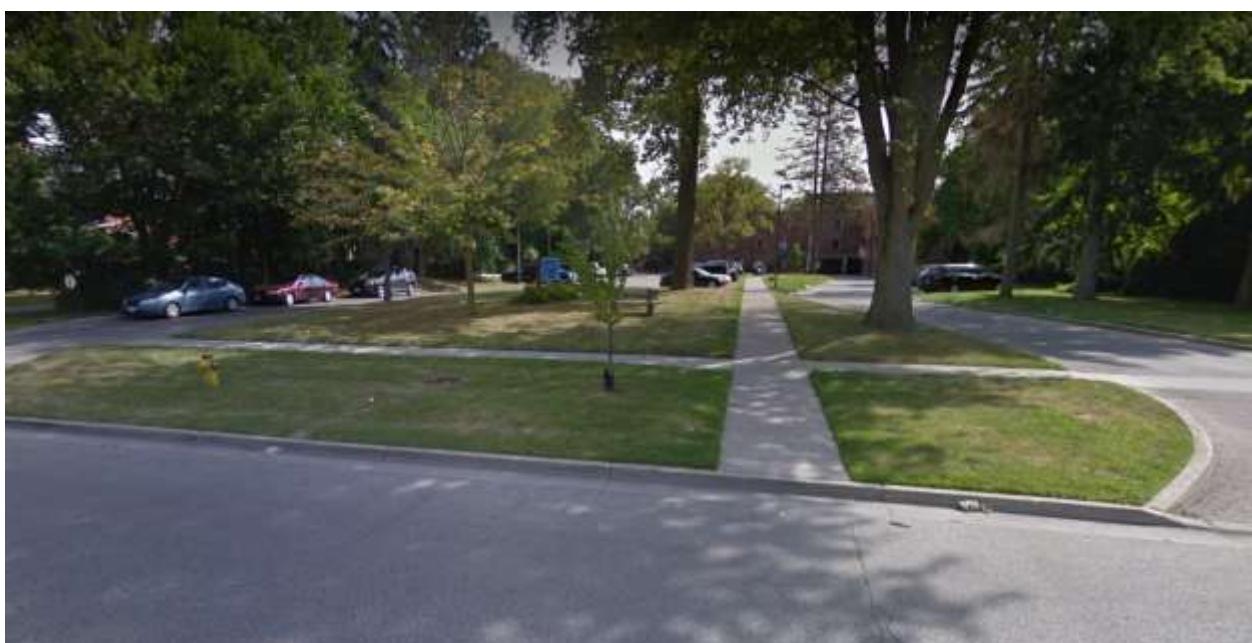


Image 4: Location of the proposed Pocket Park B, in front of 860 Waterloo Street (Extendicare home) (courtesy Google, August 2017).

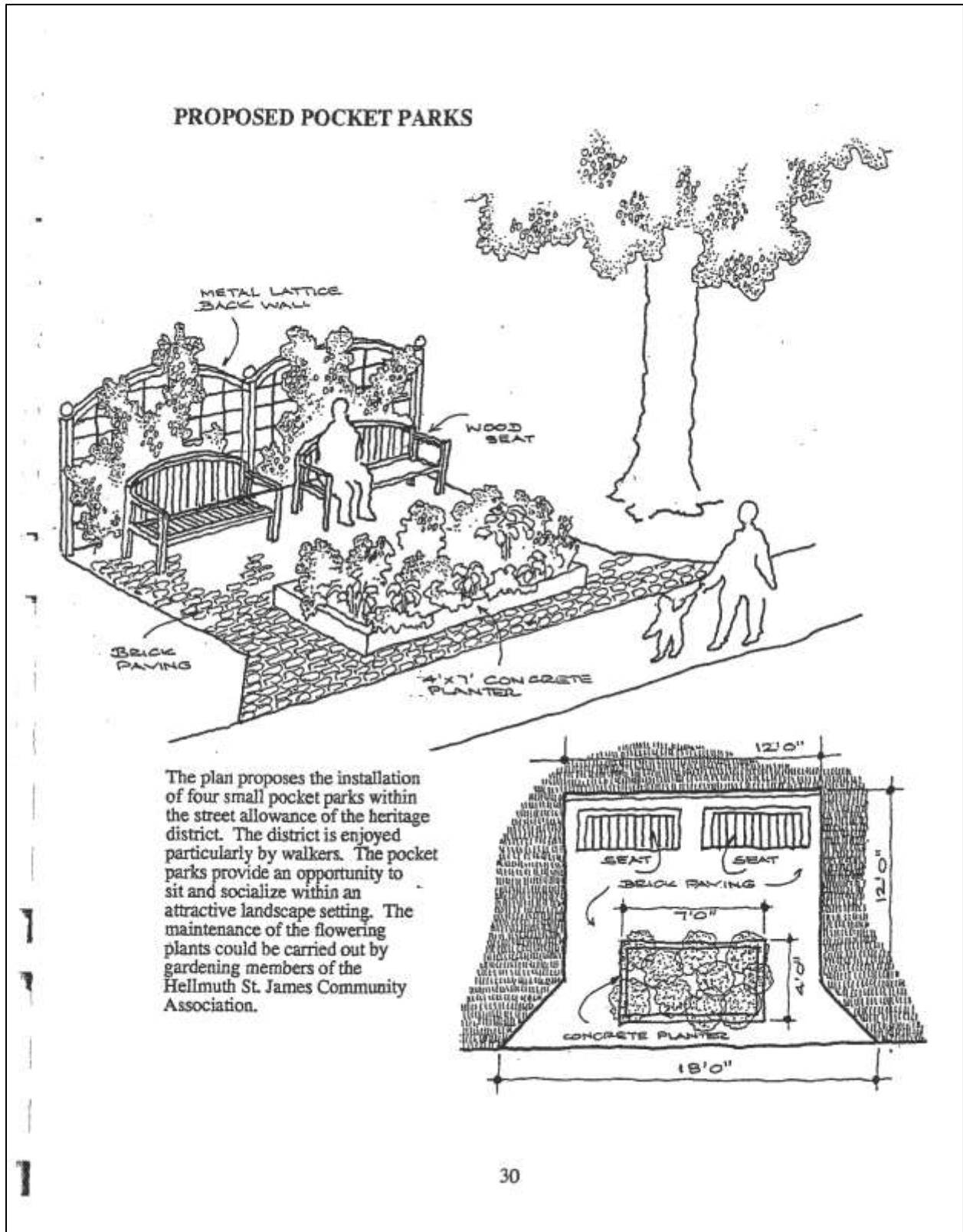
Appendix C – Bishop Hellmuth HCD Plan – Proposed Pocket Parks


Figure 3: Concept image of proposed pocket parks from the Bishop Hellmuth Heritage Conservation District Plan (2001).

Appendix D – Proposed Pocket Park Design Details

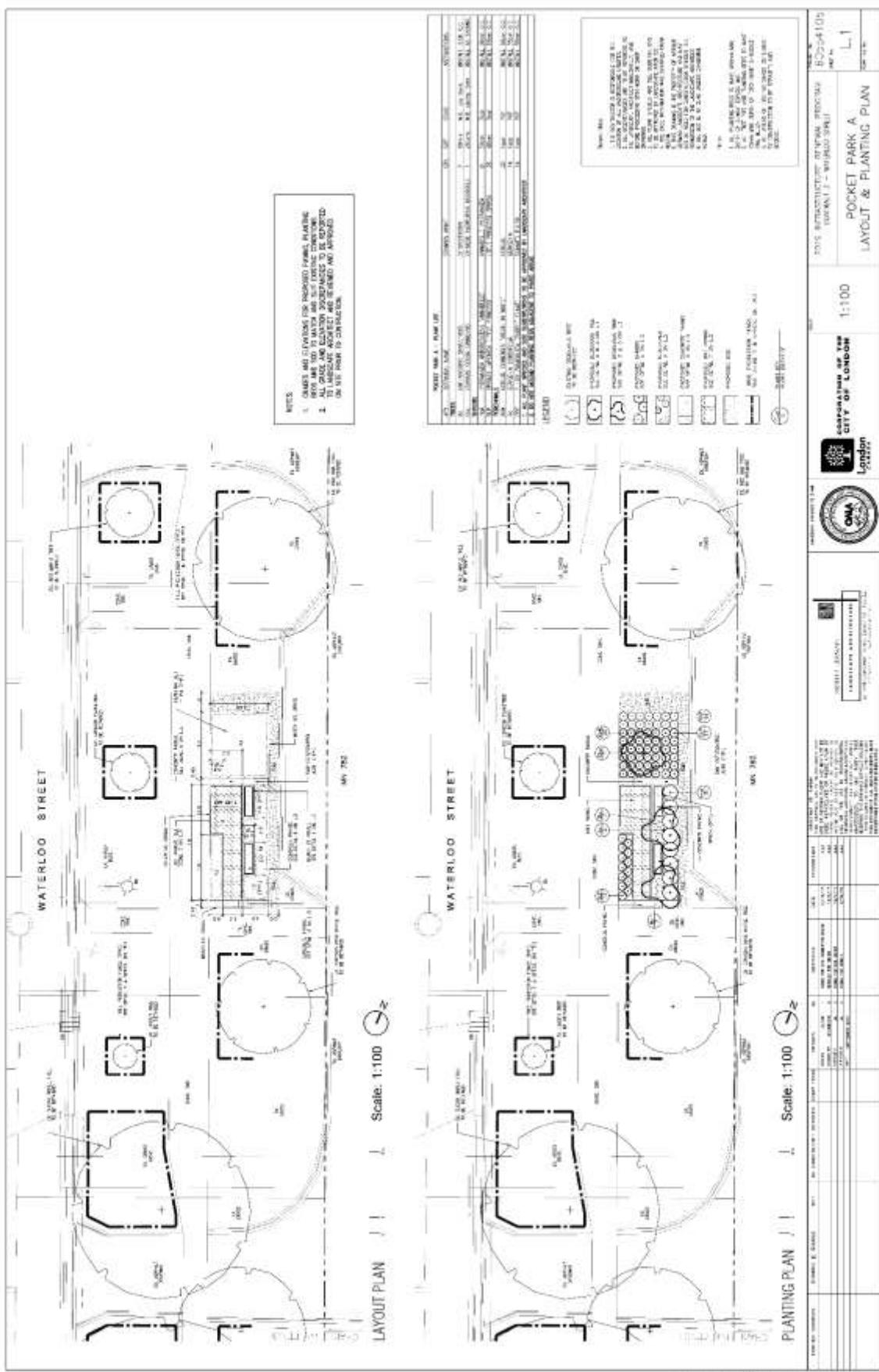


Figure 4: Pocket Park A Layout and Planting Plan.

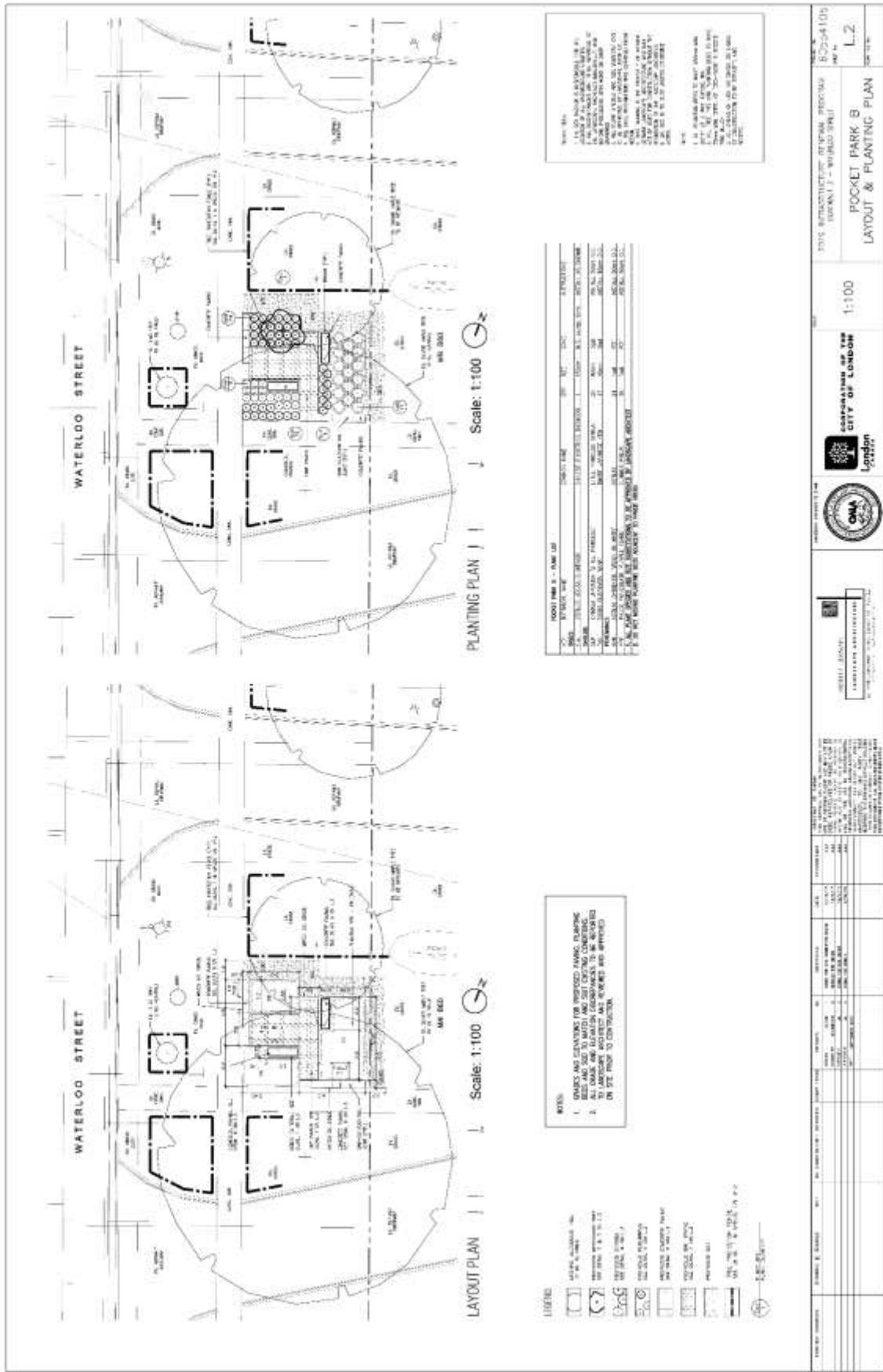


Figure 5: Pocket Park B Layout and Planting Plan.

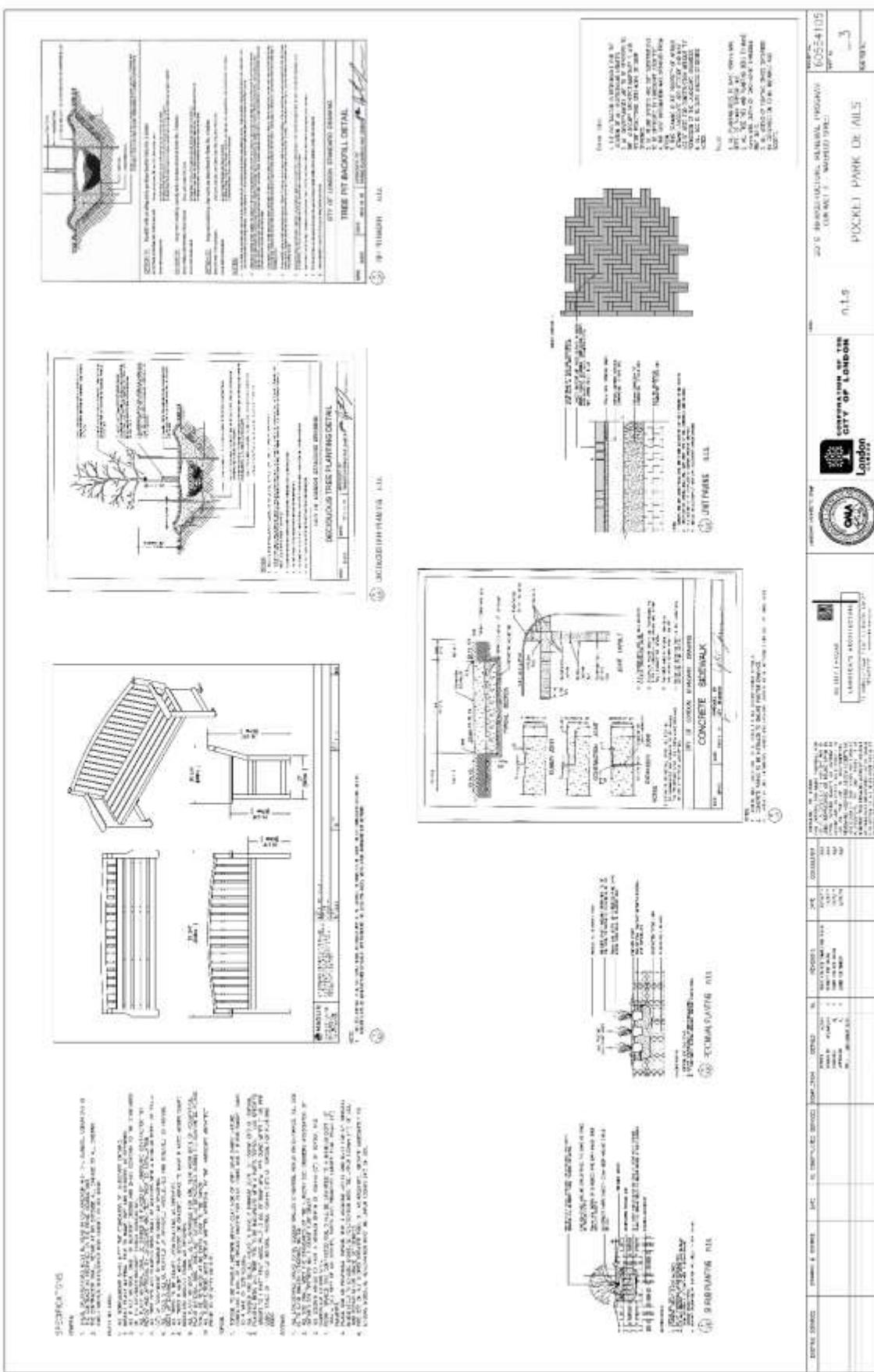


Figure 6: Pocket Park Details.

Plant Species	
 A photograph of a serviceberry tree in autumn, showing vibrant red and orange leaves against a backdrop of green trees and a wooden fence.	 A photograph of a serviceberry tree in early spring, covered in numerous small, white, fuzzy flower clusters.
<p>Image 5: Serviceberry (fall). Source: Rotary Botanical Gardens.</p>	<p>Image 6: Serviceberry (spring). Source: Rotary Botanical Gardens.</p>
 A photograph of a Chinese flowering dogwood tree in full bloom, with clusters of white flowers hanging from its branches.	 A photograph of a dwarf Japanese yew shrub, showing its dense, dark green, needle-like foliage.
<p>Image 7: Chinese Flowering Dogwood. Source: Ruud van den Berk Nursery, The Netherlands.</p>	<p>Image 8: Dwarf Japanese Yew. Source: Connon Nurseries.</p>
 A close-up photograph of a Bergenia plant, featuring a thick red stem and clusters of small, purplish-pink flowers.	 A photograph of an Astilbe plant, showing its characteristic plume-like flower spikes.
<p>Image 9: Bergenia. Source: Connon Nurseries.</p>	<p>Image 10: Astilbe. Source: Connon Nurseries.</p>

Plant Species



Image 11: Little Princess Spirea. Source: Connon Nurseries.



Image 12: Annabelle Hydrangea. Source: Connon Nurseries.



Image 13: Summer phlox. Source: Connon Nurseries.



Image 14: Magline Site Furniture Inc., 450 Series Model MLB450-W. Courtesy: Magline.



Image 15: Sample of “cocoa brown” Unilock ‘Mattoni’ unit pavers. Note: would be laid in double herringbone pattern (not shown). Courtesy: Unilock.



Image 16: Example of stamped street name in sidewalk concrete.



Image 17: The Bishop Hellmuth Neighbourhood Association currently participates in the Adopt-a-Street program, including all of the streets within the Bishop Hellmuth Heritage Conservation District.



Bishop Hellmuth HCD Pocket Parks



Heritage Alteration Permit Application
London Advisory Committee on Heritage
Wednesday March 13, 2019



Waterloo Street Reconstruction

Infrastructure Renewal Program

- Sanitary sewers, storm sewers, catch basins, watermain (remove lead)
- Replace curb and gutter, asphalt, raised concrete intersections, sidewalks
 - No expansion (except at St. George's Public School)
 - Street name stamping
- Pocket Parks



Street Name Stamping in
East Woodfield HCD



Proposed Pocket Park A



Bishop Hellmuth HCD



- Designated 2003
- 199 properties
- Late Victorian – Edwardian period of development



WORK REQUIRING APPROVAL			
TYPE OF BUILDING WORK	BUILDING PERMIT REQUIRED	HERITAGE ALTERATION PERMIT APPLICATION	GUIDELINE APPLICATION
MAJOR			
Major Alterations	yes	yes	yes
New Building	yes	yes	yes
Additions	yes	yes	yes
Conversions	yes	yes	yes
MINOR			
Maintenance	no	no	yes
Painting	no	no	yes
Sliding	no	no	yes
Re-roofing	no	no	yes
External Repairs	no	no	yes
Soffits & Fascias	no	no	yes
Replacement Windows	no	yes	yes
Exterior Doors	no	yes	yes
Replacement Doors (non-structural)	no	yes	yes
Shutters	no	no	yes
Decorative Trim	no	no	yes
EXCEPTIONAL FEATURES			
Vernacular Changes	maybe	yes	yes
Rock Glass Changes	maybe	yes	yes
Stained Glass Changes	maybe	yes	yes
STREETSCAPE IMPROVEMENTS BY CITY			
All changes to public streetscapes, including street signs, lighting, trees, parks and back lanes, require approval by City Council as advised by The LACH in accordance with the streetscape policies.			

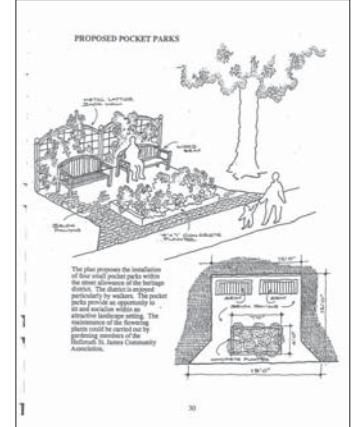


Bishop Hellmuth HCD Plan



Section 5.6 Parks

- Locations
- Design
 - Seating
 - Period Landscaping



Proposed Pocket Park A



Winter

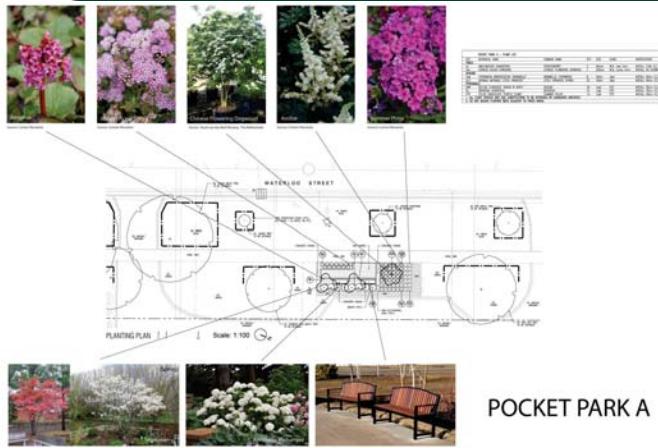


Summer





Proposed Pocket Park A



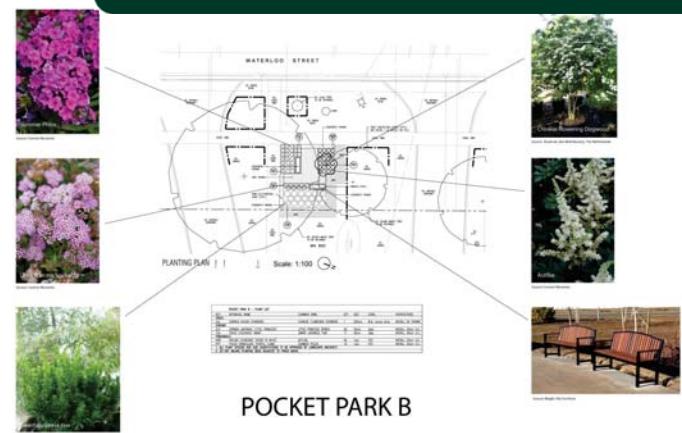
Proposed Pocket Park B



Proposed Pocket Park B



Proposed Pocket Park B



Timeline

- 1903: Sanitary sewers installed
- 1916: Storm water sewers installed
- July 25, 2017: Appointment of Engineer
- February 2019: Consultation
- February 26, 2019: Project Update Meeting
- May 2019: Construction starts
- October 2019: Estimated completion
 - Pocket Parks
- Spring 2020: Top coat asphalt



Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to construct two pocket parks within the Bishop Hellmuth Heritage Conservation District, **BE PERMITTED** as submitted in the drawings included Appendix D, with the terms and conditions that commercial advertisement within the pocket parks be prohibited.



Heritage Planners' Report to LACH: March 13, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a. 18 Craig Street (Wortley Village – Old South HCD): Porch alteration
 - b. 23 Kensington Street (Blackfriars/ Petersville HCD): Amendments to HAP
 - c. 504 English Street (Old East HCD): Amendments to HAP
2. London Endowment for Heritage – application open (due April 9, 2019):
<http://www.lcf.on.ca/receive/london-endowment-heritage-grant-program>
3. Ad Hoc Allocation Committee for London Endowment for Heritage
 - a. Lunch meeting on Thursday April 18, 2019 (12:00 noon-1:30pm) at the London Community Foundation office (mezzanine, Covent Garden Market, 130 King Street – parking passes provided)

Upcoming Heritage Events

- Maple Harvest Festival – March 16, 2019 at the Museum of Ontario Archaeology. For more information visit: <http://archaeologymuseum.ca/whats-maple-harvest-festival/>
- History Symposium – March 23, 2019 at the Central Library - www.historysymposium.com
- Women to the Front – February 2 to March 31, 2019 at Museum London. For more information visit <http://www.museumlondon.ca/>
- Behind the Ropes Tour – April 6, 2019 at Eldon House from 10:00am to 12:00pm. \$20. For more information visit: <https://eldonhouse.ca/product/behind-the-ropes-2/>
- Local History Trivia Night – April 12, 2019 at Eldon House. \$20. For more information visit: <https://eldonhouse.ca/product/behind-the-ropes-2/>
- Thames Valley Regional Heritage Fair – April 25, 2019 at Fanshawe Pioneer Village (2609 Fanshawe Park Rd E).
- Hear Here Launch Party – April 27, 2019 from 1pm-4pm at Goodwill Industries, 255 Horton Street West. For more information visit <https://hearherelondon.org/>