

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic Development

**Subject:** Repeal of Heritage Designating By-Law for the Property at  
432 Grey Street, Ward 13

**Date:** May 22, 2024

## Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the request by the British Methodist Episcopal Church to repeal the Heritage Designating By-Law for property located at 432 Grey Street, the following actions **BE TAKEN**:

- (a) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 4, 2024, to repeal the heritage designating by-law for the property located at 432 Grey Street;
- (b) The property at 432 Grey Street **BE REMOVED** from the Register of Cultural Heritage Resources.

## Executive Summary

In November 2022, the African Methodist Episcopal Church (formerly referred to as the Fugitive Slave Chapel) was relocated from 432 Grey Street to the Fanshawe Pioneer Village. The primary heritage attribute of the property at 432 Grey Street was the African Methodist Episcopal Church building, and with the building's removal, the property no longer has cultural heritage value or interest. Pursuant to Section 7(1) subparagraph 4i of *Ontario Regulation 385/21*, if a property no longer has cultural heritage value or interest as the result of removal of a building from the property, Municipal Council shall pass a by-law to repeal the by-law designating the property under Section 29 of the *Ontario Heritage Act*. Therefore, the heritage designating by-law for the property at 432 Grey Street should be repealed.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan area of focus:

- London has safe, vibrant, and healthy neighbourhoods and communities.
  - Londoners have a strong sense of belonging and sense of place.
    - Create cultural opportunities that reflects arts, heritage, and diversity of community.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

- Report to Planning and Environment Committee, Request to Remove the Fugitive Salve Chapel from the Heritage Designated Property at 432 Grey Street to the Fanshawe Pioneer Village, July 25, 2022 (pp226-267): <https://pub-london.escribemeetings.com/FileStream.ashx?DocumentId=93936>
- Report to the Planning and Environment Committee. "Passage of Heritage Designating By-law for 432 Grey Street." March 18, 2019.
- Report the London Advisory Committee on Heritage. "Request for Designation of 432 Grey Street by the Trustees of the London Congregation of the British Methodist Episcopal Church in Canada." September 12, 2018.

- Report to the Planning and Environment Committee. “Repeal of By-law L.S.P.-3432-10, 275 Thames Street.” February 1, 2016.
- Report to the London Advisory Committee on Heritage. “Repeal of by-law L.S.P.-3432-10, 275 Thames Street.” October 14, 2015.
- Report to the London Advisory Committee on Heritage. “Heritage Alteration Application by City of London, 275 Thames Street (Fugitive Slave Chapel).” May 14, 2014.
- Report to Planning and Environment Committee. “Fugitive Slave Chapel Update.” December 10, 2013.
- Report to Planning and Environment Committee. “Notice of Intent to Designate 275 Thames Street.” September 24, 2013.
- Report to Planning and Environment Committee. “City of London Zoning Review 432 Grey Street.” Z-8200. August 20, 2013.
- Report to Planning and Environment Committee. “275, 277 & 281 Thames Street Status Update.” June 18, 2013.
- Report to Planning and Environment Committee. “Demolition Requests – Heritage Properties, Aboutown Transportation Limited, 275, 277 & 281 Thames Street.” April 23, 2013.

## **1.2 Property Location**

The property at 432 Grey Street is located on the north side of Grey Street between Colborne Street and Maitland Street (Appendix A) and it is owned by the British Methodist Episcopal Church. The British Methodist Episcopal Church also owns the adjacent heritage designated property at 430 Grey Street, Beth Emanuel Church.

## **1.3 Cultural Heritage Status**

The property at 432 Grey Street is designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3480-98; the heritage designating by-law was passed in 2019 and is registered on the title of the property. The primary heritage attribute of the property at 432 Grey Street is the African Methodist Episcopal Church (formerly referred to as the Fugitive Slave Chapel) building.

## **1.4 Description**

The African Methodist Episcopal Church (ca. 1848) is a one-storey, wood-framed structure built in the vernacular style (Appendix B). The building originally functioned as a place of worship for its congregation at its original location at 275 Thames Street. In later years, the building was subsequently converted to residential purposes. In November 2014, the building was moved to 432 Grey Street, a vacant parcel adjacent to the Beth Emanuel Church to which it is connected to historically as a “descendent church.” The new foundation built to support the relocated church building remains on the property at 432 Grey Street and is enclosed by safety fencing.

## **1.5 History**

For a history of the African Methodist Episcopal Church and its former location at 275 Thames Street, please refer to the following report:

- Report to Planning and Environment Committee, Request to Remove the Fugitive Slave Chapel from the Heritage Designated Property at 432 Grey Street to the Fanshawe Pioneer Village, July 25, 2022: <https://pub-london.escribemeetings.com/FileStream.ashx?DocumentId=93936>

## **1.6 Fanshawe Pioneer Village – Relocation and Restoration**

Since its relocation to the property at 432 Grey Street in November 2014, efforts to restore the African Methodist Episcopal Church did not materialize due to costs and other constraints not previously considered. Together in 2021, the British Methodist Episcopal Church and The London and Middlesex Heritage Museum began exploring the feasibility of relocating the building to the Fanshawe Pioneer Village. A Steering Committee was formed and throughout 2021 and into 2022, the Committee worked with the community in support of the potential relocation. On August 2, 2022, Municipal Council approved the relocation of the building with the following terms and conditions to ensure conservation of the building (3.3/13/PEC):

*a) prior to the removal of the building, a Conservation Plan shall be prepared by the applicant and submitted to the satisfaction of the Director, Planning and Development, articulating how the heritage attributes of the Fugitive Slave Chapel will be conserved following its removal from the property at 432 Grey Street.*

On August 12, 2022, a Conservation Plan was submitted and accepted by the City which satisfied the above terms and conditions. The significant heritage attributes of the African Methodist Episcopal Church were preserved through a period restoration – to its appearance circa 1850 – adhering to a high standard of heritage conservation, using only historically appropriate materials and forms, with only modest and discrete modern intervention.

An unveiling event on July 20, 2023, at Fanshawe Pioneer Village, officially opened the African Methodist Episcopal Church to the public. Since then, the restoration of the building has been recognized by several awards including the 2024 London Heritage Award and the 2023 Lieutenant Governor's Ontario Heritage Award. As well, the project architect, John Rutledge, was the recipient of the Peter Stokes Restoration Award from the Architectural Conservancy Ontario (2024).

### **1.7 Request to Repeal the Designating By-law for the Property at 432 Grey Street**

Written notice was received from the property owner of 432 Grey Street, British Methodist Episcopal Church, on March 8, 2024, requesting that the heritage designating by-law for 432 Grey Street be repealed. The following was received as part of the application:

- Minutes of the British Methodist Episcopal Church, re: GCSC Meeting on January 21, 2024.
- Written Confirmation of the Trustees re: request to repeal the designating by-law for 432 Grey Street (February 18, 2024).
- Property Title Search (Land Registry Office, March 15, 2021).
- 432 Grey Street, re: Google Street view with Fugitive Slave Chapel on property (Google Maps, July 2019).
- Property Donation Agreement, between the British Methodist Episcopal Church “donor” and the London & Middlesex Heritage Museum – Fanshawe Pioneer Village “recipient” (May 5, 2022).
- Voluntary Deed of Gift of Property, from the British Methodist Episcopal Church to the London & Middlesex Heritage Museum – Fanshawe Pioneer Village (November 22, 2022).
- Photos showing the relocation of the Chapel to Fanshawe Pioneer Village (Pastor Searles, November 22, 2022).

In compliance with Section 7(1) subparagraph 1 of *Ontario Regulation 385/21*, the Community Advisory Committee on Planning, is being consulted at their May 8, 2024.

## **2.0 Discussion and Considerations**

### **2.1 Legislative and Policy Framework**

Cultural heritage resources are recognized for the value and contributions that they make to our quality of life, sense of place, and tangible link to our shared past. Cultural heritage resources are to be conserved as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*. It is important to recognize, protect, and celebrate our cultural heritage resources for future generations.

#### **2.1.1 Provincial Policy Statement**

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* 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” (Policy 2.6.1).

“Significant” is defined in the *Provincial Policy Statement* (2020) as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determine cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.”

Additionally, “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.”

### **2.1.2 Ontario Heritage Act**

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

Section 34 of the *Ontario Heritage Act* describes the process to remove a building or structure from a heritage designated property. Should Municipal Council consent to the removal of a building or structure from a heritage designated property, Section 34.3(1) of the *Ontario Heritage Act* prescribes steps or actions that Municipal Council shall take. These prescribed steps or actions are described in *Ontario Regulation 385/21*.

### **2.1.3 Ontario Regulation 385/21**

Should Municipal Council under Section 34.3(1) of the *Ontario Heritage Act*, consent to the removal of a building or structure from a heritage designated property, and after the demolition or removal of a building, structure or is complete, under Section 7(1) subparagraph 1 of *Ontario Regulation 385/21*, Municipal Council shall in consultation with the municipal heritage committee, make one of the following determinations:

- i. The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.*
- ii. The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.*
- iii. The property no longer has cultural heritage value or interest as a result of the demolition or removal.*

If it has been determined under Section 7(1), subparagraph 1.iii, that a property designated under Section 29 of the *Ontario Heritage Act* no longer has cultural heritage value or interest as a result of a demolition or removal, Section 7(1) subparagraph 4 i and ii of *O. Reg 385/21* prescribes the following steps:

- i. the council shall pass a by-law to repeal the by-law or the part thereof designating the property under section 29 of the Act, and*
- ii. the clerk of the municipality shall,*
  - A. ensure that a copy of the repealing by-law is served on the owner of the property,*
  - B. publish notice of the repealing by-law in a newspaper having general circulation in the municipality,*
  - C. ensure that a copy of the repealing by-law is registered against the property affected by the repealing by-law in the appropriate land registry office and that a copy of the registered repealing by-law is served on the Trust, and*
  - D. ensure that any reference to the property is deleted from the register referred to in subsection 27 (1) of the Act.*

Under Section 7(1) subparagraph 5, i-iii of *O. Reg 385/21*, if a building or structure mentioned in Section 7(1) is moved to another property, Municipal Council shall determine, in consultation with the municipal heritage committee, if the other property meets the criteria for designation per *O. Reg. 9/06*. If determined it meets 9/06 criteria, Municipal Council may pass a by-law designating the other property to be of cultural heritage value or interest.

### **3.0 Financial Impact/Considerations**

None.

### **4.0 Key Issues and Considerations**

Following the removal of the African Methodist Episcopal Church from the heritage designated property at 432 Grey Street, staff are required to bring forward a subsequent report regarding the property's heritage designation under Section 7(1) subparagraph 1 of *Ontario Regulation 385/21*.

#### **4.1 Does the Property at 432 Grey Street Continue to have Cultural Heritage Value or Interest?**

The primary heritage attribute of the property at 432 Grey Street is the African Methodist Episcopal Church. With its relocation to Fanshawe Pioneer Village, the property at 432 Grey Street no longer holds any cultural heritage value or interest.

#### **4.2 Process to Repeal Designating By-law**

Because the property at 432 Grey Street no longer holds any cultural heritage value or interest, under Section 7(1), subparagraph 4.i of *Ontario Regulation 385/21*, Municipal Council should consider passing a by-law to repeal the designating by-law for the property at 432 Grey Street. Further steps required as part of the repeal process are outlined in Section 7(1) subparagraph 4.ii of *Ontario Regulation 385/21*. [See 2.1.3 *Ontario Regulation 385/21*].

Designation of the property at Fanshawe Pioneer Village, the relocated site of the African Methodist Episcopal Church, is not being considered under Section 7(1) subparagraph 5, i-iii of *O. Reg 385/21*.

#### **4.3 Fanshawe Pioneer Village**

Since its establishment in 1959, the Fanshawe Pioneer Village has been the steward of London and Middlesex County's significant built heritage resources. The Fanshawe Pioneer Village is committed to the continued conservation of the African Methodist Episcopal Church and will be responsible for the building's care and maintenance. The Fanshawe Pioneer Village, through its Conservation Policy, Site Operating Procedures, and other museum standards, has the capacity and expertise to protect and preserve the building. To support the interpretation of the African Methodist Episcopal Church, the Fanshawe Pioneer Village has established an education and interpretation committee to ensure that the African Methodist Episcopal Church, and Black histories more generally, are interpreted accurately and in consultation with appropriate community partners.

#### **4.4 Commemoration**

Culture Services, Heritage staff in Planning and Development, and local heritage researchers continue to collaborate on the research and design of cultural heritage interpretive signage to commemorate the Thames Street neighbourhood and the original location of the African Methodist Episcopal Church at 275 Thames Street. Currently the proposed content will reference the history of the neighbourhood's residents as well as significant eras in the history and development of the area, including Indigenous histories, Black settlement, the industrialization of the area, the mid/late-20<sup>th</sup> century, and the present era.

## **Conclusion**

The African Methodist Episcopal Church (formerly referred to as the Fugitive Slave Chapel) was relocated from 432 Grey Street to Fanshawe Pioneer Village. At Fanshawe Pioneer Village, the African Methodist Episcopal Church will be preserved and interpreted for future generations.

With the relocation of the building, the property at 432 Grey Street no longer has cultural heritage value or interest. In accordance with Section 7, *Ontario Regulation 385/21*, By-law No. L.S.P.-3480-98 should be repealed.

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Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
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Development

cc Kevin Edwards, Manager, Community Planning

### **Appendices**

Appendix A Property Location  
Appendix B Images  
Appendix C Heritage By-law Amendment

### **Selected Sources**

“2023 Lieutenant Governor’s Ontario Heritage Awards Recognize Exceptional Ontarians,” Media Release (February 22, 2024). Retrieved from [Ontario Heritage Trust | 2023 Lieutenant Governor’s Ontario Heritage...](#)

Corporation of the City of London. n.d. Property files: 432 Grey Street.

Corporation of the City of London. (2022, December 9). *Register of Cultural Heritage Resources*. London, ON.

Architectural Conservancy Ontario – London Region and the Heritage London Foundation *London Heritage Awards – 2024* (April 11, 2024).

*Ontario Heritage Act*, (current, December 4, 2023). Retrieved from e-Laws website <https://www.ontario.ca/laws/statute/90o18>

*O. Reg. 385/21*, (current, January 1, 2023) Retrieved from e-Laws website [O. Reg. 385/21: GENERAL \(ontario.ca\)](#)

# Appendix A – Property Location



Figure 1: Map showing the location of the property at 432 Grey Street.

## Appendix B – Images



*Image 1: View of the property at 432 Grey Street, facing north, with the African Methodist Episcopal Church positioned adjacent to Beth Emanuel Church.*



*Image 2: View looking east along Grey Street, of the African Methodist Episcopal Church in transit, being moved from 432 Grey Street to Fanshawe Pioneer Village.*





*Image 3: Full restoration of the African Methodist Episcopal Church now relocated at the Fanshawe Pioneer Village (June 30, 2023) courtesy of Dawn Miskelly, Executive Director, Fanshawe Pioneer Village.*



*Image 4: Current view of the property at 432 Grey Street, facing north, now vacant adjacent to Beth Emanuel Church.*

## Appendix C – Heritage By-law Amendment

Bill No. (number to be inserted by Clerk's Office)  
2024

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

A by-law to repeal By-law No. L.S.P.-  
3480-98 entitled, "A by-law to designate  
432 Grey Street to be of cultural  
heritage value or interest".

WHEREAS the property located at 432 Grey Street was designated to be of cultural heritage value or interest by By-law No. L.S.P.-3480-98, on March 26, 2019;

AND WHEREAS pursuant to Section 29 of 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 cultural heritage value or interest;

AND WHEREAS pursuant to Section 34 of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, the owner of a property designated under Section 29 may apply to the council of the municipality to demolish or remove a building or structure from the property;

AND WHEREAS Municipal Council of The Corporation of the City of London consented to the removal of the building from the property at 432 Grey Street on August 2, 2022;

AND WHEREAS, after the demolition or removal of a building or structure from the property, Section 7 of *Ontario Regulation 385/21* requires a determination of the property's cultural heritage value or interest;

AND WHEREAS it is now appropriate to repeal By-law No. L.S.P.-3480-98 as the property no longer has cultural heritage value or interest as a result of the removal;

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

1. By-law L.S.P.-3480-98 entitled, "A by-law to designate 432 Grey Street to be of cultural heritage value or interest" passed by Municipal Council on March 26, 2019, is hereby repealed.
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" attached 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 Trust, and to cause notice of this by-law to be published in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to delete any reference to the aforesaid property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Passed in Open Council on June 4, 2024 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading - June 4, 2024  
Second Reading - June 4, 2024  
Third Reading - June 4, 2024

**SCHEDULE "A" (BY-LAW NO. L.S.P.- )**

Part Lot 13, N/E/ Grey Street, Plan 178(E) as in LC74719, London.