

Report to Community Advisory Committee on Planning

To: Chair and Members
Community Advisory Committee on Planning

From: Kyle Gonyou, RPP, MCIP, CAHP
Manager, Heritage and Urban Design

Subject: Demolition Request for the Heritage Listed Property at 773
Dundas Street, Ward 4

Date: August 14, 2024

Recommendation

Approval of the demolition request for the heritage listed property at 773 Dundas Street is being recommended, in response to a request for demolition received by the City. Removal of the property at 773 Dundas Street from the Register of Cultural Heritage Resources is being recommended.

Executive Summary

The property at 773 Dundas Street is listed on the Register of Cultural Heritage Resources. A written request to demolish the building on the property was received by the City. A Cultural Heritage Evaluation Report (CHER) was submitted as a complete application requirement for the demolition request. The CHER determined that the property does not meet the minimum criteria for designation based on an evaluation of the property according to Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest. Staff recommend that the property be removed from the Register of Cultural Heritage

Analysis

1.0 Background Information

1.1 Property Location

The property at 773 Dundas Street is located on the south side of Dundas Street between English Street and Rectory Street (Appendix A). The property is located in the former Town of London East, annexed by the City of London in 1885.

1.2 Cultural Heritage Status

The property at 763-769 Dundas Street is a heritage listed property. The property was identified as being of potential cultural heritage value or interest as part of a Cultural Heritage Assessment Report prepared for the Old East Village-Dundas Street Corridor Planning Study, and subsequently added to the Register of Cultural Heritage Resources by resolution of Municipal Council on March 26, 2019.

1.3 Description

The building on the property consists of a two-and-a-half storey vernacular painted brick building with a gable roof. A single-storey storefront addition has been constructed to the front of the building to facilitate the building's commercial conversion. The windows on the original portion of the brick building have been replaced with the exception of a one-over-one wood frame window in the gable peak of the building. The building has experienced extensive alterations.

For further information please see the Cultural Heritage Evaluation Report attached in Appendix C.

1.4 History

The building on the property was constructed prior to 1885 as a residential building. In 1885, the property was included as part of the former Town of London East that was annexed into the City of London. The property remained as a private residence until the

early 1940s when it was converted for commercial use. From 1943 to the present day, it has been home various commercial businesses including a shoe repair shop, a beauty salon, a tailor, a pizza shop, and a florist shop amongst other business.

For a more detailed history of the property please see Appendix C.

2.0 Discussion and Considerations

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

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, *Provincial Policy Statement 2020*).

“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 determining 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 27, *Ontario Heritage Act* requires that a register kept by the clerk shall list all property that have been designated under the *Ontario Heritage Act*. Section 27(1.2), *Ontario Heritage Act* also enables Municipal Council to add property 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 property is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the Community Advisory Committee on Planning (CACCP) is consulted, and a public participation meeting is held at the Planning & Environment Committee. A Cultural Heritage Evaluation Report (CHER) and/or Heritage Impact Assessment (HIA) is required for a demolition request for a building or structure on a heritage listed property.

Section 29, *Ontario Heritage Act* enables municipalities to designate property to be of cultural heritage value or interest. Section 29, *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred back to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.2.1 Criteria for Determining Cultural Heritage Value or Interest

Ontario Regulation 9/06, as amended by Ontario Regulation 569/22, establishes criteria for determining the cultural heritage value or interest of individual property. These criteria are consistent with Policy 573_ of *The London Plan*. These criteria are:

1. The property has design or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value because it has direct associations with a

theme, event, belief, person, activity, organization or institution that is significant to a community.

5. The property has historical or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

A property is required to meet two or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*.

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City's unique identity and contribute to its continuing prosperity. It notes, "The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Policies 572_ and 573_ of *The London Plan* enable the designation of individual property under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual property will be evaluated.

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include property on the *Register of Cultural Heritage Resources* that it "believes to be of cultural heritage value or interest." The property is not designated but is considered to have potential cultural heritage value or interest.

The *Register of Cultural Heritage Resources* states that further research is required to determine the cultural heritage value or interest of heritage listed property. If a property is evaluated and found to not meet the criteria for designation, it should be removed from the *Register of Cultural Heritage Resources*.

The property at 773 Dundas Street is included on the *Register of Cultural Heritage Resources* as a heritage listed property.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1. Demolition Request

Written notice of intent to demolish the building on the property at 773 Dundas Street was received as complete on July 26, 2024.

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

The 60-day period for the demolition request for the property at 773 Dundas Street expires on September 24, 2024.

4.2 Cultural Heritage Evaluation Report

A Cultural Heritage Evaluation Report (CHER) (Zelinka Priamo Ltd., July 2024) was received as a part of the demolition request for the property at 773 Dundas Street. The CHER included historic research, site photographs, a property description, and an

evaluation of the property according to Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest).

The evaluation of the property included within the CHER determined that the property at 773 Dundas Street did not meet the minimum criteria for designation under the *Ontario Heritage Act* (Table 1).

Table 1: Summary of evaluation of the property at 773 Dundas Street by Zelinka Priamo Ltd.

Criteria	Evaluation
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.	No
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	No
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.	No
4. The property has historical value or associative value because it has direct association with a theme, event, belief, person, activity, organization or institution that is significant to a community.	No
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.	No
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.	No
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.	No
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.	No
9. The property has contextual value because it is a landmark.	No

Based on the evaluation included within the Cultural Heritage Evaluation Report, none of the criteria have been met. Staff agree that the property does not meet the minimum criteria required for designation under the *Ontario Heritage Act*.

4.3 Consultation

As per Council Policy for the demolition of buildings or structures on heritage listed properties, notification of the demolition request was sent to property owners within 120m of the subject property, as well as community groups and interested parties including the Architectural Conservancy Ontario – London Region Branch, the Old East Village Community Association, the Old East Village Business Improvement Association and the London & Middlesex Historical Society. Notice was also published in *The Londoner*.

In accordance with Section 27(4) and Section 27(9), *Ontario Heritage Act*, consultation with the Community Advisory Committee on Planning (CACP, the City's municipal heritage committee) is required.

Conclusion

A written intent to demolish the building on the heritage listed property at 773 Dundas Street was received by the City. An evaluation of the property based on the criteria of Ontario Regulation 9/06 was completed as a part of a Cultural Heritage Evaluation Report submitted for the property. The evaluation determined that the property did not meet the minimum criteria for designation pursuant to the *Ontario Heritage Act*.

Staff recommend that the property be removed from the Register of Cultural Heritage Resources, which will allow the demolish to proceed.

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Appendices

Appendix A Property Location

Appendix B Images

Appendix C Cultural Heritage Evaluation Report (Zelinka Priamo Ltd., July 2024).

Selected Sources

ASI. Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report. March 4, 2019.

Corporation of the City of London. 2023-2027 Strategic Plan.

Corporation of the City of London. Property file.

Corporation of the City of London. Register of Cultural Heritage Resources. 2022.

Corporation of the City of London. The London Plan. 2022 (consolidated).

Ministry of Culture. Ontario Heritage Toolkit: Heritage Property Evaluation. 2006.

Ontario Heritage Act. 2023, c. 21. Sched. 6.

Zelinka Priamo Ltd. Cultural Heritage Evaluation Report: 773 Dundas Street, London, Ontario. July 16, 2024.

Appendix B – Images



Image 1: Photograph showing the front (north) façade of the building on the property at 773 Dundas Street.



Image 2: Photograph showing the west façade of the building on the property at 773 Dundas Street.



Image 3: Photograph showing the west façade of the building on the property at 773 Dundas Street.



Image 4: Photograph showing the east façade of the building on the property at 773 Dundas Street.

Appendix C – Cultural Heritage Evaluation Report

Cultural Heritage Evaluation Report: 773 Dundas Street, London, Ontario (Zelinka Priamo Ltd., dated July 16, 2024) [attached separately].