

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Amending By-law for Heritage Designated
Property at 660 Sunningdale Road East
Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to amend the heritage designating by-law for the property at 660 Sunningdale Road East, By-law No. L.S.P.-3476-474, **BE INTRODUCED** at the Municipal Council meeting to be held on March 5, 2019; it being noted that this matter has been considered by the London Advisory Committee on Heritage and notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

At its meeting on September 18, 2018, Municipal Council passed the heritage designating by-law to protect the two red clay tile barns located at 660 Sunningdale Road East. An error occurred in the legal description of the property included in the heritage designating by-law and an amendment to the heritage designating by-law is required. This will remove the heritage designating by-law from the title to lands that are now part of a phased development of the property and ensure that the heritage designating by-law can be registered against the appropriate property where the red clay tile barns are located.

It is anticipated that subsequent amendments to the heritage designating by-law may be necessary as future phases of the development of the property are registered.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North.

1.2 Cultural Heritage Resources

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it found that the barns are of cultural heritage value because of their physical/design values and their contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more

commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

The barns display a degree of craftsmanship in the material qualities of the clay tile. While the variety in grooving, cutting, and colour of the tiles could suggest little regard for the appearance of the building, or the use of seconds, this contributes to the rustic qualities of the barns and were well suited to their original rural context.

The barns represent technical achievement in their combination of industrial materials in an agricultural form that is not seen elsewhere in London.

1.3 Cultural Heritage Status

At its meeting on September 18, 2018, Municipal Council passed By-law No. L.S.P.-3476-474 to designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*.

The passage of the heritage designating by-law was the culmination of a process that commenced in May 2017 and resulted in two separate demolition requests for the (then) heritage listed property. As an outcome of the settlement reached with the property owner regarding the designation of the property under the *Ontario Heritage Act*, only the part of the property where the red clay tile barns are located was intended to be designated under the *Ontario Heritage Act*. To facilitate this, the property owner prepared a reference plan (33R-20149) to recognize the block on which the two red clay tile barns are located within the draft plan of subdivision for the larger property.

Unfortunately, the heritage designating by-law, By-law No. L.S.P.-3476-474, was registered against the entire property at 660 Sunningdale Road East. While the location of the red clay tile barns is limited to Part 1 on the reference plan (Plan 33R-20149), Part 1 is not a separate parcel for registration purposes. In an effort to not frustrate the development of the property, it is necessary to remove the heritage designating by-law from the title to the lands that are now in the first phase of the subdivision (Plan 33M-749).

2.0 Analysis

At its meeting on December 18, 2018, Municipal Council resolved to issue its notice of intent to amend the heritage designating by-law for the property located at 660 Sunningdale Road East to correct the legal description recorded in the by-law. Notice was issued to the property owner and Ontario Heritage Trust in compliance with the requirements of Section 30.1(3) of the *Ontario Heritage Act* on December 20, 2018. Following the 30-day appeal period, no appeals were received.

3.0 Conclusion

Amending the legal description recorded in the heritage designating by-law for the red clay tile barns located at 660 Sunningdale Road East will ensure that these significant cultural heritage resources remain protected by the provisions of the *Ontario Heritage Act* while removing encumbrances from the development of the remainder of the property.

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	

February 7, 2019
KG/

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Appendix A A by-law to amend By-law No. L.S.P.-3476-474, entitled, “A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest” to correct the legal description of the subject property.”

Appendix A

Bill No.
2019

By-law No. L.S.P.-3476()-____

A by-law to amend By-law No. L.S.P.-3476-474, entitled, “A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest” to correct the legal description of the subject property.”

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 cultural heritage value or interest;

AND WHEREAS Municipal Council enacted By-law No. L.S.P.-3476-474 on September 18, 2018 being “A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest”;

AND WHEREAS subsequent to the enactment of By-law No. L.S.P.-3476-474, it was found that the legal description of the property at 600 Sunningdale Road East, described in Schedule “A” to the by-law was incorrect;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. L.S.P.-3476-474 to correct the legal description for the subject property;

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

1. That By-law L.S.P.-3476-474 is hereby amended by replacing Schedule “A” with the attached Schedule “A”.
2. The City Clerk be authorized to cause a copy of the amended by-law to be registered upon the title to the subject property at the appropriate Land Registry Office.
3. The City Clerk be authorized to cause a copy of this amended by-law to be served upon the owner of the subject property and upon the Ontario Heritage Trust and to cause notice of this amended by-law to be published once in a newspaper of general circulation in the City of London, to the satisfaction of the City Clerk, and to enter the description of the subject property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

SCHEDULE “A”

To By-law No. L.S.P.-3476-474

Legal Description

“Part of Lot 13, concession 6, Township of London in the City of London designated as Part 1 on 33R-16565 save and except Plan 33M-749 being all of PIN 08145-1570”.