

## Report to Planning and Environment Committee

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

**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

**Public Participation Meeting on: Monday March 18, 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 Parry 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.

<b>Prepared by:</b>	<b>Krista Gowan, Heritage Planner</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
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 11, 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 N o. 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 Merrickville-Wolford" (CRB0807). August 10, 2009.

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

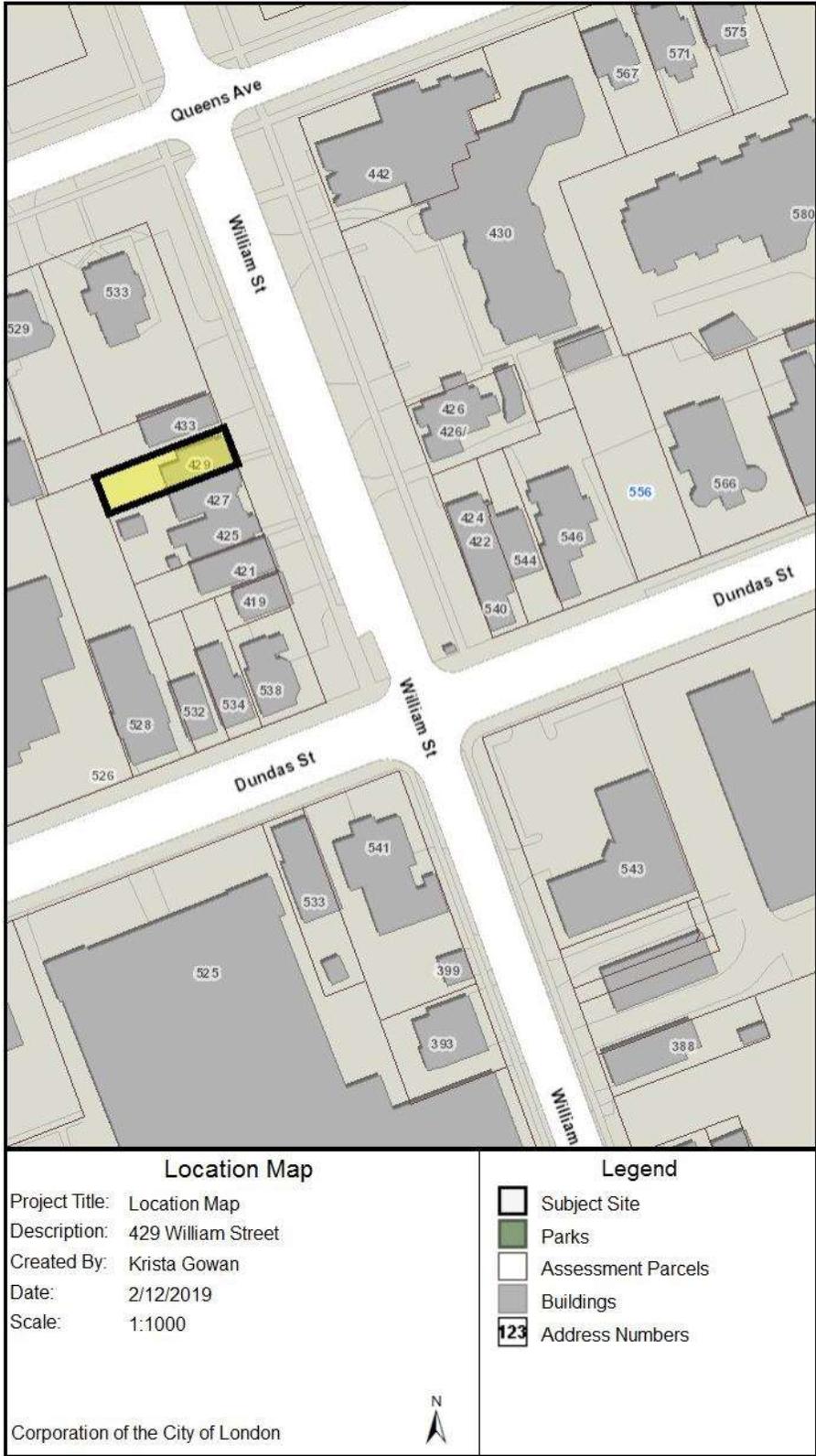
Ontario Heritage Act, R.S.P. 1990, Chapter O.18.

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;

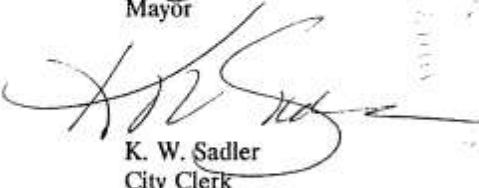
AND WHEREAS notice of intention to so designate the property known as 429 William Street has been duly published and served and no notice of objection to such designation has been received;

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. Q. 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 doors are 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



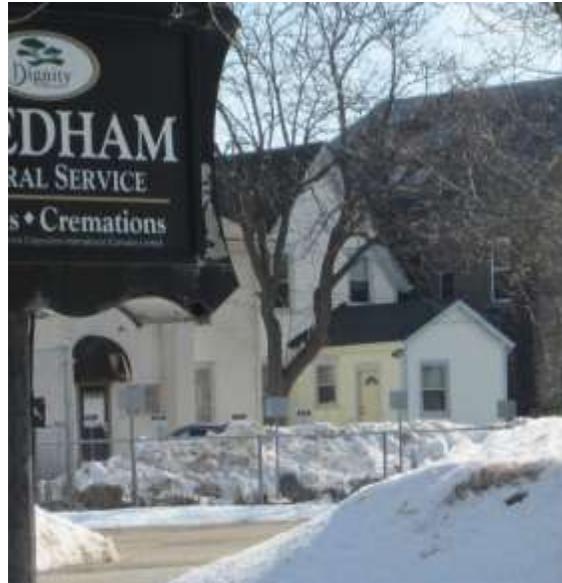
**Image 1.** 429 William Street, 1993 (at the time of designation)



**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



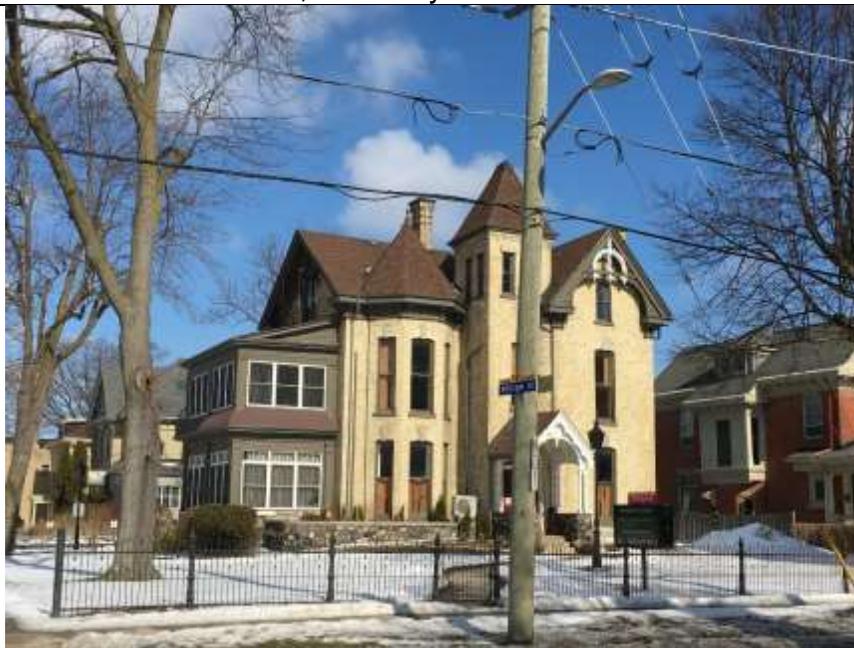
**Image 10.** Looking North/West at the brick dwellings that surrounds 429 William Street, West Side of William Street, February 2019



**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

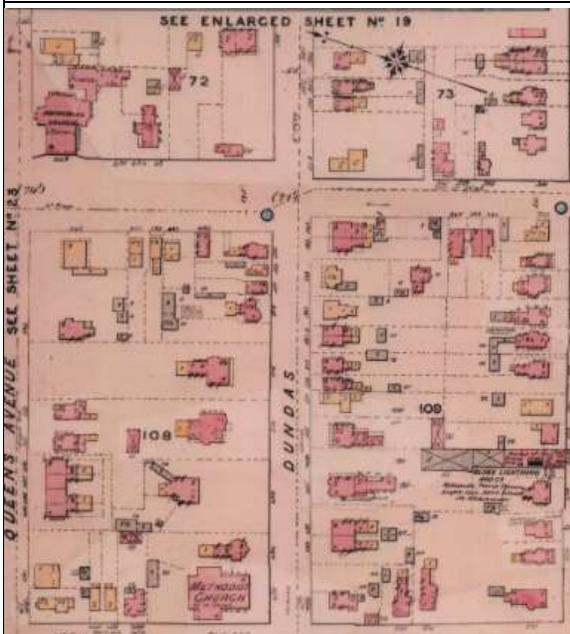


**Image 13.** Property at 536 Queens Ave. Corner of Queens Avenue and William Street (West Woodfield Heritage Conservation District). Looking North/East at the brick dwelling that surrounds 429 William Street, East Side of William Street, February 2019

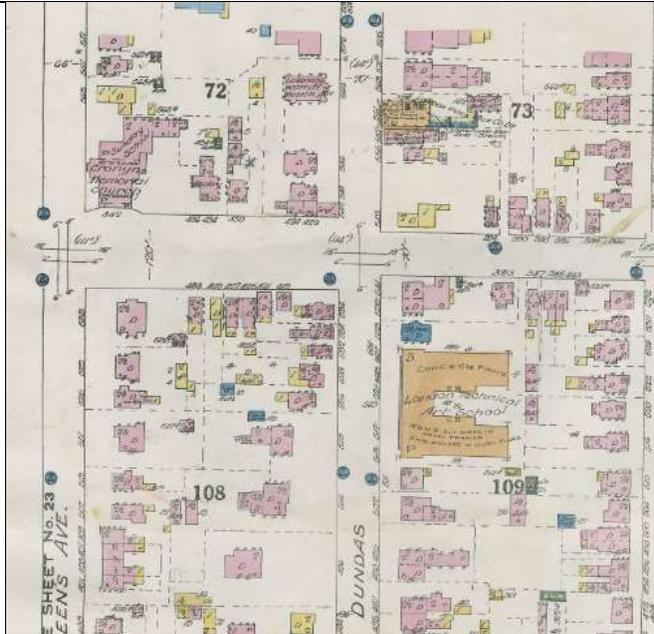


**Image 14.** Property at 534 Queens Ave. Corner of Queens Avenue and William Street (West Woodfield Heritage Conservation District). Looking North/East at the brick dwelling that surrounds 429 William Street , East Side of William Street, February 2019

### Fire insurance Plans



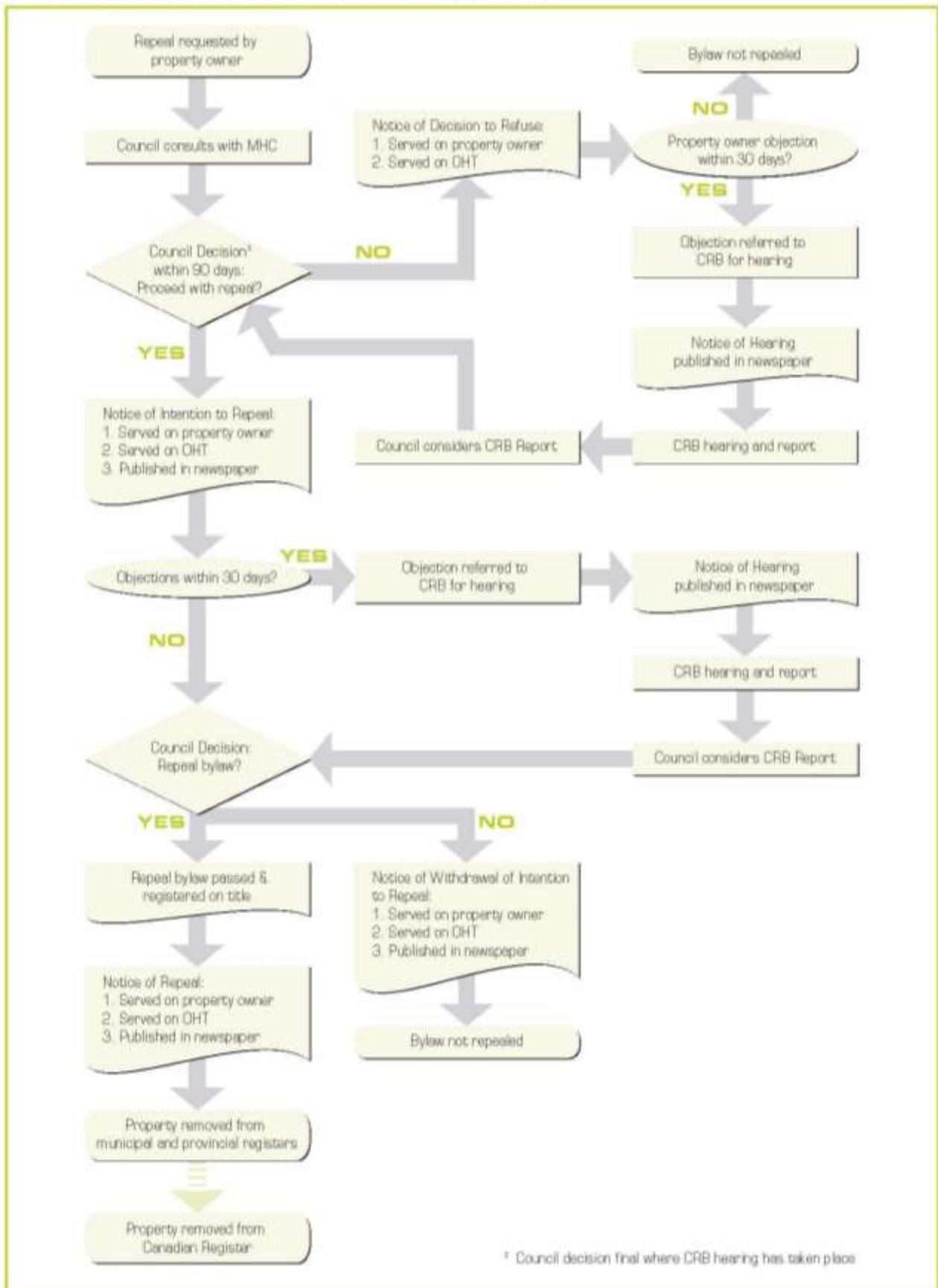
**Image 15.** Detail of sheet 24 of the 1881 Rev. 1888 Insurance Plan showing the property at 429 William Street surrounded by wooden dwellings. Courtesy Western Archives



**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)



## 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:

<b>Criteria</b>		<b>By-law No. L.S.P.- 3227-417</b>	<b>Heritage Planner Comment</b>	<b>Does the property Meet the Criteria?</b>
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

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	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)

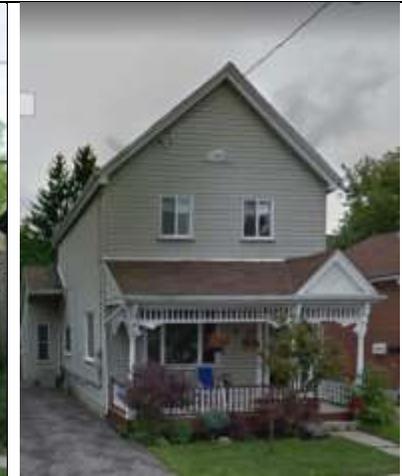
**Appendix F – Comparative Properties**



**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



1 & 2. Remnant finial in central peak. Front end gable



3. Trim around windows on all elevations



4. Trim around doors on all elevations



5. Bay window



6. Porch, later addition