

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Demolition Request for Dwelling on Heritage Listed Property
at 6100 White Oak Road by the Islamic Cemetery of London

Public Participation Meeting on: October 21, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, with respect to the demolition request for the existing dwelling on the heritage listed property at 6100 White Oak Road, that the Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of this dwelling.

It being noted that the Islamic Cemetery of London property at 6100 White Oak Road remains a heritage listed property on the Register of Cultural Heritage Resources, as are all cemeteries in the City of London.

Executive Summary

All cemeteries in the City of London are listed on the Register of Cultural Heritage Resources. When a demolition request is received for a building or structure on a heritage listed property, a formal review process is triggered pursuant to the requirements of the *Ontario Heritage Act* and the Council Policy Manual. While the Islamic Cemetery of London is a more recently established cemetery, it still has cultural heritage value or interest. The pre-existing dwelling on the property was evaluated using the criteria of O. Reg. 9/06 and found to not demonstrate sufficient cultural heritage value or interest, notwithstanding the significant cultural heritage value of the Islamic Cemetery of London. The Islamic Cemetery of London should remain a heritage listed property, but Municipal Council should consent to the demolition of the dwelling on the property.

Analysis

1.0 Background

1.1 Property Location

The property at 6100 White Oak Road is on the southeast corner of White Oak Road and Manning Drive (Appendix A). The property is located in the former Westminster Township, annexed by the City of London in 1993.

1.2 Cultural Heritage Status

All cemeteries in the City of London have been included on the Register of Cultural Heritage Resources since 2006. As the Islamic Cemetery of London, the property at 6100 White Oak Road is considered to be a potential cultural heritage resource.

1.3 Description

The property at 6100 White Oak Road is the Islamic Cemetery of London. The Islamic Cemetery of London was established in 2005-2006. A dwelling was located on the subject property prior to the establishment of the Islamic Cemetery of London. The dwelling was formerly part of a farmstead, however the barn was demolished prior to 1999.

The subject property is approximately 67 acres in size.

1.3.1 Dwelling

The existing dwelling located at 6100 White Oak Road is rectangular in footprint, approximately 40' in width by 30' in depth, with a rear addition (including a garage) (Appendix B). The dwelling is one-and-three-quarters stories in height, with a gambrel roof clad in asphalt shingles. Gambrel roofs are more commonly found on barns and residential buildings of the 1890s – World War I. A gable is located above the front door, centred on the façade. The central doorway is flanked by a window opening to each side.

The dwelling is presently clad in vinyl siding. As identified in several holes in the existing vinyl siding, the dwelling appears to have been constructed of buff brick masonry, and painted several times (see Appendix B, Image 6). The brickwork appears to have been laid in common bond, and may be structural. The brickwork appears to extend to the ground (and likely the foundation walls), however boards applied at the base of the dwelling prevented the confirmation of this detail. A single stack brick chimney projects from the ridge of the gambrel roof.

All of the windows and doors on the main storey of the dwelling have been hoarded in unpainted plywood on the exterior, with the exception of a window on the south façade (which is hoarded with unpainted plywood from the interior) (see Appendix B, Image 7). All of the second storey windows are broken and not hoarded. Some of the concrete sills of the window openings remain exposed.

1.4 History

The Euro-Canadian history of this property begins with the grant of the north half of Lot 20, Concession VII (100 acres) of the former Westminster Township on March 21, 1849 to James B. Strathy (Crinklaw & Bishop 1987, 234). The 1851 Census records Philip Smith, a single man residing in a log cabin on the subject property (Crinklaw & Bishop 1897, 4). The 1861 Census records Philip Smith living on the subject property in a one storey brick house. This suggests that Strathy sold the property shortly after acquiring it in 1849. On September 20, 1877, Philip Smith advertised a farm for sale in *The London Free Press*,

Farm for Sale – North half of Lot 20, 7th Concession, Westminster, 70 acres cleared, remainder hardwood timber, soil clay loam: good brick house, barn, sheds, etc. Orchard of grafted fruit; never failing ell of water; near churches, school and Glanworth Section; terms easy. For further particulars enquire at Philip Smith, Glanworth P.O. (Crinklaw & Bishop 1987, 27).

It is not clear if Philip Smith's advertisement was unsuccessful or the property was sold to an unrelated individual with the same surname.

Robert F. Smith is noted as the occupant of the subject property on the *Illustrated Historical Atlas of Middlesex County* (1878) (see Appendix A, Figure 2). A structure is shown in the same approximate location as the existing dwelling, however there are insufficient details to confirm if it is the same structure.

Accessible land registry records for the subject property commence in 1881, with Robert F. Smith taking a \$4,000 mortgage on the property from the Dominion Savings and Loan Society. In 1889, the 100-acre property was sold to Walter W. S. Hunt, and subsequently Charles B. Hunt and John I. G. Hunt in 1897 and to William H. Learn in the same year. The property remained in the Learn family until 1965, when it was sold to Frederick C. and Evalyn E. Thomas for \$28,000. The following year, the southern portion of the property was sold to the Middlesex Broadcasters Ltd. In 1979, the property (appearing to reflect the existing property boundaries) was sold to Peter N. J. and Hubertha A. Ruyter. Several mortgages were taken out. In 1982, under power of sale, the property was sold to Iqbal M. Hussain, Samina Hussain, Mohammed Sarwar, and Razia Sawar; the property was later transferred to Iqbal Hussain and Samina Hussain.

The property was subsequently acquired for the Islamic Cemetery of London. Following a challenge to the Ontario Municipal Board, planning approvals were obtained in 2002 (PL20066). Construction of the Islamic Cemetery of London commenced in 2005.

The dwelling has been vacant and boarded for approximately the past 15 years.

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), however the final decision rests with Municipal Council until changes to the *Ontario Heritage Act* arising from Bill 108 come into force and effect.

2.3 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 properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

2.5 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources 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 Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

3.0 Demolition Request

Written notice of their intention to demolish the house located at 6100 White Oak Road was submitted by the President of the Islamic Cemetery of London and received on September 9, 2019. Staff undertook a site visit of the property, accompanied by the President of the Islamic Cemetery of London, on September 9, 2019. The site visit included an exterior inspection of the property and dwelling.

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 (PEC).

The 60-day period for the demolition request for the property at 6100 White Oak Road expires on November 8, 2019.

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 *Inventory of Heritage Resources* (Register).

The evaluation of the property using the criteria of *Ontario Heritage Act* Regulation 9/06 can be found below.

4.2 Evaluation

The evaluation arising from this demolition request focuses on the dwelling, and is not a comprehensive evaluation of the entire property at 6100 White Oak Road. The same methodological approach was taken when considering the demolition request for an administrative building at St. Peter's Cemetery (806 Victoria Street, heritage listed property) in 2016.

All cemeteries are understood to have cultural heritage value.

Table 1: Evaluation of existing dwelling 6100 White Oak Road using the criteria of Ontario Heritage Act Regulation 9/06.

Cultural Heritage Value	Criteria	Evaluation
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	<p>The existing dwelling is not a rare, unique, representative, or early example of a style, type, expression, material, or construction method. The existing dwelling has been subject to many alterations in the past, some unsympathetic to its original character.</p> <p>The existing dwelling (or portions thereof) may have been constructed prior to 1860 (as noted in the 1861 Census), however the evidence is circumstantial. The masonry has been subject to previous alterations which has compromised its integrity. Additionally, the gambrel roof is unlikely to be original to the dwelling, as are the concrete window sills, which, along with the vinyl siding and replacement windows, demonstrates the volume of alterations to the dwelling.</p>
	Displays a high degree of craftsmanship or artistic merit	The exiting dwelling does not appear to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement	The existing dwelling is not believed to demonstrate a high degree of technical or scientific achievement.
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	Research undertaken did not identify any direct associations of the existing dwelling with matters of historical or associative value, beyond being located on the property of the Islamic Cemetery of London.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The existing dwelling is not believed to yield, or have the potential to yield, information that contributes to an understanding of a community or a culture.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	No information was located to associate the existing dwelling with the work or ideas of an architect, artist, builder, designer, or theorist.

Cultural Heritage Value	Criteria	Evaluation
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The dwelling is not important in defining, maintaining, or supporting the character of the area. The area has transition away from its historic agricultural uses with farmscapes. The subject property is the Islamic Cemetery of London, and is surrounded by some agricultural lands, telecommunications towers (to the south), and the W12A landfill (to the north). The area has not evolved in manner which supports or maintains its historic agricultural functions.
	Is physically, functionally, visually, or historically linked to its surroundings	Changes in land uses have isolated the existing dwelling from its surroundings. It is no longer linked to its surroundings in any substantive way.
	Is a landmark	The existing dwelling is not believed to be a landmark.

4.3 Consultation

Pursuant to Council Policy for the demolition of heritage listed properties, notification of the demolition request was sent to 7 property owners within 120m of the subject property on October 2, 2019, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was also published in *The Londoner* on October 3, 2019.

5.0 Conclusion

The evaluation of the existing dwelling at 6100 White Oak Road found that it did not meeting any of the criteria of O. Reg. 9/06 and is therefore not considered to be a significant cultural heritage resource. Municipal Council should consent to the demolition of the existing dwelling.

An evaluation of the subject property at 6100 White Oak Road, including the Islamic Cemetery of London, may have resulted in a different outcome of the evaluation. To ensure that the Islamic Cemetery of London is considered to be a place of potential cultural heritage value or interest, it should remain a heritage listed property on the City's Register of Cultural Heritage Resources.

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Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner

October 11, 2019
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Appendix A Property Location
Appendix B Images

Sources

Census. 1851, 1861.
Crinklaw, Raymond and Olga B. Bishop. *Glanworth, Westminster Township*. The Aylmer Express Ltd., 1987.
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Fisher Archaeological Consulting. Islamic Centre of SW Ontario Proposed Cemetery Archaeological Assessment Stage 1: Background, Stage 2: Assessment & Limited Stage 3: Testing Final Report. CIF#2001-010-006. October 2001. DCAP-004.
Granger, D. R. Ontario Municipal Board. PL20066. November 15, 2002.
Land Registry. LRO-33. North Half of Lot 20, Concession VII, former Westminster Township.
Page, H. R. & Co. *Illustrated Historical Atlas of Middlesex County*. 1878.
Tremaine, G. *Tremaine's Map of the County of Middlesex, Canada West*. 1862.

Appendix A – Property Location



Figure 1: Location of the subject property at 6100 White Oak Road. The dwelling on the subject property is noted.

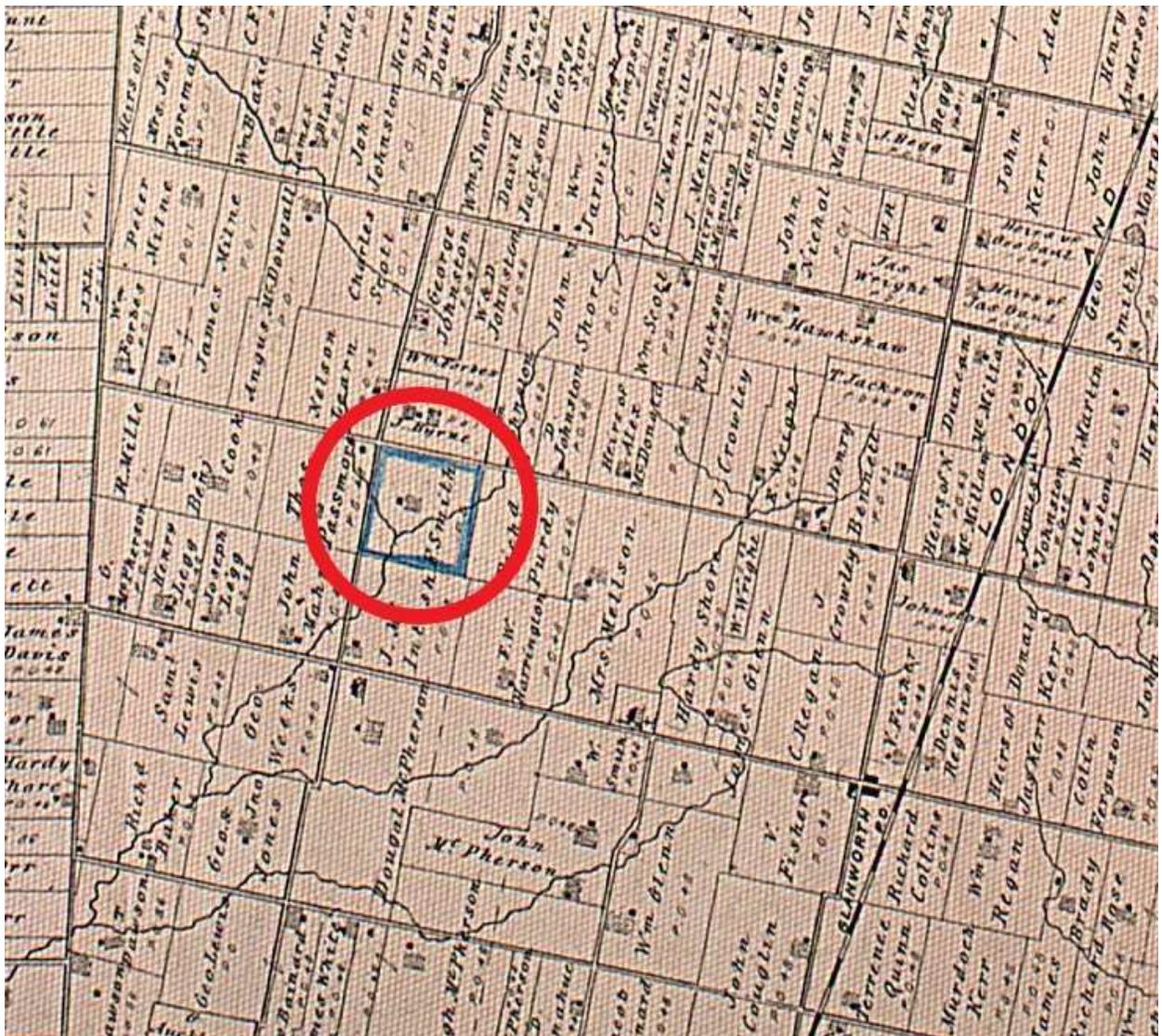


Figure 2: Extract from the Illustrated Historical Atlas of Middlesex County (1878), showing the north half of Lot 20, Concession VII in the former Westminster Township (red circle). F. Smith is noted as the occupant with a structure on the property.

Appendix B – Images



Image 1: Entrance to the London Islamic Cemetery at 6100 White Oak Road. The dwelling is located in the brush to the left (south) of the entrance.



Image 2: Main (west) façade of the dwelling at 6100 White Oak Road.



Image 3: View of the south façade of the dwelling at 6100 White Oak Road.



Image 4: North façade of the dwelling at 6100 White Oak Road, showing the historic house and the rear addition with garage.



Image 5: Rear (east) façade of the dwelling at 6100 White Oak Road.



Image 6: Detail of the brickwork, underneath the existing vinyl siding. The brick work appears to be buff brick, with several layers of paint applied. The brickwork appears to be laid in a common bond pattern. The brickwork appears to extend to the ground level, however board cladding prevented the confirmation of this detail.



Image 7: The above pictured window on the south façade of the dwelling at 6100 White Oak Road is the only main storey window that is not secured from the exterior (it is boarded from the interior). Also note the concrete window sill.