

Report to Community Advisory Committee on Planning

To: Chair and Members
Community Advisory Committee on Planning

From: Jana Kelemen, M.Sc.Arch., MUDS, MCIP RPP,
Manager, Urban Design and Heritage

Subject: Request to Remove Properties from the Register of Cultural
Heritage Resources by 2698746 Ontario Inc. for the Property
at 185 Wellington Street, and by 2700875 Ontario Inc. for the
property at 189 Wellington Street

Date: Wednesday September 14, 2022

Recommendation

Removal of the properties located at 185 Wellington Street and 189 Wellington Street from the *Register of Cultural Heritage Resources* is being recommended, in response to a request received by the City. As heritage listed properties, Municipal Council must decide whether the properties should continue to be included on the *Register of Cultural Heritage Resources* or whether they should be removed.

Executive Summary

A written request to remove the properties at 185 Wellington Street and 189 Wellington Street from the *Register of Cultural Heritage Resources* was received by the City. Pursuant to the requirements of the *Ontario Heritage Act*, when considering a request to remove a property from the *Register of Cultural Heritage Resources*, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed and provide notice of decision to the owner(s) of the property within 90 days after the decision. A Cultural Heritage Impact Statement report was submitted with this request and determined that the properties do not meet the criteria of *Ontario Regulation 9/06* and do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Impact Statement report.

Analysis

1.0 Background Information

1.1 Property Location

The properties located at 185 Wellington Street and 189 Wellington Street are situated on the west side of Wellington Street, between Simcoe Street and Grey Street (Appendix A).

185 Wellington Street and 189 Wellington Street are located within the SoHo neighbourhood, which has been identified as an area for future study as a potential heritage conservation district (*Heritage Places 2.0*, 2019). Both properties are part of a historic commercial streetscape, including purpose-built commercial buildings, institutional buildings, and residential-form buildings including some that have been adapted to commercial uses. Nearby heritage landmarks include the former Wellington Street Methodist Church (156 Wellington Street, heritage listed property), former Christ Anglican Church (138 Wellington Street, heritage designated property), and the Red Antiquities Building (129-131 Wellington Street). There are numerous adjacent and nearby heritage listed properties.

1.2 Cultural Heritage Status

The properties at 185 Wellington Street and 189 Wellington Street are heritage listed properties. The properties were added to the *Register of Cultural Heritage Resources* by resolution of Municipal Council on March 27, 2018.

1.3 Description

1.3.1 185 Wellington Street¹

The built resource on the property at 185 Wellington Street is circa 1859, and consists of a 1-storey, vernacular frame building, clad with contemporary siding. The front section is on a brick foundation that has been parged. The primary footprint of the building consists of a front square portion (measuring approximately 10m x 10m) and a wing extending 4m to the rear. Most of the front and rear yard is paved. In its massing, roof shape and the centre gable, the building exhibits elements of an Ontario Cottage style, but with few other representative details.

Much of the building has been altered or replaced including the exterior cladding, doors, and windows. The Cultural Heritage Impact Statement report notes the following alterations to the exterior:

- *replacement of all window sash with modern slider or double hung sash;*
- *the enlargement of window openings on the principal elevation;*
- *replacement and relocation of the front door;*
- *removal of any other window and door openings of the [b]uilding;*
- *addition of modern siding; it is not known whether any original siding remains under the modern siding;*
- *cladding of fascia and soffits with modern synthetic material;*
- *addition to the [rear] wing;*
- *addition of front and rear wooden decks and staircases; and*
- *removal of all chimneys. (Morgan, p27)*

1.3.2 189 Wellington Street²

The built resource on the property at 189 Wellington Street is circa 1856, and consists of a 1-storey, vernacular frame building, clad with yellow brick on the front façade and asbestos shingle siding on the other elevations. The building sits on a concrete block foundation. The footprint of the building is rectangular, measuring approximately 10m x 14.8m which includes a wing extending to the rear. The front section is capped by a low pitched, asphalt gabled roof (side facing). A brick façade was added to the primary façade which obscures what is thought to be a centre gable (like what is at 185 Wellington Street). The rear wing is capped by a low-pitched hip roof.

Alterations to the exterior are extensive and the Cultural Heritage Impact Statement report notes the following alterations:

- *addition of a full front elevation and extension in a different architectural style and building material from the rest of the [b]uilding;*
- *change in siding to the rest of the [b]uilding; it is unlikely the original siding remains under the shingle siding;*
- *replacing all of the original foundation with concrete blocks;*
- *change in size and sash of all window openings except one;*
- *replacement of all doors;*
- *alterations to the rear [...] wing; and*
- *replacement of all original chimneys with one 1950s chimney. (Morgan, p31)*

1.4 History

The Euro-Canadian history of the properties at 185 Wellington Street and 189 Wellington Street originates with the original survey of the town plot of London, completed by Colonel Mahlon Burwell in 1826 under the direction of Surveyor-General Thomas Ridout. The original town site was bounded by North Street (later Queens Avenue), Wellington Street, and the Thames River. The subject site is identified relative to this town survey as Lot, Part 1, Plan 30 – NW Grey Street (185 Wellington Street) and Lot Part 1, Plan 30 – SW Simcoe Street (189 Wellington Street).

¹ This section is excerpted from Morgan, 2021 (p25-29).

² This section is excerpted from Morgan, 2021 (p29-31).

1.4.1 185 Wellington Street³

The Crown retained ownership of Lot, Part 1, Plan 30 – NW Grey Street (185 Wellington Street) until 1850 when all of Lot 1 on the north side of west Grey Street was sold to John Wood. Wood acquired the property as an investment and sold the north half of the lot to William Winslow within four months of acquiring the patent. The property, specifically at the address now 185 Wellington Street, remained vacant until circa 1859 when Winslow mortgaged the property to build a rental dwelling. The property was sold to Laura Newell in 1863 (a previous tenant) and then to John Price in 1877 who also owned and resided at the adjacent property at 189 Wellington Street. John Price and his descendants continued to own the property until 1957. The building was a rental property that was used as a residence for a variety of people and, in the mid-twentieth century, it was a beauty salon for roughly 30 years. The property has been held by the current owner since 2019 and is not currently occupied.

1.4.2 189 Wellington Street⁴

The Crown retained ownership of Lot Part 1, Plan 30 – SW Simcoe Street until 1848 when a half-area lot containing 189 Wellington Street was sold to Henry McCabe. The lot was subsequently sold and subdivided. The property specifically at the address now 189 Wellington Street remained vacant until 1854 when Robert Leathorn then owner, built the dwelling on the property circa 1855. This building was built as a rental property for Robert Leathorn. John Price, who later bought the property may have rented it prior to purchasing it in 1863. John Price and his descendants continued to own the property until 1949 and it appears that the building was still being used for residential purposes at that time, and up until the early 1960s when a barber shop was established in the front of the house. The property has been held by the current owner since 2019 and is not currently occupied.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

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 properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2), *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

³ This section is excerpted from Morgan, 2021 (p18, pp23-24; pp35-36; Appendix I).

⁴ This section is excerpted from Morgan, 2021 (pp18-23, pp38-39, Appendix I).

the Community Advisory Committee on Planning (CACP) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 27(8), *Ontario Heritage Act*, requires that when an objection to a property's inclusion on the Register is received, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed, and provide notice of Municipal Council's decision to the owner of the property within 90-day after decision.

Section 29, *Ontario Heritage Act* enables municipalities to designate properties 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 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. These same criteria are in Policy 573_ of *The London Plan*.

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

Policies 575_ and 576_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area. *Heritage Places 2.0* is a guideline document as a part of the Cultural Heritage Guidelines. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts.

2.1.4 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. 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 properties at 185 Wellington Street and 189 Wellington Street are included on the *Register of Cultural Heritage Resources* as a heritage listed properties.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1. Request to Remove Properties from the Register of Cultural Heritage Resources

A complete written request to remove the properties at 185 Wellington Street and 189 Wellington Street from the Register of Cultural Heritage resources was received by the City on August 29, 2022.

Pursuant to Section 27(8) of the *Ontario Heritage Act*, when considering a request to remove a property from the *Register of Cultural Heritage Resources*, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed and provide notice of decision to the owner of the property within 90-days after the decision.

4.2 Cultural Heritage Impact Statement (CHIS)

A Cultural Heritage Impact Statement report by Wayne Morgan – heritage planner (dated January 2021) was submitted as a part of the request to remove the properties from the *Register of Cultural Heritage Resources*. As required, the Cultural Heritage Impact Statement report included an evaluation of the properties according to the criteria of *Ontario Regulation 9/0, Criteria for Determining Cultural Heritage Value or Interest*. Through the evaluation, Morgan (2021) determined that both properties –185 Wellington Street and 189 Wellington Street – do not meet the criteria of *Ontario Regulation 9/06* and therefore do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the conclusions of the Cultural Heritage Impact Statement report.

4.3 Consultation

Pursuant to the Council Policy Manual, notification of the request to remove the subject properties from the *Register of Cultural Heritage Resources* will be sent to property owners within 120m of the subject property, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, the London & Middlesex Historical Society, and the Urban League of London. Notice will be published in *The Londoner* on September 15, 2022. This item will be heard at the October 3, 2022, PPM of the Planning and Environment Committee (PEC).

At its meeting on August 31, 2022, the Stewardship Sub-Committee of the Community and Advisory Committee on Planning (CACP), received and reviewed the Cultural Heritage Impact Statement report (Morgan, 2021) for the properties at 185 Wellington Street and 189 Wellington Street, and did not object to removing both properties from the *Register of Cultural Heritage Resources*.⁵

Heritage planning staff accessed the subject properties on August 30, 2022, for the purposes of photo-documenting the building exteriors and surrounding context.

Conclusion

A written request to remove the properties at 185 Wellington Street and 189 Wellington Street was received by the City. A Cultural Heritage Impact Statement report was submitted with the written request and included an evaluation of the properties

⁵ The Stewardship Sub-Committee noted the thoroughness of the Cultural Heritage Impact Statement report, including land registry research, review of historical mapping, interior and exterior photographs, as well as floorplans.

according to the criteria of *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest*. The evaluation determined that the properties did not meet the criteria, and therefore do not warrant designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Evaluation Report. The properties should be removed from the *Register of Cultural Heritage Resources*.

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Appendices

Appendix A Location of Properties
Appendix B Images
Appendix C Cultural Heritage Impact Statement

Sources

City of London and Letourneau Heritage Consulting Inc. (2019). *Heritage places 2.0: Potential heritage conservation districts in the City of London*. London, ON: Corporation of the City of London.

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Ontario Heritage Act, (last amendment 2021, c. 4, Sched. 6, s.74). Retrieved from e-Laws website <https://www.ontario.ca/laws/statute/90o18>

Ontario Ministry of Culture. (2006). *Heritage resources in the land use planning process information sheet series*. "InfoSheet #5, Heritage impact assessments and conservation plans." Ontario: Queen's Printer for Ontario.

Appendix A – Location of Properties



Figure 1: Location of the subject properties at 185 Wellington Street and 189 Wellington Street

Appendix B – Images



Image 1. 185 Wellington Street, façade-facing southwest – W. Morgan (CHIS, Jan 2021)



Image 2. 185 Wellington Street, rear-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 3. 189 Wellington Street, facade-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 4. 189 Wellington Street, rear-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 5. 189 Wellington Street, façade detail-facing northeast – W. Morgan (CHIS, Jan 2021)

Appendix C – Cultural Heritage Impact Statement

Cultural Heritage Impact Statement (Wayne Morgan, dated January 2021) – *attached separately*