

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Demolition Request by J. McLeod for the Heritage Designated
Property at 247 Halls Mill Road, Ward 9
Public Participation Meeting

Date: March 20, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the request to remove heritage attributes from the property at 247 Halls Mill Road, pursuant to Section 34(1) of the *Ontario Heritage Act*, **BE APPROVED** subject to the following terms and conditions:

- a) The use of machinery **BE PROHIBITED** in the demolition or removal of the accessory building's debris;
- b) The existing brick and rubble stone foundation shall **BE RETAINED** and **BE PROTECTED** *in situ* until Municipal Council decision following receipt of the recommendation of the Conservation Review Board; and,
- c) The removal of the debris **BE COMPLETED** in accordance with the demolition plan on file with the City.

Executive Summary

In response to a demolition heritage request for a heritage listed property, Municipal Council passed a motion on January 28, 2020 to issue a Notice of Intention to Designate the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act*. On January 30, 2020, the accessory building ("Red Barn"), a built heritage resource identified within the Statement of Cultural Heritage Value as a heritage attribute of the property, was demolished without Municipal Council's approval. Despite the demolition of the accessory building, staff continue to believe that the property has significant cultural heritage value or interest.

In February 2022, the City received an appeal to the Notice of Intention to Designate the property which has been referred to the Conservation Review Board (CRB). The appeal proceedings to be heard by the Conservation Review Board were adjourned to allow for related legal matters to be resolved. The related legal matters have now been resolved.

Since the property is subject to a Notice of Intent to Designate, it is treated as if the property were a heritage designated property pursuant to Section 30(2), *Ontario Heritage Act*.

A demolition request has now been received to remove the debris of the former accessory building on the property at 247 Halls Mill Road. Removal of the debris must be completed by hand removal without the use of machinery to ensure the retention of the brick and rubble stone foundation which is still a heritage attribute of the property. The foundation must be retained in situ to allow the Conservation Review Board proceedings to continue. Staff recommend approval of this application subject to terms and conditions.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continuing to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

2020, January 20 – Report to Planning and Environment Committee. Demolition Request for Heritage Listed Property at 247 Halls Mill Road by John McLeod – Public Participation Meeting. Agenda Item 3.3, pp159-199: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=70325>.

1.2 Location

The property at 247 Halls Mill Road is located on the west side of Halls Mill Road, north of Commissioners Road West (Appendix A). The property is located in the former hamlet of Halls Mill, later village of Byron, in the former Westminster Township. This area was annexed by the City of London in 1961.

1.3 Cultural Heritage Status

A Notice of Intention to Designate (NOID) the property pursuant to Part IV of the Ontario Heritage Act was issued for the property at 247 Halls Mill on February 4, 2020. The owners of the property appealed the Notice of Intention to Designate the property to the Conservation Review Board (CRB).

Pursuant to Section 30(2) of the *Ontario Heritage Act*, a property that is subject to a Notice of Intent to Designate is treated as if the property were a heritage designated property. The process related to the alteration of a heritage attribute of a heritage designated property (Section 33, *Ontario Heritage Act*) and demolition or removal of a heritage attribute of a heritage designated property (Section 34, *Ontario Heritage Act*) are applicable. The property will continue to be treated as if the property were a heritage designated property until following Municipal Council's decision on the recommendation of the Conservation Review Board regarding the appeal.

1.4 Description

The buildings on the property at 247 Halls Mill Road previously included a dwelling and accessory building that were situated on an elevated portion of the property that rises above the existing grade of the road. Steps have been built into the sloping earthen embankment to provide access to the front of the dwelling. Similarly, a curved and sloping gravel driveway provides vehicular access to the property, leading to location of the accessory building.

The subject property is approximately one acre in size.

The Queen Anne Revival dwelling located at 247 Halls Mill Road is a one-and-a-half storey, hipped roof, with cross gables, buff brick side hall plan cottage (Appendix B). The front entrance is located on the east elevation of the dwelling and consists of a panelled wood door and stained-glass transom. Side entrances are located on the north and south elevations. The east elevation includes a projecting front gable which includes a concentration of decorative wood details including carved wood brackets, scalloped shingle imbrication, and decorative detailing within the bargeboard and gable. Comparable applied details are continued on the gable located on the south façade of the dwelling, as well as the north gable and a gable dormer that extends out from the roof line on the north façade of the dwelling. Buff brick quoins are located on the north and south sides of the dwelling, along the west side of the dwelling. The quoins,

however, are not continued on the east side of the dwelling. The dwelling originally had Queen Anne style wood windows that were located in the front and side gables; however, they have since been replaced with vinyl windows that mimic the light pattern of the former windows. The dwelling previously had a slate roof that was removed between 1999 and 2019.

The dwelling includes two porches: one on the north façade and one on the south façade. The north porch includes a shed style roof that is supported by decorative turned posts. The top of the posts includes carved wood brackets, and decorative spandrels extend along the entire porch. The porch skirt includes a wood lattice design. Comparatively, the south porch is larger and includes a shed-style roof with a gable built out above the entrance. The south porch includes seven decorative turned posts, and two engaged posts that directly abut the south wall of the dwelling. Carved brackets and wood spandrels are also present on the south porch. The design of the porch skirt on the south porch consists of wooden boards with a pattern of circular holes.

Additions have been made to the rear (west) façade of the house including a single storey addition, and a garage. The majority of the additions have been clad with a buff brick material that is similar in colour to the buff brick of the dwelling.

The accessory building on the property consisted of a two-storey timber frame structure that had been used for various functions. The building was colloquially identified as a “barn” structure (Red Barn); however, various published accounts of the property refer to the structure’s historic function as a “coach house” as well as a “warehouse” for the Griffith Bros. woollen mill which was active in the Hall’s Mill area from the 1860s to the 1890s.

The accessory building was constructed utilizing a timber frame construction method with the use of 10” x 10” posts, connected through the use of mortise and tenon joinery, a traditional timber framing technique. The exterior board-and-batten cladding consisted of red painted chestnut. The composition and detailing of the structure were highlighted and summarized in Nancy Tausky’s *Historical Sketches of London From Site to City* (1993).

Tausky writes:

The elaborate treatment of the barn’s centre section makes it the focal point of the long front: the round-headed window is recessed within a projecting gable. Below, a further projection containing the main doors (originally solid) is covered with a hipped roof that echoes the dimensions of the gable above. The ventilator at the ridge of the barn completes the central complex. Some concern for symmetry in the rest of the façade is indicated by the two ground floor windows, which are equidistant from the main door. But other openings, possibly later alterations, have obscured any formal balance that may once have existed. Griffith’s interest in style and workmanship is indicated by the fact that, when he made a Queen Anne house out of his 1840s cottage, he imported Georgia pine from the southern United States to use for the interior trim (Tausky 1993, 80).

Municipal Council resolved to issue its Notice of Intent to Designate the property pursuant to the *Ontario Heritage Act* on January 28, 2020. On January 30, 2020, the accessory building was demolished by the property owner. The remains of the accessory building have remained on the property and subject to a Stop Work Order.

1.5 Property History

The subject property at 247 Halls Mill Road is located on what was historically known as Lot 45, Concession B in the Broken Front in Westminster Township. The original Crown grant for the lot (approximately 120 acres) was given to Archibald McMillan in 1819. By 1827, McMillan began selling off portions of the property and sold 5 ¼ acres to Anson Simons and John Preffer who built a carding and fulling mill in the northeast corner of the lot. The milling operations that Simons and Preffer initiated was the beginning of an extensive 19th and early-20th century milling history in the Halls Mills area. (Land Registry Records, Burnell, 14).

In 1831, Simons and Preffer sold their milling operation to Burleigh Hunt, who went into partnership with Cyrenius Hall in 1835. One year later, Hall purchased the entirety of the business from Hunt and began expanding his milling operations.

Cyrenius Hall is perhaps the most well-known milling figure associated with the early history of Byron as the namesake of Hall's Mills. He emigrated to Upper Canada around 1810 from New Hampshire, and worked primarily as a merchant in Fort Erie. In the 1830s he moved to Westminster Township where he partnered with Hunt before acquiring the milling operations entirely and a sizeable portion of the lands in the area. Shortly after acquiring the mills in the area, he added a distillery and tannery to the milling complex. Hall and his family members operated most of the milling operations in the area, and under him the area prospered (Burnell, 14-15; Grainger 2002, 288-290). Cyrenius Hall also began selling portions of the lot into the mid-19th century, including various portions that were sold to Lawrence Lawrason. A merchant, MLA, and land-speculator, Lawrason held a number of prominent positions in early London, including an appointment as London's first deputy postmaster. He partnered with George Jarvis Goodhue in opening a general store, dry goods business, real estate office, and post office in London (Brock, 2003; Armstrong, 1986, 74-107). Like many of London's early merchants, Lawrason became heavily involved in land speculation in the area, explaining his acquisition of property in Hall's Mills (Brock, 2003).

The Halls Mills area was captured in 1846, in *Smith's Gazetteer*. The area was described as having 200 inhabitants as well as a grist mill, a distillery, a carding machine and cloth factory, a tannery, a tavern, a store, a fanning-mill maker, a blacksmith, a wagon maker, a shoemaker, and a tailor (Smith 1846, 218).

The Griffith brothers, for whom the subject property is most notably associated, first began acquiring property in the area in 1861. John Griffith, the eldest of three brothers who partnered in business in the area acquired three acres from Lawrence Lawrason. John, along with his brothers William and Eli, continued to acquire property in the area throughout the 19th century, and by the mid-1860s began a woollen mill operation in Hall's Mills (Tausky, 1993, 80; Armstrong 1986, 74-107; Grainger, 2002, 290-294).

The three Griffith brothers were the sons of Eli Griffith and Alexandria McAdam, early settlers in Westminster Township, in the Byron area. Eli (the father) emigrated from Vermont to Westminster Township along with several other Griffith family members who are considered as some of the earliest Euro-Canadian settlers of the Byron area. Eli and Alexandria, and their nine children settled on Lot 35, Concession B, Westminster. John, William, and Eli, three of their seven sons went into business together operating a woollen mill in Hall's Mill, and a second operation in present-day Springbank Park (Westminster Historical Society, 238-239). William Griffith eventually became the owner of the lands that included the property at 247 Halls Mill Road in 1867. The woollen mill that he operated with his brothers was located across Halls Mills Road (formerly Centre Street) on the City-owned lot that is now known as Halls Mills Park (Land Registry Records).

Census records from the 1870s to the 1890s refer to the three brothers as "Clothiers" and "Woollen Manufacturers", separate from their immediate family who continued to be identified as farmers. Prior to the 1870s, the brothers are noted as living within the residence of their parents, Eli and Alexandria on Lot 35.

The Griffith Bros. woollen mill prospered. By 1868, after a few years in operation, the City and County Directory noted two woollen mills in the Byron area. In the description of Byron, it was further noted that "Griffith Bros. factory is of frame, two stories, 64 x 45 feet, in which water power is used, and about 12 hands are employed in the manufacture of tweeds, full clothes and flannels. Their machinery is considered superior to any other in the Province" (City and County Directory, 1868). The 1871-72 Directory includes an advertisement for the "Byron Woollen Mills, Griffith Bros., Proprietors, Manufacturers of tweeds, full clothes, plain and fancy flannels of all kinds" (City and County Directory, 1871-72).

As noted by Tausky in *From Site to City*, it is unclear on when the accessory building on the subject property was constructed; however, the structure has been identified in various sources as being used as a coach house, a barn, as well as a warehouse/storage facility for the Griffith Bros. woollen mill. The mill was in operation by the Griffiths between the 1860s and 1890s, so it is believed that the structure was constructed within this timeframe.

The Griffiths Bros. mill was closed by the 1890s, and by 1897 an agreement was made between William Griffith and the City of London for the City to purchase the mill property under the *London Water Works Act, 1873*. The purchase of the property would not take place for another ten years, however, the agreement stated that the City was at liberty to lay a 1" pipe from the stream or pond on the property for the purposes of drawing water, and that William Griffith be permitted to draw water for domestic purpose for his cottage, situated northwesterly across the road, at what is now 247 Halls Mill Road. The agreement also noted that the City was at liberty to remove the mill building and all machinery on the premises at any time. In 1900, the mill was disassembled and sold for lumber (Kerr, 1983).

William Griffith owned the property at 247 Halls Mill Road until he passed away in 1926. The Hall's Mills area has developed north and south of the subject property over the last century, but the Queen Anne Revival cottage and the accessory building have remained in situ and continue to be associated with the early milling history of Hall's Mills and Byron.

The Hall's Mills area continues to be associated with the history of Westminster Township and the village of Byron. In *Heritage Places 2.0*, the area is noted as being generally characterized by the collection of early to mid-19th century properties along Halls Mill Road and Commissioners Road West. The property at 247 Halls Mill Road is prominently noted in this Guideline Document including photographs of both the accessory building and dwelling, as well as a reference to the property's contribution to the concentration of cultural heritage resources in the area that are listed on the City of London's *Register of Cultural Heritage Resources (Heritage Places 2.0, 2019, 41.)* The Hall's Mills area is identified within *Heritage Places 2.0* as being a future potential heritage conservation district, worthy of study.

1.6 Statement of Cultural Heritage Value or Interest

At the time of designation of this property in 2020, Section 29 of the *Ontario Heritage Act* required that a Notice of Intention to Designate include an adequate description of the property so that it may be readily ascertained, as well as a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. The property was evaluated using the mandated criteria of O. Reg. 9/06 and found to meet the criteria for designation. This information was included within a "Statement of Cultural Heritage Value or Interest" for the property that would also form the basis of a heritage designating by-law. The Statement of Cultural Heritage Value or Interest for the property at 247 Halls Mills Road is included in Appendix C.

The Heritage Attributes of the accessory building (Red Barn) included:

- *Form, scale, and massing of the timber frame accessory building and details including;*
 - *Red-painted, exterior chestnut board-and-batten cladding;*
 - *Buff brick and field stone foundation;*
 - *Gable roof form of the building;*
 - *Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;*
 - *Door openings, wood doors, and exterior door surrounds;*
 - *Wood windows including;*
 - *Six-over-six divided light windows on the east, west, and north sides of the structure;*

- *Three-over-three divided light windows on the south side of the structure;*
- *Divided light window panel in the gable of the north side of the structure;*
- *Exterior window surrounds;*
 - *Central hipped-roof ventilator located on the ridge of the gable;*
- *Spatial relationships between the dwelling and accessory building.*

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 in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

2.2 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.”

2.3 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 the Community Advisory Committee on Planning (CACP) is consulted, and a public participation meeting is held at the Planning & Environment Committee, with a decision by Municipal Council whether to designate the property or allow the demolition to proceed.

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).

Following the designation of a property pursuant to Section 29, *Ontario Heritage Act*, approvals may be required for alterations likely to affect the property’s heritage attributes (Section 33, *Ontario Heritage Act*), demolition or removal of a building or structure from the heritage designated property (Section 34, *Ontario Heritage Act*), or the repeal of the heritage designating by-law (Section 31 or Section 32, *Ontario Heritage Act*).

Section 34(1), *Ontario Heritage Act*, states,
No owner of property designated under Section 29 shall do either of the following unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

- 1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29(12)(b) or subsection 29(19), as the case may be.*
- 2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be registered under clause 29(12)(b) or subsection 29(19), as the case may be.*

Following the receipt of a complete application, Section 34(4.2), *Ontario Heritage Act*, directs that Municipal Council, following consultation with its municipal heritage committee, shall,

- i. Consent to the application,*
- ii. Consent to the application, subject to terms and conditions as may be specified by the council, or,*
- iii. Refuse the application.*

Notice of the decision is required to be served on the property owner and the Ontario Heritage Trust and published in the newspaper. A property owner may appeal the refusal or the terms and condition on the consent to the Ontario Land Tribunal within 30-days of Municipal Council's decision.

The OLT was established on June 1, 2021, and its mandate is to adjudicate land use planning matters including heritage matters in Ontario. Specific to this demolition request, a Notice of Intention to Designate the property was issued in 2020, prior to the establishment of the OLT. As a result, the appeal to the Notice of Intention to Designate for the property at 247 Halls Mill Road will continue to be heard by the Conservation Review Board (CRB) and the final decision regarding the heritage designation of the property will rest with Municipal Council.

2.4 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.

In addition, the following policies from *The London Plan* are applicable to this application:

Policy 567_ In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes.

Policy 585_ Where City Council has issued a notice of intent to designate a heritage property under Part IV of the Ontario Heritage Act, the protection against alteration, removal, or demolition for that property will be as though it was designated until Council deems otherwise.

Policy 587_ Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in

accordance with the Ontario Heritage Act.

Policy 589_ A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may delegate approvals for such permits to an authority.

Policy 590_ Where a property has been identified on the Register and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for its consideration of a request for demolition or removal.

Policy 591_ Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Designation Request and Demolition – 2019-2020

A request for the designation of the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act* was received by the City from community members in November 2019. At its meeting on November 13, 2019, the London Advisory Committee on Heritage (LACH) referred the designation request to the Stewardship Sub-Committee for consideration.

The property owner submitted a written intention to demolish the accessory building on the property on December 13, 2019. As required, Municipal Council responded to a notice of intention to demolish a building or structure on a heritage listed property within 60 days timeline. During the 60-day period, the LACH was consulted, and pursuant to Council Policy, a public participation meeting was held at the Planning and Environment Committee.

In considering the 2019 demolition request, staff recommended that Municipal Council issue its notice of intention to designate the property pursuant to Part IV of the *Ontario Heritage Act*, as the property was evaluated and determined to meet the criteria of Ontario Regulation 9/06. The LACH supported the staff recommendation at their meeting held on January 8, 2020, and the Planning and Environment Committee supported the staff recommendation at the public participation meeting held on January 20, 2020.

The staff report on this matter can be found on the Agenda of the Planning and Environment Committee meeting held on January 20, 2020 at the following link: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=70325>.

At its meeting held on January 28, 2020, Municipal Council passed a motion to issue a Notice of Intention to Designate the property at 247 Halls Mill Road pursuant to Part IV of the *Ontario Heritage Act*. On the night of January 30, 2020, the accessory building on the property was demolished by the property owner without Municipal Council's approval. Staff continue to believe that the property has cultural heritage value or interest.

4.2 Appeal to Conservation Review Board – 2020-2021

An appeal to the Notice of the Intention to Designate the property under the *Ontario Heritage Act* was received by the City on February 24, 2020, and referred to the Conservation Review Board on March 11, 2020.

Preliminary discussions related to the appeal to the Conservation Review Board commenced in May 2020 but were adjourned as there were on-going legal proceedings related to charges pursuant to the *Ontario Heritage Act* and the *Ontario Building Code Act* that had not yet been resolved. In addition, the City and the appellant agreed that in order to continue with a discussion of the potential remaining cultural heritage value or interest of the property, and any potential remaining heritage attributes associated with the accessory building (“Red Barn”), the existing debris on site as a result of the unapproved demolition would need to be removed in order to identify the extent of the remaining foundation for the accessory building.

The legal proceedings related to charges under the *Ontario Heritage Act* and the *Ontario Building Code Act* were resolved in late 2021. The property owner entered a guilty plea and a fine was levied for violation of the *Ontario Heritage Act*.

The City and property owner have since been working towards a process by which to remove the debris from the property in order to proceed with the Conservation Review Board file.

4.3 Demolition Request – 2023

The City’s Building Division has advised that to proceed with the removal of the existing debris from the former accessory building on the property at 247 Halls Mill Road, a “Demolition Permit” (Building Permit to demolish) is required. As the property is treated as if it were designated, the demolition process pursuant to Section 34, *Ontario Heritage Act*, is required.

Following the legal proceedings staff met on site with the property owner and the property owner’s heritage consultant to visually assess the debris and potential remaining heritage attributes of the property. The debris has remained in place as the removal of the debris requires Council approval.

A complete demolition request for the removal of the debris of the former accessory building on the property at 247 Halls Mill Road was received by the City on January 30, 2023. Municipal Council must make a decision on the demolition request within the 90-day statutory timeline, which is set to expire on April 30, 2023.

When considering a demolition request for a heritage designated property, Council must consult with its municipal heritage committee (the Community Advisory Committee on Planning), and may:

- Consent to the application,
- Consent to the application, subject to such terms and conditions as may be specific by the Council, or,
- Refuse the application.

Given the ability to consent to the application subject to terms and conditions, staff are recommending that terms and conditions be applied to the consent to this demolition request. The intent of the applying terms and conditions is to require the debris be removed by hand to ensure that the existing buff brick and rubble stone foundation – a heritage attribute identified within the Statement of Cultural Heritage Value or Interest – can be retained *in situ*. The use of machinery does not allow careful removal of the debris and could put the existing brick and rubble stone foundation at risk.

This will ensure that the proceedings with regards to the appeal to the Conservation Review Board can continue following the removal of the debris.

A demolition plan submitted as a part of the demolition request confirms that the applicant will be removing the debris by hand, and no machinery will be used, including excavating or grading. The demolition plan also confirms that the removal of the debris will not interfere or damage the remnants of the accessory building's foundation. Staff are sufficiently satisfied with the details included within the demolition plan related to the removal of debris from the former accessory building.

It is staff's opinion that the salvage of the remaining building elements that were previously identified as heritage attributes is no longer possible.

Staff are recommending that terms and conditions be applied to the approval of the demolition request in support of the removal of the debris associated with the accessory structure ("red barn") at 247 Halls Mill Road. The intent of apply the terms and conditions is ensure that the related demolition activities do not further compromise the integrity of the remaining heritage attributes. This action will ensure that the Conservation Review Board appeal proceedings can continue following the removal of the debris.

In support of this intent, staff are recommending a demolition plan be prepared by the property owner to the satisfaction of the Director, Planning and Development. The demolition plan must describe how the debris will be removed by hand, and committing to not interfering or damaging any potential remnants of the accessory building's foundation.

To further emphasize the point, staff are recommending a term and condition to prohibit the use of machinery in the removal of the debris of the accessory building.

Conclusion

The property at 247 Halls Mill Road is of significant cultural heritage value or interest. Municipal Council passed a motion to issue a Notice of Intention to Designate the property pursuant to Part IV of the *Ontario Heritage Act* in January 2020. Following the Council Decision, the accessory building, colloquially known as the "Red Barn" was demolished without approval. In addition, the Notice of Intention to Designate was appealed to the Conservation Review Board. The current demolition request seeks to remove the existing debris from the former accessory building and retain the foundation in situ in order for meaningful proceedings at the Conservation Review Board.

Staff are sufficiently satisfied with the demolition plan submitted with the demolition request that agrees to retain the existing brick and rubble stone foundation in situ to continue proceedings at the Conservation Review Board. The demolition request should be consented to subject to terms and conditions to ensure the careful removal of the debris and to protect any potential remaining heritage attributes associated with the accessory building.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Reviewed by: Kyle Gonyou, MCIPP, RPP, CAHP
Manager, Heritage

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

Appendices

Appendix A Property Location

Appendix B Images

Appendix C Statement of Cultural Heritage Value or Interest

Sources

- Armstrong, F.H. *The Forest City: An Illustrated History of London, Canada*. 1986.
- Arthur, E. and D. Witney. *The Barn: A Vanishing Landmark in North America*. 1972.
- Baker, M. and H. Bates Neary. *London Street Names*. 2003.
- Brock, D. *Fragments from the Forks*. 2010.
- Brock, D.J. "Lawrason, Lawrence." in *Dictionary of Canadian Biography*. 2003.
- Burnell, J. "Lost Treasures: The Mills of Middlesex County," Unpublished Report for Census Records. 1842-1921
- City and County Directories. Various Years.
- City of London. *Heritage Places 2.0*. (2019)
- Crinklaw, R. K., O.B. Bishop, and G.P. Rickard. *Westminster Township South-east of the Thames*. 1988.
- Grainger, Jennifer. *Vanished Villages of Middlesex*. 2002.
- Kerr, R. *160 Years of Westminster, Halls Mill, Byron History*. 1983.
- Land Registry Records, Land Registry Office #33.
- Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.
- Page, H.R. & Co. *Illustrated Historical Atlas of Middlesex County*. 1878
- Smith, W.H. *Smith's Canadian Gazetteer*. 1846.
- St-Denis, G. *Byron: Pioneer Days in Westminster Township*. 1985.
- Tausky, N. *Historical Sketches of London From Site to City*. 1993.
- Tax Assessment Rolls. Various Years.
- Tremaine's Map of the County of Middlesex, Canada West*. 1862.
- Westminster Township Historical Society. *Delaware and Westminster Townships: Together in History*. Volume II. 2006.

Appendix A – Property Location

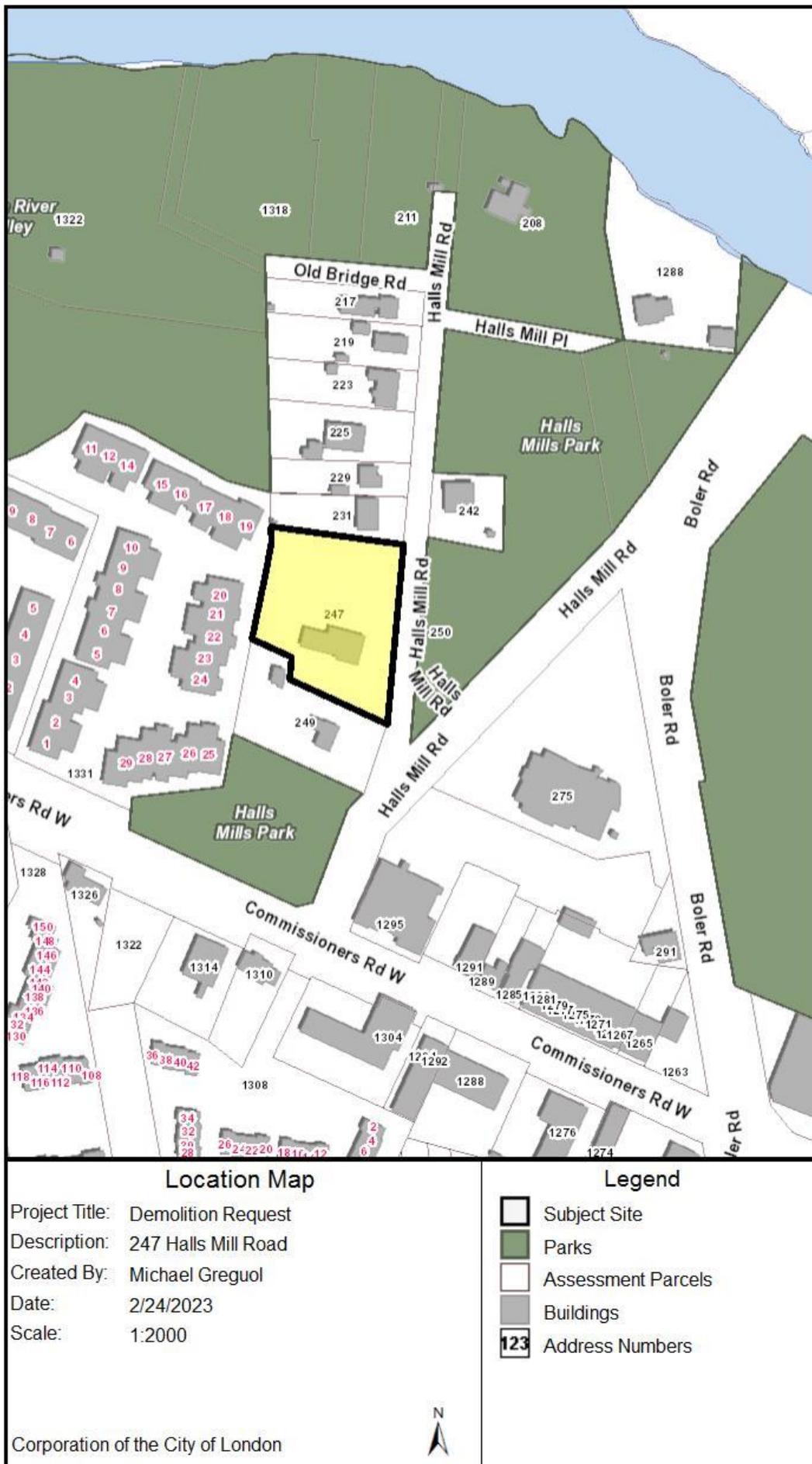


Figure 1: Location of the subject heritage designated property at 247 Halls Mill Road

Appendix B – Images



Image 1: Photograph showing the accessory building in September 2019.



Image 2: Photograph of the accessory building as viewed from Halls Mill Road, September 2019.



Image 3: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.



Image 4: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.



Image 5: Photograph of the west side of the accessory building, showing the removed roof sheathing, December 3, 2019.



Image 6: Photograph of the foundation on the west side of the accessory building showing a mix of buff brick and field stone materials, December 3, 2019.



Image 7: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.



Image 8: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.



Image 9: Photograph showing the property in February 2020, following the unapproved demolition of the accessory building.



Image 10: Photograph showing the property in February 2020, following the unapproved demolition of the accessory building.



Image 11: Photograph of the debris from the former accessory building, shown in April 2022.



Image 12: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the buff brick foundation can be seen buried under the debris.



Image 13: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the rubble stone foundation can be seen buried under the debris.



Image 14: Photograph showing debris from the former accessory building, shown in April 2022. Note, a portion of the rubble stone foundation can be seen buried under the debris at right. A portion of the cherry board-and-batten exterior cladding can be seen at centre.



Image 15: Photograph showing debris from the former accessory building, shown in April 2022.



Image 16: Photograph showing debris from the former accessory building, shown in April 2022.



Image 17: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 18: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 19: Photograph of the property and the location of the former accessory building as viewed from the road in February 2023.



Image 20: Photograph of the property and the dwelling on the property at 247 Halls Mills Road viewed from the road in February 2023. Note, the dwelling is also included within the Statement of Cultural Heritage Value or Interest.

Appendix C – Statement of Cultural Heritage Value or Interest

Legal Description

Part of Lot 115, RCO 563, as in 755312 London

Description of Property

The property at 247 Halls Mill Road is located on west side of Halls Mill Road, north of Commissioners Road West. The property includes a dwelling located to the southern portion of the property, and an accessory building located to the north of the property.

Statement of Cultural Heritage Value

The property at 247 Halls Mill Road is of significant cultural heritage value or interest because of its physical/design value, its historical/associative value, and its contextual value.

The property at 247 Halls Mill Road includes a representative example of a Queen Anne Revival style, side hall plan cottage, with a buff brick exterior. The cottage is believed to have been constructed in the 1840s and evolved in the 1890s when a number of its decorative elements were added, making it a representative example of the Queen Anne Revival style applied to a side hall plan cottage in London.

The accessory building on the property is a unique and rare example of a timber frame accessory structure that has been used for various purposes of the course of its existence. Known locally as “the Red Barn”, the structure has been reportedly used as a barn, coach house, and warehouse for the Griffith Bros. woollen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond that of a typical barn. Its chestnut board-and-batten siding, projecting gable, window treatments, and central ventilator all contribute to its being a unique example of a timber frame accessory building.

The concentration of decorative wood detailing on the cottage’s gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.

The property is directly associated with William Griffith, one of the three Griffith brother who owned and operated the Griffith Bros. woollen mill in Byron between the 1860s and 1890s. The mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The cottage on the subject property was the home of William Griffith and the accessory building on the property was reportedly used as a coach house and warehouse for the woollen products produced at the Griffith Bros. mill.

The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffith Bros., and 19th century milling in Byron, the property has potential to yield information that contributes to the understanding of the Halls Mills area.

The property at 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Hall’s Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19th century buildings located along Halls Mills Road and Commissioners Road West.

As the property includes an 1840s dwelling and 19th century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.

The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was the site of the Griffith

Bros. woollen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.

The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mills area. Specifically, “the Red Barn” is known locally recognized as a landmark in the area.

Heritage Attributes

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The siting of the dwelling a grade above road level, on the south side of the property, accessed from steps from the public road allowance;
- Form, scale, and massing of the one-and-a-half storey dwelling and details including;
 - Field stone foundation;
 - Buff brick exterior cladding, with voussoirs above the window and door openings on the facades and quoins on the north and south elevations;
 - Gables located on the north, east, and south facades;
 - Decorated north, east and south gables, and gable dormer on the north side of the house, including wood details:
 - Bargeboard with decorative linear and medallion elements, corbels, and dentils;
 - Scalloped wood shingle imbrication on gables and dormer;
 - “Alisée Pattée” cross motif along the frieze of the gables;
 - Circular feature including “Alisée Pattée” cross design and medallions;
 - Dentil course above the gable windows;
 - Wood corbels at the base of the gable
 - Decorated north and south porches including wood details:
 - Turned posts;
 - Decorative wood spandrels;
 - “Alisée Pattée” cross designs and medallion designs in the peak of the gable on the south porch;
 - Stained glass semi-circular windows on the north and east façades and the transom;
 - South paired wood door;
 - East panelled wood door with glazing;
 - North panelled wood door with glazing;
 - Hipped roof with cross gables;
 - Buff brick chimney on the south elevation of the dwelling;
- Form, scale, and massing of the timber frame accessory building and details including;
 - Red-painted, exterior chestnut board-and-batten cladding;
 - Buff brick and field stone foundation;
 - Gable roof form of the building;
 - Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;
 - Door openings, wood doors, and exterior door surrounds;
 - Wood windows including;
 - Six-over-six divided light windows on the east, west, and north sides of the structure;
 - Three-over-three divided light windows on the south side of the structure;
 - Divided light window panel in the gable of the north side of the structure;
 - Exterior window surrounds;
 - Central hipped-roof ventilator located on the ridge of the gable;
- Spatial relationships between the dwelling and the accessory building.