



Staff Report for Council Meeting

Date of Meeting: September 25, 2024

Report Number: SRPBS.24.079

Department: Planning and Building Services

Division: Policy Planning

Subject: SRPBS.24.079 – Objection to Notice of Intention to Designate - 165 Richmond Street – City File D12-07373

Purpose:

This report recommends that City Council affirm its intention to designate the James Freek House at 165 Richmond Street under Part IV, Section 29 of the Ontario Heritage Act (the "Act"), consistent with the Council decision made on June 19, 2024. The City has received an objection to Council's Notice of Intention to Designate from the property owner(s) within the statutory timeframe.

Recommendation(s):

- a) That Staff Report SRPBS.24.079 titled "Objection to Notice of Intention to Designate 165 Richmond Street" be received;
- b) That the Notice of Objection to designation under Part IV, Section 29 of the Ontario Heritage Act submitted by or on behalf of the property owner(s) of 165 Richmond Street, be received;
- c) That City Council affirm its intention to designate the property at 165 Richmond Street under Part IV, Section 29 of the Ontario Heritage Act in recognition of its cultural heritage significance, and in accordance with the Statement of Significance included as Attachment A to SRPBS.24.079;
- d) That Staff be directed to bring a designation by-law for the property at 165 Richmond Street before Council at a future Council meeting for adoption; and
- e) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Contact Person(s):

- Julia Smith, Urban Design/Heritage Planner – Tel. 905-747-6305
- Kunal Chaudhry, Manager of Heritage & Urban Design – Tel. 905-771-5562

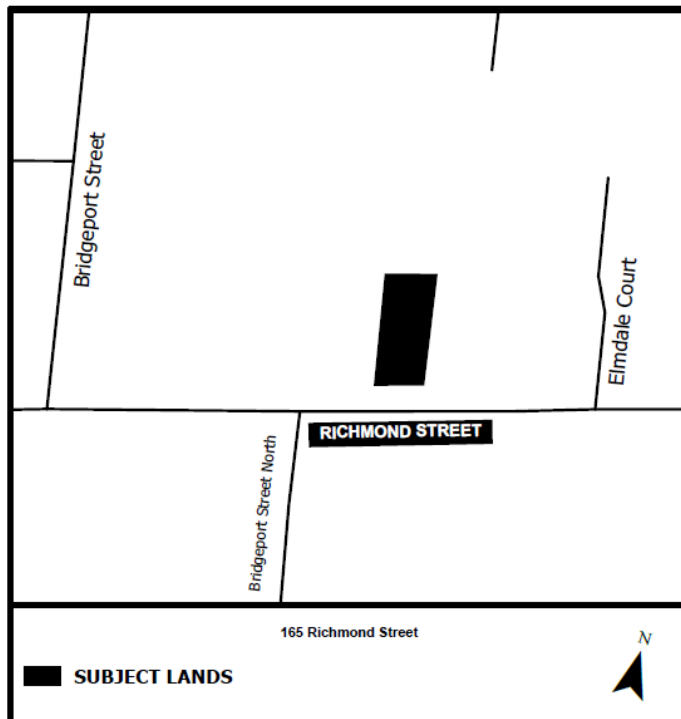
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- Gus Galanis, Commissioner of Planning and Building Services – Tel. 905-771-2465

Report Approval:

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Location Map:



Key Messages:

- The James Freek House at 165 Richmond Street has been thoroughly researched and evaluated for cultural heritage significance using provincial (O. Reg. 9/06) criteria;
- The subject property has been found to meet four O. Reg. 9/06 criteria (1, 4, 7, and 8), and thus not only meets, but exceeds the threshold for designation under Part IV of the Act;
- Council acknowledged 165 Richmond Street's significant cultural heritage value by adopting a Notice of Intention to Designate the property on June 19, 2024;
- Staff have reviewed the objections raised by the owner of 165 Richmond Street in detail and remain of the opinion that the property at 165 Richmond Street merits heritage designation;
- Council may choose to affirm, amend, or withdraw their intention to designate the subject property.

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Background:

The Province has prescribed criteria for heritage designation

Under Ontario Regulation 9/06 of the Act, municipal councils may designate a property to be of cultural heritage value or interest if the property meets two or more of the nine criteria outlined below:

1. 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;
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit;
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement;
4. 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;
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture;
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community;
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area;
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings; and
9. The property has contextual value because it is a landmark.

165 Richmond Street exceeds the threshold for designation under the Ontario Heritage Act

The subject property has been thoroughly researched and evaluated for cultural heritage significance using O. Reg. 9/06 criteria. The property has been found to meet four of the nine O. Reg. 9/06 criteria (1, 4, 7, and 8), meaning that it not only meets, but exceeds the threshold for designation under the Act.

A summary of the subject property's cultural heritage significance is included below:

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Dating to circa 1860, the James Freek House at 165 Richmond Street has physical value as a rare and unique example of mid-19th century residential architecture that combines elements of both the Georgian and Victorian architectural styles; historical value for its direct associations with significant local brick manufacturer and early community member James Freek; and contextual value for defining and maintaining the predominantly fine-grained 19th and early-20th century residential character of the surrounding streetscape on Richmond Street, and for significant functional and historical links to its surroundings near the former Freek brickyard at the northeast corner of Trench and Richmond Streets.

Detailed information on the subject property’s cultural heritage value can be found in the “Statement of Significance” (“Attachment A”).

Council stated its intention to designate 165 Richmond Street

In recognition of the subject property’s significant cultural heritage value, the Heritage Richmond Hill Committee endorsed staff’s recommendations to pursue the designation of the subject property at their meeting on June 6, 2024. Further, Council stated its intention to designate 165 Richmond Street under Part IV of the Act on June 19, 2024. In accordance with the Act, Notices of Intention to Designate were published on the City website and served on the property owner(s). The statutory objection period for this Notice of Intention to Designate ended on July 26, 2024.

The City Clerk received a notice of objection from the owner(s) of 165 Richmond Street within the timeframe set out in the Act. The notice of objection has been included as “Attachment B” to this report.

The Act requires that Council consider and make a decision on an objection within 90 days of the end of the objection period. Council may decide to either affirm, amend, or withdraw its intention to designate. In this case, Council must make a decision by October 24, 2024.

Should Council affirm its intention to designate the subject properties, it must pass a designation by-law for the property before October 24, 2024, otherwise the Notice of Intention to Designate is deemed to be withdrawn under the provisions of the Act.

Discussion:

Notice of Objection for 165 Richmond Street

Heritage and Urban Design Staff (“Staff”) have reviewed the notice of objection submitted by the owners of 165 Richmond Street (“Attachment B”) and provide a summary of key points below, accompanied by Staff comments. Despite the objections raised by the owners, Staff remain of the opinion that the subject property possesses significant design, associative and contextual value and should be designated under the Act to ensure its long-term protection.

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Acknowledgement of Cultural Heritage Value

In the notice of objection, the owners do not contest or refute the subject property's design, historical, or contextual value. They acknowledge the cultural heritage value of their property by stating that they have "consistently made a concerted effort to preserve the historical attributes of the house" and that they have "invested a considerable amount to rebuild the porch to preserve its...historical appearance."

Originality of Architectural Features

While the property owners reference the fact that the existing front verandah is a replica, archival photographs of the subject property from the 1980s reveal that the historical front verandah had a remarkably similar design (see Figures 1 and 2 in "Attachment C"). It is Staff's professional opinion that regardless of material "originality", the bellcast-roofed front verandah on decorative treillage supports is a highly visible feature that contributes to the architectural character of the house. This feature should remain an identified heritage attribute in the Statement of Significance, so that it is included in the property's designation by-law and protected from future alteration or removal.

It is also Staff's professional opinion that regardless of individual architectural details, the property possesses significant design value as a rare and unique example of mid-19th century residential architecture in Richmond Hill that combines elements of both the Georgian and Victorian architectural styles. Further, Staff note that the subject property also possesses significant historical and contextual value, which also make it worthy of designation under the Act.

Additional Concerns

Under the *Ontario Heritage Act*, a property's eligibility for heritage designation is strictly based on the prescribed provincial criteria which staff must use to evaluate cultural heritage value. The vast majority of concerns raised in the notice of objection do not fall within the parameters set for Heritage Planning staff to determine whether properties have sufficient cultural heritage value to merit designation under the Act.

In summary, these concerns include:

- the owners' past record of compliance with heritage planning requirements and conservation best practices; and
- speculative impacts that heritage designation will have on property values.

These concerns do not change the cultural heritage significance of the subject property, nor do they affect the property's eligibility for designation under the Act according to prescribed provincial criteria.

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Next Steps

As previously stated, the Act requires that Council consider the notice of objection and make a decision to either affirm, amend, or withdraw its intention to designate.

Process and Procedures under Part IV of the Act

Should Council affirm its intention to designate the subject property, it must pass a designation by-law for the property before October 24, 2024, otherwise the Notice of Intention to Designate is deemed to be withdrawn under the provisions of the Act;

- following the passing of a designation by-law by Council, a Notice of the Passing of the By-law will be served on the owner of the property, on any person who served a notice of objection, and on the Ontario Heritage Trust;
- following publication of the by-law, there is a 30-day appeal period during which interested parties can serve notice to the municipality and the Ontario Land Tribunal (“OLT”) of their objection to the designation;
- should no appeal be received within the 30-day appeal period, the designation by-law comes into force; should an appeal be received, the matter will be brought to the OLT for their ruling.

Should Council wish to withdraw their intention to designate the subject property, a Notice of Withdrawal will be served on the owner of the property, on any person who served a notice of objection, and on the Ontario Heritage Trust. Should the Notice of Intention to Designate be withdrawn, the subject property will be automatically removed from the Heritage Register on January 1, 2027, and will have no further protection from alteration or demolition under the Act.

Financial Implications:

There are no direct financial implications to the City resulting from this staff report.

Relationship to Strategic Plan 2024-2027:

The long-term conservation and protection of significant cultural heritage resources via designation under the Ontario Heritage Act supports Pillar 1 of the 2024-2027 Strategic Plan, “Growing a Livable, Sustainable Community”; specifically, it supports Priority 3 of Pillar 1, “to build and implement a land-use planning vision and regulatory framework while conserving the city’s unique cultural heritage.”

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment A: Statement of Significance – 165 Richmond Street
- Attachment B: Notice of Objection - 165 Richmond Street
- Attachment C: Photographs - 165 Richmond Street

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Report Approval Details

Document Title:	SRPBS.24.079 - Objection to NOID 165 Richmond Street - City File D12-07373.docx
Attachments:	- SRPBS.24.079 - Attachment A - Statement of Significance - 165 Richmond St.pdf - SRPBS.24.079 - Attachment B - Notice of Objection - 165 Richmond St.pdf - SRPBS.24.079 - Attachment C - Photographs - 165 Richmond St.pdf
Final Approval Date:	Aug 23, 2024

This report and all of its attachments were approved and signed as outlined below:

Maria Flores - Aug 21, 2024 - 2:16 PM

Gus Galanis - Aug 22, 2024 - 8:57 AM

Darlene Joslin - Aug 23, 2024 - 8:39 AM