

# Heritage Vaughan Committee Report

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**DATE:** Wednesday, November 22, 2023

**WARD:** 4

**TITLE:** PROPOSED DESIGNATION UNDER PART IV OF THE ONTARIO HERITAGE ACT OF 1050 RUTHERFORD ROAD, WARD 4 – VICINITY NORTH SIDE OF RUTHERFORD ROAD AND BETWEEN DUFFERIN STREET AND BATHURST STREET

**FROM:**

Haiqing Xu, Deputy City Manager, Planning and Growth Management

**ACTION:** DECISION

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**Purpose**

To seek Heritage Vaughan Committee's support and recommend to Committee of the Whole approval for the proposed designation of the property municipally known as 1050 Rutherford Road located on the north side of Rutherford Road and between Dufferin Street and Bathurst Street (as shown on Attachment 1).

**Report Highlights**

- The report proposes the designation of 1050 Rutherford Road, a 2-storey plank frame building dating from 1845.
- The property holds physical, associated, and contextual cultural heritage value as described in the attached Statement of Cultural Heritage Value.
- The designation of this property meets the policies of the Vaughan Official Plan and the objectives and required criteria outlined in the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06.

**Recommendations**

THAT Heritage Vaughan recommend Council approve the proposed development as presented, subject to the following conditions:

- a) That Council approve the recommendation of the Heritage Vaughan Committee to designate 1050 Rutherford Road in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, c. O.18;
- b) That Staff be authorized to publish and serve the Notice of Intention to Designate in accordance with the requirements under; Part IV, Section 29 of the *Ontario Heritage Act* R.S.O 1990, c.O.18 to the Ontario Heritage Trust, the Property Owner (City of Vaughan), and published in the local newspapers; and
- c) If no objection is served on the City Clerk within 30 days of the date of publication of the Notice of Intention, Council shall pass a by-law designating 1050 Rutherford Road and a copy of the by-law shall be served on the Owner (City of Vaughan) and Ontario Heritage Trust and a notice shall be published in the local newspapers.

### **Background**

Built in 1845, 1050 Rutherford Road has been recognized as a significant heritage building. Further research from City of Vaughan Cultural Heritage staff since 2009 and ongoing has confirmed that the cultural heritage value of 1050 Rutherford Road meets the criteria set out under OHA Regulation 9/06 for physical, associative and contextual cultural heritage value. A complete designation report that outlines these values is included herewith.

### **Previous Reports/Authority**

Not applicable.

### **Analysis and Options**

In June 2019, the *More Homes, More Choice Act*, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the *Ontario Heritage Act* ('OHA'). The Bill 108 Amendments to the OHA came into force on July 1, 2021, and include a shift in Part IV designations related to certain Planning Act applications. These changes affect Section 29(1.2) of the OHA which now restricts City Council's ability to give notice of its intention to designate a property under the Act to within 90 days after the City Clerk gives notice of a complete application.

The Bill 23, the *More Homes Built Faster Act*, 2022, Amendments to the OHA that came into force on January 1, 2023 mandates the municipalities to remove properties from the heritage register under section 27 if they do not pass a by-law designating the property on the second anniversary of the bill coming into force (January 1, 2025).

In light of this new legislation, it is imperative for City of Vaughan staff to identify cultural heritage properties that are currently Listed under Section 27 of the OHA or identified as a property of interest to be evaluated as a candidate for designation under Part IV, Section 29 of the OHA. The Province has amended O. Reg. 9/06 under the *Ontario Heritage Act*,

which establishes nine provincial criteria for determining whether a property is of cultural heritage value or interest if it meets two or more of the nine criteria.

As set out in Vaughan's Official 2010 Plan, the City of Vaughan states that it is the policy of Council to:

**6.1.1.1.** To recognize and conserve cultural heritage resources, including heritage buildings and structures, Cultural heritage landscapes, and other cultural heritage resources, and to promote the maintenance and development of an appropriate setting within, around and adjacent to all such resources.

**6.1.2.6.** That the City shall use criteria established by Provincial regulation under the Ontario Heritage Act for determining cultural heritage value or interest and for identifying and evaluating properties for listing in the Heritage register and for designation under Part IV of the Ontario Heritage Act. The City may further refine these criteria and provide guidelines for their use through the Vaughan Heritage Conservation Guidelines.

**6.1.2.7.** Any property worthy of designation under Part IV of the Ontario Heritage Act that fulfills one or more of the criteria identified in policy 6.1.2.6 will be considered to possess cultural heritage value.

**6.2.1.1.** To make full use of the provisions of Provincial legislation, such as the Ontario Heritage Act, Planning Act, Municipal Act and Environmental Assessment Act, to protect and conserve cultural heritage resources in Vaughan.

Following a thorough re-examination of archival documentation, staff finds that the subject property holds cultural heritage value and meets the criteria set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

The Carville Store and Post Office has been noted as a unique property as early as the turn of the last century. Although it is currently Listed under Section 27 of the *Ontario Heritage Act*, it will be vulnerable after December 31, 2024. By designating the property under Part IV of *the Act*, the property will receive more lasting protection.

During the research of this property, Cultural Heritage staff noted that the property known as 1050 Rutherford Road was reshaped through a plan of sub-division during the Block 11 Planning process and the Nine-Ten West applications in the early to mid 2000's. The structure currently is sited less than 50 meters away from its original location of 1076 Rutherford Road.

### **Designation Comments**

ADDRESS: 1050 Rutherford Road (formerly 1076 Rutherford Road)  
LEGAL: PT LOT 16, CON 2 (VGN) CITY OF VAUGHAN. SUBJECT TO AN  
EASEMENT IN GROSS OVER THAT PART LYING WITHIN THE LIMITS  
OF PT 3 65R29202 AS IN YR859509  
ROLL: 192800021060810

### **EVALUATION UNDER O.REG 9/06 CRITERIA**

Ontario Regulation 9/06 made under the *Ontario Heritage Act* establishes nine criteria for determining cultural heritage value or interest. A property may be designated under Section 29 of the OHA if it meets two or more of these criteria. The following evaluation tables identify the application of each criterion as "N/A" (not applicable) or "X" (applicable) to the property, with explanatory text below.

The tables below give an overview of significant cultural heritage value of 1050 Rutherford Road. The Statement of Cultural Heritage Value (see attachment 2) provides a full description of the property's cultural heritage attributes for evaluation purposes.

#### **1. DESIGN OR PHYSICAL VALUE**

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	<b>X</b>
▪ displays high degree of craftsmanship or artistic merit	<b>X</b>
▪ demonstrates high degree of scientific or technical achievement	<b>N/A</b>

Originally built in 1845, the 2-storey plank frame building is a vernacular expression of the Georgian style that continued to be popular well into the first half of the 19<sup>th</sup> century in Canada. It is a rare surviving example in Vaughan. of a wooden frame building from the first half of the 19<sup>th</sup> century. It remains the only surviving commercial building from that period in the east half of Vaughan.

#### **2. HISTORICAL OR ASSOCIATIVE VALUE**

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	<b>X</b>
▪ yields, or has the potential to yield, information that contributes to an understanding of a community or culture	<b>X</b>
▪ demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	<b>X</b>

Originally built by Thomas Cook (a significant early settler in Vaughan who expanded the millworks on the riverways along with his brother William) began a series of enterprises on this property. The Cook brothers are associated with establishing many businesses and expanding Carrville from a small settlement to a thriving village.

The Del Brocco family converted the structure from a store to a family home in 1919 and were the first Italian family to settle in Vaughan. They lived in the house for 30 years. Luigi and Rosa Del Brocco were part of the first wave of Italian immigrants to Canada.

Stanley Sellen and Ann Crichton-Harris raised their family in the house from 1960-1978. Both individuals were associated with the tv, radio and film industry in Canada. Sellen is also known as a Canadian artist and has several works associated with the property. Crichton-Harris was a researcher, writer, activist who participated with the Del Brocco family in the retention and conservation of the property.

### 3. CONTEXTUAL VALUE

The property has contextual value because it is	
▪ important in defining, maintaining or supporting the character of an area	X
▪ physically, functionally, visually or historically linked to its surroundings	X
▪ a landmark	X

The property is a longstanding landmark in the history of Vaughan for over 175 years, first as a commercial structure and then as a rural residential property. It maintains a great deal of its original context, being less than 50 meters from its original location, and situated against the trees and rivers it has been associated with in its time. It is a visual reminder of Vaughan’s early settlement from the first half of the 19<sup>th</sup> century to its transformation to a rural residential property.

#### **Financial Impact**

There are no Financial Impacts associated with this report.

#### **Operational Impact**

There are no Operational impacts or considerations for this application.

#### **Broader Regional Impacts/Considerations**

There are no Regional impacts or considerations for this application.

## **Conclusion**

Staff finds that, as examined from archival documentation, the subject property holds cultural heritage value and meets the criteria of criteria as set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the categories of design/physical, historical/associative and contextual value.

The Development Planning Department is satisfied the proposed designation of 1050 Rutherford Road conforms to the policies of the Vaughan Official Plan and the objectives and criteria of the *Ontario Heritage Act*. Accordingly, staff can support a Heritage Vaughan recommendation for Council approval of the proposed designation of 1050 Rutherford Road under the *Ontario Heritage Act*.

**For more information**, please contact: Katrina Guy, Heritage Coordinator, ext. 8115.

## **Attachments**

- Attachment 1 – 1050 Rutherford\_Location Map
- Attachment 2 – 1050 Rutherford\_Statement of Cultural Heritage Value
- Attachment 3 – 1050 Rutherford\_historic images
- Attachment 4 – 1050 Rutherford\_site photos

## **Prepared by**

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