

Heritage Vaughan Committee Report

DATE: Thursday, April 11, 2024

WARD: 1

TITLE: PROPOSED DESIGNATION UNDER PART IV OF THE ONTARIO HERITAGE ACT OF 2480 KIRBY ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Heritage Vaughan Committee's support and recommend to the Committee of the Whole approval for the proposed designation of the property municipally known as 2480 Kirby Road located on the north side of Kirby Road and between Jane Street and Keele Street (as shown on Attachment 1).

Report Highlights

- The report proposes the designation of 2480 Kirby Road, a 2-storey bi-colour brick house from the 1870's
- 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 following conditions:

1. That the Designation Report for 2480 Kirby Road be Received.
2. That Council approve the recommendation of the Heritage Vaughan Committee to designate 2480 Kirby Road in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, c. O.18.

3. 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, and published on the City website.
4. 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 2480 Kirby Road and a copy of the by-law shall be served on the Property Owner and Ontario Heritage Trust and a notice shall be published on the City website.

Background

Built in the 1870's, 2480 Kirby Road has been recognized as a significant heritage building since 2005 as a Listed property under Section 27 of the *Ontario Heritage Act*. Further research from City of Vaughan Cultural Heritage staff has confirmed that the cultural heritage value of 2480 Kirby 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

N/A

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*, the *Planning Act*, the *Municipal Act*, and the *Environmental Assessment Act*, to protect and conserve cultural heritage resources in Vaughan.

Following a thorough examination of archival documentation, and after a documented site visit, 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 William Kirby House has been noted as a Listed property under Section 27 of the *Ontario Heritage Act*, and like other Listed Heritage properties 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 it is the namesake property of Kirby Road and would have functioned as a landmark property along this road for decades. Currently, the property is part of the Kirby Links Golf Course and Driving Range (formerly Carrickmacross Golf Centre) and the access to the course is located directly adjacent to the structure.

Designation Comments

ADDRESS: 2480 Kirby Road

LEGAL: PT Lot 31 EH, Concession 4

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.

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

2480 Kirby Road was originally built in the 1870's, the 2-storey bi-colour brick building is an excellent representative and surviving example of the Gothic Cottage style that directly reflects the prevailing ideas of developing Canadian rural architecture that emerged in the 1860's and 1870's. It is an example of such a cottage being built as-is: with a 2-storey kitchen tail likely built as part of the original structure and no further additions or removals to affect its massing or footprint since it was originally built.

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

2480 Kirby Road is associated with the Kirby family, originally from Yorkshire, England, and established in Vaughan in the 1830's. Namesake for the road it is on, this family is significant in the local Methodist community, with William Kirby becoming a circuit rider for the church and a trustee of the Hope school (S.S. 5). Joseph Kirby, his son became a multi-term Councillor for Vaughan Township.

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 area and is the namesake property of Kirby Road, and its location and orientation in relation to Kirby Road is important in establishing that connection. It is one of the remaining residential properties associated with the Hamlet of Hope.

Financial Impact

There are no Financial Impacts associated with this report.

Operational Impact

There are no Operational Impacts associated with this report.

Broader Regional Impacts/Considerations

There are no Regional Impacts associated with this report.

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 2480 Kirby 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 2480 Kirby Road under the *Ontario Heritage Act*.

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

Attachments

- Attachment 1 - 2480Kirby_Location Map
- Attachment 2 - 2480Kirby_Statement of Cultural Heritage Value
- Attachment 3 - 2480Kirby_site photos
- Attachment 4 - 2480Kirby_Gothic Cottage Styles

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