

Committee of the Whole (1) Report

DATE: Tuesday, May 7, 2024

WARD: 1

TITLE: NOTICE OF OBJECTION TO THE NOTICE OF INTENT TO DESIGNATE 30 STEGMAN'S MILL ROAD UNDER PART IV OF THE ONTARIO HERITAGE ACT

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To provide Council with information, analysis, and options regarding the Notice of Objection to the City's Notice of Intent to Designate (NOID), and to recommend to the Committee of the Whole not to withdraw the Notice of Intent to Designate the subject property municipally known as 30 Stegman's Mill Road located on the north side of Stegman's Mill and between Windrush Drive and Kleinburg Summit Drive (as shown on Attachment 1), but to proceed with enacting the By-law to designate The Pierre Berton House at 30 Stegman's Mill Road, Vaughan, under Part IV of the *Ontario Heritage Act*.

Report Highlights

- The Owner(s) served a Notice of Objection to the Notice of Intent to Designate 30 Stegman's Mill Road, a 1-storey house previously owned by Pierre and Janet Berton.
- Staff reviewed the objection and provided response and options.
- Staff recommend the City proceed to designate 30 Stegman's Mill Road and approve the Designation By-law under Part IV of the *Ontario Heritage Act*.

Recommendations

1. That the Notice of Objection to the Notice of Intent to Designate 30 Stegman's Mill Road under Part IV of the *Ontario Heritage Act* (as shown on Attachment 2) be received;

2. That City Council consider the Notice of Objection dated March 28, 2024, and affirm its decision of December 12, 2023, stating its intention to designate the subject property at 30 Stegman's Mill Road under Part IV of the *Ontario Heritage Act*,
3. That the By-law to designate 30 Stegman's Mill Road under Part IV of the *Ontario Heritage Act*, which will be prepared in a form satisfactory to the City, be approved and enacted by City Council.

Background

Pierre Berton made Kleinburg his home for 55 years prior to his death in 2004. Berton was an active member of the Kleinburg community as a supporter of local events, an environmentalist and a champion of the Canadian identity. Pierre Berton received more than 30 literary awards including the Governor-General's Award for Creative Non-Fiction (three times), the Stephen Leacock Medal of Humour and the Gabrielle Leger National Heritage Award. He received two Nellys for his work in broadcasting, two National Newspaper awards and the National History Society's first award for "distinguished achievement in popularizing Canadian history". For his immense contribution to Canadian literature and history, he was awarded more than a dozen honorary degrees, was a member of the Newsman's Hall of Fame and a Companion of the Order of Canada.

30 Stegman's Mill Road was first identified as a potential heritage property in a 1976 Town of Vaughan review of potential heritage properties. City staff research on the subject property has confirmed that the cultural heritage value of 30 Stegman's Mill 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 was presented to Heritage Vaughan Committee, recommended to Committee of the Whole, and approved by City Council.

This Report notifies Council of the Notice of Objection from the owner of 30 Stegman's Mill Road to the Notice of Intent to Designate the property and recommends that Council proceed with enacting the by-law to designate 30 Stegman's Mill Road under Part IV of the *Ontario Heritage Act*.

Previous Reports/Authority

[Heritage Vaughan Committee report](#) – October 25, 2023

[Committee of the Whole report](#) – November 28, 2023

[City Council minutes](#) – December 12, 2023

Analysis and Options

On March 28, 2024, the City Clerk received by email (see Attachment 2) a Notice of Objection to the Notice of Intent to Designate the subject property at 30 Stegman's Mill Road, from McMillan LLP on behalf of 2395271 Ontario Inc., the owner of the subject

property. Under Section 29(6) of the *Ontario Heritage Act*, all objections must be considered by Council, who may choose whether or not to withdraw its Notice of Intent to Designate.

The objection disputes the heritage value of 30 Stegman's Mill Road based on the physical condition of the building and challenges the merits of its architectural style by contesting it. Additionally, the letter laments the advanced state of disrepair of the structure(s) and offers the City certain built elements as donation for retention offsite. No documentation or supporting materials accompany the Notice of Objection letter.

The strongest objection appears to be primarily based around the deteriorated state of the vacant building. The immediate safety concerns for the building were communicated by the property owner to staff during the most recent visit in August 2023. Staff identified a number of programs including apprenticeship and specialized trades workshops, seminars, and other curricula that could make use of the present condition of the site to provide hands-on didactic restoration and conservation activities on site, at no cost to the owner(s) and for the responsible stewardship of this heritage resource. However, addressing the continued deterioration of the building, staff noted that proposed demolition will not be entertained on the basis of its current physical condition as it is an unoccupied building posing no identified safety concerns.

Should Council reaffirm its decision to designate the properties and enact the designation by-law, any future appeals of the designation by-law would be heard by the Ontario Land Tribunal. The Ontario Land Tribunal considers a number of matters, such as the proposed designation of a property as having cultural heritage value or interest, however, according to the Ontario Land Tribunal Appeal Guide:

“The OLT does not hear matters on costs of physical maintenance, repairs, or any proposed work related to the actual condition of the property (or structure), as these are outside the scope of the evaluation of cultural heritage value or interest.”

Therefore, any concerns regarding the cost of physical repairs to the building are not relevant to the objection of whether the property is worthy of designation under the *Ontario Heritage Act*. However, it is important to note that designated properties become eligible for future financial incentives, as well as grant and loan programs at Federal and Provincial level, and potentially at municipal level should Vaughan implement such programs or incentives.

The report and documentation provided by staff for the proposed designation outlined 7 out of the 9 possible criteria under O.Reg. 9/06; the minimum requirement for designation is meeting only 2 criteria. In preparing this response to the Notice of Objection, Cultural Heritage staff – with the assistance of Archives staff – has conducted a more thorough evaluation of the property, and a full assessment of these two points of contention.

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

A detailed assessment report of the Design/Physical Value – the architectural style, its merits, and its importance in the context of the site proper, the surrounding neighbourhood of Windrush Co-operative, and the larger Kleinburg setting – has been prepared and is submitted as Attachment 3. The highlights of the findings identify the building as being of Usonian architecture constructed at the height of the style’s influential prominence. Multiple sources are cited as describing the building’s features – including video interviews with Pierre Berton himself – reinforcing this specific fact. Staff therefore disagrees with the position presented in the Notice of Objection on this matter, in particular regarding the notion that Usonian architecture “reflected an era twenty years earlier” when in fact Frank Lloyd Wright’s majority of *Usonian Automatic* buildings were designed and built between 1948-1956. This building takes its inspiration from a 1948 publication, was designed in 1949, and construction concluded in 1950.

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

This section is not disputed by the Notice of Objection.

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	N/A

This section is not disputed by the Notice of Objection.

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

N/A

Conclusion

Withdrawing the Notice of Intention to Designate would deprive the City of its capacity to enact long-term management, conservation, and legal safeguards for this significant cultural heritage asset, thus failing to meet the legal requirements of sustainable stewardship outlined in municipal and provincial policies. Designation is essential for the City to effectively oversee proposed changes to the heritage attributes of the property through the Heritage Permit process. Without designation, the property is vulnerable to losing its cultural identity and the associated social, heritage, environmental, informational, and aesthetic values. Consequently, staff does not recommend withdrawing the Notice of Intention to Designate as a responsible conservation approach.

Staff finds that, as supported by additional archival documentation, the subject property holds cultural heritage value and meets 7 of the 9 criteria of criteria as set out under the *Ontario Heritage Act* by the Province of Ontario Regulation 9/06 for the minimum two categories of design/physical, historical/associative and contextual value. Accordingly, staff recommends Council proceed with enacting the By-law to designate The Pierre Berton House at 30 Stegman's Mill Road, Vaughan, under Part IV of the *Ontario Heritage Act*.

For more information, please contact Nick Borcescu, Senior Heritage Planner, ext. 8191.

Attachments

1. 30 Stegmans Mill - Objection_Location Map.
2. 30 Stegmans Mill - Objection_Notice of Objection.
3. 30 Stegmans Mill - Objection_Usonian Architecture
4. 30 Stegmans Mill - Objection_Chronology of Communications

Prepared by

Nick Borcescu, Senior Heritage Planner, ext. 8191.

Shahrzad Davoudi-Strike, Manager Urban Design and Cultural Services, ext. 8653.

Nancy Tuckett, Director of Development Planning, ext. 8529.