

Heritage Vaughan Committee Report

DATE: Tuesday, June 11, 2024

WARD: 2

**TITLE: PROPOSED DESIGNATION OF 6335 RUTHERFORD ROAD
UNDER PART IV OF THE ONTARIO HERITAGE ACT**

FROM:

Haqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek Heritage Vaughan Committee's support and recommend to Council approval for the proposed designation of the property municipally known as 6335 Rutherford Road, located on the south-east corner of Rutherford Road and Highway 427 (as shown on Attachment 1).

Report Highlights

- The report proposes the designation of 6335 Rutherford Road, the former Elder's Mills School building, built in 1872.
- 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 designation as presented, subject to following conditions:

1. That Council approve the recommendation of the Heritage Vaughan Committee to designate 6335 Rutherford Road in accordance with Part IV, Section 29 of the *Ontario Heritage Act* R.S.O. 1990, c. O.18.
2. 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 City's Website.

3. 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 6335 Rutherford Road and a copy of the by-law shall be served on the Owner and Ontario Heritage Trust and a notice shall be published on the City's Website.

Background

6335 Rutherford Road was identified as a built heritage resource and included in the 1991 Inventory of Significant Heritage Structures. While the corresponding information page for the structure identifies the address as 6299 Rutherford Road, the current address is 6335 Rutherford Road. Further research on the subject property has confirmed that the cultural heritage value of 6335 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 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.

Designation Comments

ADDRESS: 6335 Rutherford Road

LEGAL: Lot 15, Concession 9

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	N/A
▪ demonstrates high degree of scientific or technical achievement	N/A

The former Elder's Mills School is an example of a rural Ontario schoolhouse that incorporates different architectural styles. Classical elements have been applied to the 1872 portion of the structure, which utilizes symmetrical arrangements and neoclassical details. The 1956 addition is a reflection of the mid-century modern style approach to school buildings, which was prevalent in the post-war years. The front addition implements the low and long characterization of the style.

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	N/A

The former Elder's Mills School S.S. No. 15 is situated on the lot that was owned by the Jeffery family, who were one of the early families within the Elder's Mills community. In 1843 a small portion of land was purchased from Richard Jeffery for the purpose of a log school. The structure would also function as a church on Sundays. The Presbyterian groups, the Old (Auld) Kirk Presbyterians and United Free Presbyterians, would alternate Sundays. The utilization of the log school building as a church, helps to showcase the multipurpose use of the structure in relation to the needs of the community.

The site for the new school was purchased from Richard Jeffery and his wife Barbara, on the same lot, in 1872. In addition to lessons, events were also held at the school. These would include sporting matches against other schools, spelling bees, and Christmas concerts. Moreover, events help to give insight into the social aspects of the school, and how they would bring the community together. Increased enrollment also influenced changes to the school building. In 1956, a new room addition was added to the northern portion of the building.

After serving the community for many years, the school was closed in 1967. As a result of the closure, the students that had attended the Elder's Mills School went to either Kleinburg or Pine Grove schools. The function of the structure has changed over the years. When the school and property were later sold, the structure was converted into a residence. The building currently operates as a church. The change in use of the building over the years highlights how the structure has been adapted to the changing needs of the community.

3. CONTEXTUAL VALUE

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

The property located at 6335 Rutherford Road is historically and visually linked to its setting and is a longstanding feature in the area. The existing structure is a representation of the lands once owned by the Jeffery family. The former Elder's Mills School, which is visible from the road, is a reflection of the education system during the time it was built. From its purpose as a school, a residence, and its current use as a church, the structure has been utilized to support the changing needs of the Vaughan community over the years. It is here that the merit of the structure lies, just as much as in the architectural value.

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 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 6335 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 6335 Rutherford Road under the *Ontario Heritage Act*.

For more information, please contact: Aminata Shaw, Heritage Specialist, ext. 8813.

Attachments

1. 6335Rutherford_Location Map.
2. 6335Rutherford_Statement of Cultural Heritage Value.
3. 6335Rutherford_Information Page.
4. 6335Rutherford_Building Photos.

Prepared by

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