

Committee of the Whole (1) Report

DATE: Tuesday, January 21, 2025

WARD: 1

TITLE: NOTICE OF APPLICATION TO REPEAL THE HERITAGE DESIGNATION
BY-LAW OF JAMES DALZIEL HERITAGE HOUSE AT 7230 NASHVILLE
ROAD IN KLEINBURG (TRANSMITTAL REPORT)

FROM:

Heritage Vaughan Committee

ACTION: DECISION

Purpose

To forward recommendations from the Heritage Vaughan Committee meeting of November 27, 2024, (Item 1, Report No. 14) with respect to the subject matter, for consideration by Committee of the Whole.

Report Highlights

- This is a transmittal report from the City Clerk, on behalf of the Heritage Vaughan Committee, forwarding recommendations for consideration by Committee of the Whole.

Recommendations

1. The Heritage Vaughan Committee recommended that the following recommendations be forwarded to Council for approval:
 - 1) That the recommendations contained in the report of the Deputy City Manager, Planning, Growth Management and Housing Delivery, dated November 27, 2024, be approved; and
 - 2) That the presentation by Vanessa Lio, Heritage Specialist, Cultural Heritage Program, Policy Planning & Special Programs, be received.

Recommendations of the Deputy City Manager, Planning, Growth Management and Housing Delivery dated November 27, 2024:

1. THAT Heritage Vaughan recommend Council approve the application to de-designate the Property at 7230 Nashville Road subject to the following conditions being met to the satisfaction of the City:
 - i. The owner enters into a letter of undertaking to construct a commemorative display along the public frontage of the Property salvaging and reusing some of the existing materials, in a manner that recognizes and carries forward the legacy of the James Dalziel House to the satisfaction of the City;
2. THAT upon the satisfaction of the condition outlined in Recommendation 1 of this report, City staff bring forward a By-law to repeal By-law 139-2024; and
3. THAT should Council repeal By-law 139-2024, as outlined in Recommendation 2 of this report, Council direct Staff to publish notice of Council's decision on the City's website and cause the following to be served on the owner of the Property, on any person who objected under subsection 32(4), if applicable, and on the Ontario Heritage Trust, in accordance with the *Ontario Heritage Act*.
 - i. a copy of the repealing By-law; and
 - ii. a notice that any person who objects to the decision may appeal to the Tribunal by giving the Tribunal and the Clerk of the municipality, within 30 days after the date of publication under subparagraph ii, a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.

Background

The Property includes one (1½) storey masonry house with metal hip roof. The structure is located approximately 350 meters away from the road having a long driveway leading to the farmhouse. Mature trees surround the property. The frontage of the structure faces Nashville Road. The North, East, South and West are dense with natural regeneration growth that makes access impossible.

The Cultural Heritage value of the Property is related to its design of physical value as a one (1½) storey masonry farmhouse. This is an example of rural architecture in the Colonial/Georgian Revival style. The Property exhibits several defining elements that were normative for homes built in that era including dichromatic brickwork.

The following information is included for information purposes only:

- All the walls around the house are compromised, with noted major cracks on brick façade – this is an indication of major foundation problems.
- The interior is impossible to enter due to the structure's dangerous condition. The structure must be protected by a temporary fence against trespassing.
- Most of the windows and doors are missing.

This report must be reviewed in conjunction with the included structural engineering report (see Attachment 3). The Property is dilapidated and presently uninhabitable due to its dangerous structural condition. Photos are attached (see Attachment 5) indicating evidence of large crevices and the collapsed chimney onto the home.

Previous Reports/Authority

[Heritage Vaughan Committee](#) – 28 February 2024

[Committee of the Whole \(2\)](#) – 19 March 2024

City Council – 26 June 2024 [BY-LAW Number 139-2024](#)

Analysis and Options

The property was designated pursuant to the Ontario Heritage Act on July 3, 2024, through By-law 139-2024.

The City of Vaughan Official Plan 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.

Initial detailed research was conducted to determine if the property located at 7230 Nashville Road met a minimum two (2) of the nine (9) criteria set out under O.Reg.9/06 to qualify for designation under the Part IV Section 29 of the *Ontario Heritage Act*. Based on the research, staff noted that five (5) out of nine (9) criteria were met for this property, making it a great candidate for designation. As such, a Notice of Intent to Designate was sent to the property owner (and the Ontario Heritage Trust and posted on the City of Vaughan Heritage Notice page), followed by the Council adopted by-law for designation.

The property is no longer structurally safe.

6.2.1.2. That cultural heritage resources in the Heritage register are subject to demolition control as specified under the Ontario Heritage Act. The City may use such controls to support the goals of heritage conservation and may seek additional legislative authority to further protect cultural heritage resources from demolition.

While the City and Cultural Heritage does not support the demolition of heritage resources, the safety of individuals is ultimately most important. After a meeting with the property owner(s) and other connected parties, it was concluded that the building – the main focus of the designation – is no longer structurally safe for habitation, and the property should be de-designated to allow for the lawful demolition of the building.

As stated in the Heritage Report from Arkiform Construction Inc. (see Attachment 2), *“this report must be reviewed in conjunction with a structural engineering report. The property is dilapidated and at this stage in time uninhabitable due to its dangerous conditions and safety.”*

The Structural Condition Assessment Report prepared by Candevcon Group Inc. (see Attachment 3), provides several observations and concerns, while also noting that interior inspection was not conducted due to the severe damaged condition and structurally unsound state of the building. The report concluded that the structural integrity and stability of the house is compromised beyond repair. The state of the building poses severe risk to public safety and should be demolished.

6.2.2.1. That, pursuant to the Ontario Heritage Act, the city may, through a by-law, protect cultural heritage resources by entering into heritage easement agreements or by designating:

- a. individual properties;*
- b. Heritage Conservation Districts where there is a concentration of cultural heritage resources in accordance with Policy 6.3.2.1;*
- c. Cultural heritage landscapes; and*
- d. archaeological sites.*

6.2.4.4. That, in the event a cultural heritage resource is to be demolished, and this has been demonstrated to the City's satisfaction, the Cultural heritage impact assessment must recommend to the City's satisfaction, mitigation measures (such as the reuse of materials or building elements in the development or in other developments) and archival documentation, as may be defined in the Vaughan Heritage Conservation Guidelines.

While the Heritage Impact Assessment Report does not include mitigation measures, the Owner offered to construct a commemorative display along the frontage of the property to recognize and carry forward the legacy of the James Dalziel House, to the satisfaction of the City.

Ontario Heritage Toolkit

7.5. Repeal of designation bylaws

There are rare instances where a designation bylaw may need to be repealed. As with the amending process, flowcharts outlining the repeal process are provided in the appendix to this guide. In a case where an owner requests a repeal of the bylaw designating the owner's property, it is important to determine the nature of the owner's concerns. It is advisable for the municipality, through the municipal heritage committee or municipal staff, to discuss the matter with the owner. Because properties are designated to protect and conserve them for all generations, the repeal of a designation bylaw is a serious matter that should be given careful consideration. If the property owner decides to proceed with a repeal request, and the request is unsuccessful, the property owner cannot reapply for a repeal until 12 months have passed since the decision.

Staff recommend de-designation of the property, to allow for its demolition.

Due to the irreversible and advanced state of deterioration of the designated property, Cultural Heritage staff support the Heritage Vaughan Committee recommendation to repeal the designation by-law and allow for the demolition of the heritage resource at 7230 Nashville Road.

In compliance with OHA S.32, a notice regarding the request for repeal of the designation at the owner's request has been posted on the City's website as per OHA S.32(2) and no objections from the public have been received. Staff is presenting this request for repeal of designation for review and recommendation to the Heritage Vaughan Committee as per OHA. S.32(5).

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

There are no operational impacts or considerations.

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations.

Conclusion

The Urban Design and Cultural Heritage Division of the Development Planning Department is satisfied the proposed de-designation conforms to the policies and guidelines within the Vaughan Official Plan and the *Ontario Heritage Act*. Accordingly, staff can support Council approval of the proposed de-designation of the heritage house at 7230 Nashville Road.

Attachments

1. Location Map.
2. Cultural Heritage Impact Assessment.
3. Structural Condition Assessment Report.
4. Survey Plan.
5. Recent Photos.

Prepared by

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In consultation with

Vanessa Lio, Heritage Specialist, ext. 8152.