

# City of Mississauga Corporate Report



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| <p>Date: May 25, 2021</p> <p>To: Chair and Members of Heritage Advisory Committee</p> <p>From: Shari Lichterman, CPA, CMA, Commissioner of Community Services</p> | <p>Originator's files:</p> <hr/> <p>Meeting date:<br/>June 8, 2021</p> |
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## Subject

**Notice of Objection to Proposed Heritage Designation, 1200 Old Derry Road (Ward 11)**

## Recommendation

1. That the City Clerk be directed to refer the proposed heritage designation of the two structures known as the Owner's Residence and the Foreman's Residence at 1200 Old Derry Road to the Conservation Review Board, as required by the *Ontario Heritage Act*.
2. That the City Solicitor or her designate, together with any required staff or consultants be directed to attend any Conservation Review Board proceedings in support of Council's decision on the designation of the Owner's Residence and the Foreman's Cottage at 1200 Old Derry Road, but should a proposed settlement be reached that a report be brought back to Council.

## Executive Summary

- The property owner submitted an application in November, 2019, for the demolition of three structures at 1200 Old Derry Road.
- HAC recommended the designation of the Foreman's Residence and the Owner's Residence under Part IV of the *Ontario Heritage Act*.
- The property owner objected to the designation and the matter was referred to the Conservation Review Board as per the *Ontario Heritage Act*.
- The CRB issued a procedural order in April, 2021, noting a technical deficiency in the original posting of the Notice of Intent to Designate in 2019.
- The Notice of Intent to Designate was re-issued by the City in April, 2021 and the property owner has once again objected. The matter is to be referred back to the CRB.

## Background

The property at 1200 Old Derry Road, the Sandford Farm, has significant cultural heritage value and interest. It is listed on the City's Municipal Heritage Register as it is a Cultural Heritage Landscape, is within the Credit River Cultural Heritage Landscape and has one structure, the Simpson-Humphries House, which is designated under Part IV of the *Ontario Heritage Act*.

In November 2019, the property owner submitted a heritage permit application to demolish two structures on the property, known as the Foreman's Residence and the Owner's Residence.

Upon review of the application, the City's Heritage Advisory Committee recommended that the two structures be designated under Part IV of the Ontario Heritage Act due to their cultural heritage value and interest. The recommendation was approved at General Committee on November 13, 2019 and at Council on November 20, 2019. The Conservatory Group, the property owner, served a notice of objection dated December 23, 2019.

The matter was referred to the Provincial Conservation Review Board (CRB) in June, 2020 as per 29(7) of the *Ontario Heritage Act*.

In April, 2021, the CRB issued a procedural order that the original notice of intent to designate was issued under the incorrect section of the *Ontario Heritage Act* and closed its file (Appendix 1).

A new Notice of Intent to Amend the existing designation of the property was subsequently issued on April 14, 2021. The City received a notice of objection to the April 14, 2021 Notice of Intent to Amend from the property owner on May 14, 2021 (Appendix 2).

## Comments

Under section 30.1(6) of the *Ontario Heritage Act*, the owner of the property may serve the Clerk with a notice of objection within 30 days of the publication of the Notice of Intention to Amend. The notice of objection was received within the allotted time.

As per section 30.1(8), once the objection has been served on the Clerk, Council must refer the matter to the Conservation Review Board (CRB). The CRB must hold a public hearing, which must be advertised within the municipality. Within 30 days of the hearing's conclusion, the CRB must provide a report and recommendation to Council. Council can either proceed with the designation or withdraw the Notice of Intention to designate. The decision of Council is final.

The property owner's representatives attended the February 11, 2020 Heritage Advisory Committee meeting to further discuss the Committee's concerns. There, they expressed a willingness to explore modifications to their proposed development which would more thoroughly account for the cultural heritage value and interest of the property. Such modifications could achieve a desirable resolution and avoid the need for a contested CRB hearing. Staff recommend that discussions with the property owner continue.

Regardless of the possibility of early resolution, the matter must be referred to the Conservation Review Board in compliance with the *Ontario Heritage Act*.

## Financial Impact

Should a contested hearing be required, external heritage consultants will be retained. Other costs associated with the recommendations in this report are expected to be carried on the existing operating budget for Legal Services and the Culture Division.

## Conclusion

An objection has been filed to Council's intention to designate the Owner's Residence and the Foreman's Residence, located at 1200 Old Derry Road, through amending the existing designation by-law under the *Ontario Heritage Act*.

## Attachments

Appendix 1: CRB Procedural Order

Appendix 2: Objection to Notice to Amend By-Law



Shari Lichterman, CPA, CMA, Commissioner of Community Services

Prepared by: John Dunlop, Manager, Heritage Planning and Indigenous Relations