

Date: September 9, 2024

To: Mayor and Members of Council

From: Jodi Robillos, Commissioner of Community Services

Originator's files:

Meeting date:  
September 25, 2024

## Subject

**Objection to Heritage Designation, 1 Godfrey's Lane (Ward 1)**

## Recommendation

That the property at 1 Godfrey's Lane (Ward 1) be designated for its physical, historical and associative value and that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto as outlined in the Corporate Report entitled "Objection to Heritage Designation, 1 Godfrey's Lane (Ward 1)" dated September 9, 2024 from the Commissioner of Community Services.

## Executive Summary

- The Notice of Intention to Pass a By-law to Designate was issued on May 29, 2024 after a recommendation to designate at the Heritage Advisory Committee on May 14, 2024 and Council decision to designate on May 29, 2024.
- The Notice of Objection to designate the property was received July 4, 2024.
- Staff have reviewed the objection and its supporting report. The by-law has been revised to address concerns raised in the objection.
- Staff recommend that the property stand for designation under the revised by-law.

## Background

The property at 1 Godfrey's Lane was reviewed for heritage designation as part of the City's response to the *More Homes Built Faster Act*, which amended the *Ontario Heritage Act* to limit listed properties on the City's Heritage Register to a two-year period, unless those properties are designated. Heritage Planning staff are currently completing the review, evaluation and analysis of all properties listed on the City's Heritage Register and are bringing forward all candidates which meet the criteria for designation under Ontario Regulations 9/06 and 569/22.

The property at 1 Godfrey's Lane was identified as property that meets the criteria based on its architectural, historical and associative value and heritage attributes noted in the revised designation statement, Appendix 1. The Heritage Advisory Committee recommended designation on May 14, 2024, with Council approving the recommendation on May 29, 2024. The Notice of Intention to Pass a By-law to Designate, issued under S 29(3) of the *Ontario Heritage Act* was published on May 29, 2024.

A Notice of Objection to the Designation (Appendix 2) along with a supporting Heritage Evaluation report (Appendix 3) which it references was received on July 4, 2024. Under Section 29(5) of the *Ontario Heritage Act*, a person who objects may do so by issuing notice within the proscribed timelines to the City Clerk. This objection was received within said timelines. Section 29(6) of the *Act* requires Council to consider the objection and make a decision whether or not to withdraw the Notice of Intent to Designate within 90 days of the proscribed timelines noted above.

## Comments

The Notice of Objection made several assertions which required investigation prior to bringing this report forward to Council. The Heritage Evaluation report, which is undated and unauthored, is attributed to City Staff. A review of the document clearly shows the report is not prepared by City Staff as it does not use any style or formatting required by official City reports and documents. Furthermore, City Staff do not create Heritage Evaluation reports.

This irregularity prompted an investigation into the date and authorship of the report, as the objection to the designation is based on this document and its validity required confirmation. Information contained within the report, as well as its style, format and inclusion of specific images favoured by select Heritage consultants have resulted in City Staff identifying the author and contacting them. The author confirmed that the report was theirs but had prepared it at the request of a third party and was not informed about the nature with which it was being used. It was also determined that the report was authored in June, 2024, after Council had approved the designation of the property.

Having confirmed the author and date of the Heritage Evaluation Report, staff reviewed the objection and report to determine if the objection warranted revisions to the drafted by-law. The objection outlines five rationale for the property to not be designated which are drawn from Section 4.2 of the Heritage Evaluation Report, which assess the property in meeting the criteria for designation under Regulation 9/06 of the *Ontario Heritage Act*. Under Section 29 of the *Act*, properties must meet two out of nine criteria for designation. City Staff's original review of the property determined that it met five out of nine criteria whereas the objection and Heritage Evaluation report determined that it only met four of the nine criteria. The Heritage Evaluation report ends the assessment portion of the report, Section 4.2, with the conclusion that the property merit heritage designation.

Other concerns raised in the objection pertain to the physical attributes of the house as identified in both the Heritage Evaluation report and the original City Staff Designation report, including dormers and the presence of Credit Valley stone on the property. Credit Valley stone, even as a decorative motif, is a rare and important attribute as it is no longer collected and used for construction. The objection asserts that the dormers and stone are not part of the original building. This is accurate, and it must be noted that a heritage designation considers all attributes extant, regardless of when they were added to the property. This property has undergone several alterations throughout its life and all have been adeptly done to add to the character of an early twentieth century bungalow style of architecture. While not commonly seen, later additions and renovations can and do contribute to the heritage attributes of a building if done in a manner which is sympathetic to the architectural style.

However, after consideration of the objection, staff are recommending that these attributes be revised or removed from the designation statement so that the designation by-law is in line with the objection. Given that the Heritage Evaluation report comes to the same conclusion as City Staff's findings, the draft Heritage Designation Statement, which constitutes the rationale and heritage attributes for the designation by-law, has been revised to align with the criteria set out in the objection and Heritage Evaluation report (Appendix 1).

## Financial Impact

There are no financial impacts resulting from the Recommendations in this report.

## Conclusion

A Notice of Objection to the designation of 1 Godfrey's Lane has been received. Staff have reviewed the Notice of Objection, revised the draft designation statement based on its contents, and recommend that the designation of the property proceed.

## Attachments

Appendix 1: Draft Designation Statement (Revised)

Appendix 2: Notice of Objection

Appendix 3: Heritage Evaluation Report



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Jodi Robillos, Commissioner of Community Services

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