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Report To:	Planning and Development Committee	
Date of Meeting:	September 16, 2024	Report Number: PDS-034-24
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Reviewed By:	Trevor Pinn, Deputy CAO/Treasurer, Finance and Technology	
By-law Number:		Resolution Number:
File Number:	PLN 34.5.2.92	
Report Subject:	Addition to the Municipal Register, and Heritage Designation as a Condition of Approval of Development Applications of Redevelopment. 98 Concession Street East, Bowmanville	

Recommendation:

1. That Report PDS-034-24, and any related delegations or communication items, be received for information.
2. That the property at 98 Concession Street East, Bowmanville be added to the Municipal Register under Section 27 of the *Ontario Heritage Act* at this time;
3. That 98 Concession Street East, Bowmanville, be required to be designated under Part IV of the *Ontario Heritage Act*, as a condition of approval of development applications, including:
 - a) a Zoning By-law Amendment with a (H) Holding Symbol provision that be conditional on the designation of 98 Concession Street East, Bowmanville; and
 - b) the designation of the property be included as a condition of a Site Plan approval
4. That the (H) Holding Symbol provision associated with the designation of the property be lifted, once the approved site plan is registered on title; and
5. That the interested parties listed in the Report and any delegations, be advised of Council's decision

Report Overview

The Municipality holds the responsibility for recognizing and safeguarding valuable heritage assets. The property located at 98 Concession Street East, Bowmanville, is a fine example of the Vernacular Prairie Style residence in Clarington and is currently identified as a Secondary resource on the Municipality's Cultural Heritage Resources List (CHRL).

The Clarington Heritage Committee and staff recommend the designation of the property under Part IV of the *Ontario Heritage Act* to ensure the future of the significant cultural resource is appropriately conserved and that it continues to be part of Clarington's history.

In collaboration with the property owner and considering the latest legislation changes, staff recommends adding the subject property to the Municipal Register to acknowledge its cultural heritage value and interests at this time. Staff also recommend that as a condition of development approvals (rezoning and site plan) that the subject property be designated under Part IV of the *Ontario Heritage Act*.

1. Background

- 1.1 The Region of Durham and Municipality of Clarington have policies in their Official Plans that promote the protection and conservation of cultural heritage resources.
- 1.2 Council holds the authority to list a property on the Municipal Register (Section 27) or designate a property (Section 29) under Part IV of the *Ontario Heritage Act* (OHA) if it determines that the property meets the criteria outlined in Ontario Regulation 9/06, signifying cultural heritage value or interest. These criteria are founded on three overarching principles related to physical and design attributes, historical and associative connections, and contextual significance.
- 1.3 The Clarington Heritage Committee (CHC) evaluated 98 Concession Street East, Bowmanville in July 2022 and put forth the recommendation to Council to designate the property under Section 29 of the *Ontario Heritage Act*. The CHC made this recommendation (Motion 22.32) because their evaluation determined that the property has cultural heritage value or interest that merits designation. Council accepted the minutes of a Special Meeting of the Clarington Heritage Committee dated August 16, 2022, through Resolution # C-188-22 on September 19, 2022.

2. 98 Concession Street East, Bowmanville

- 2.1 Completed in approximately 1926, 98 Concession Street East, is an example of Vernacular Prairie Style residence in the urban area. The property consists of a two-storey brick and stucco residential structure with a single-storey projecting wing on either side of the house. The building is particularly significant because it served as the home to the Superintendents and their families of the Boys Training School, known as Camp 30 Property.

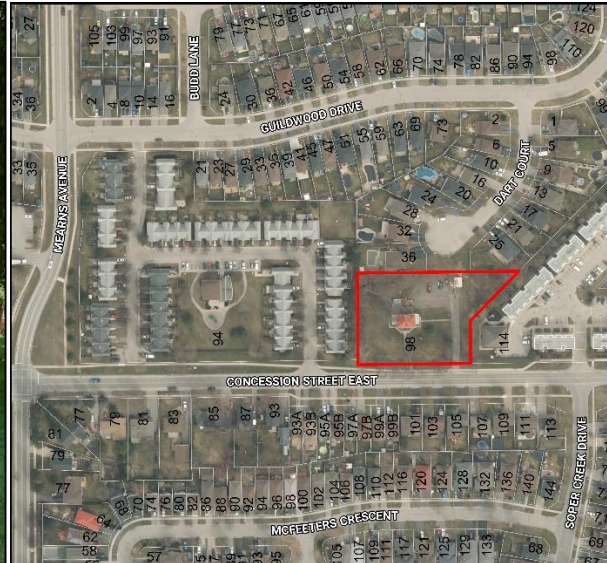


Figure 1: 98 Concession Street East

Figure 2: Aerial of 98 Concession Street East

- 2.2 The two-storey brick building has an unusual low-pitched hipped Bonnet roof, with overhanging eaves overwhelming the lintels of the second-storey windows. The front portico has a flat roof with a boxy cornice. The horizontal banding is defined using brick on the basement and first storey and stucco on the second storey. The building is maintained in good condition.
- 2.3 The building was constructed to provide a home for the Superintendent of the Boys Training school and his family. The 1.2-acre lot was severed in the 1970's from the larger Boys Training School property. The Boys Training School was part of the Ontario Provincial initiative in the 1920s to provide education and vocational training for young boys. Dr. George Elmore Reaman, the founding member of the Ontario Training School for Boys, was appointed as the Superintendent and lived in the house during his tenure. The successor Superintendents, including A.R Virgin, J.J Werry, and John Bain, also lived in this home.

- 2.4 The house reflects the influence of the Prairie architecture style often associated with Frank Lloyd Wright, which was uncommon in residential structures at the time. The building is also valued for its connection with the Boys Training School, which was an integral part of Bowmanville society for several decades.

3. Legislation

- 3.1 The conservation of significant architectural, cultural, historical and archaeological resources is a matter of provincial interest identified in the *Planning Act*, the Provincial Policy Statement 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020), and the Provincial Planning Statement, 2024(PPS, 2024).
- 3.2 Section 2 of the *Planning Act* outlines nineteen matters of Provincial interest that are to be considered by Council when carrying out their responsibilities. Conservation of features of significant architectural, cultural, historical, archaeological or scientific interest are a Provincial interest.
- 3.3 Section 2 of the Provincial Policy Statement, 2020, directs that significant built heritage resources that have been determined to have cultural heritage value or interest shall be conserved.
- 3.4 Section 4 of the Growth Plan, 2020 identifies cultural heritage resources as valuable assets that must be conserved in order to foster a sense of place and benefit communities. It is necessary to plan for growth in a manner that protects cultural heritage resources and maximizes their benefits to make our communities unique and attractive places to live.
- 3.5 The Province has completed a policy review to combine the Provincial Policy Statement and the Growth Plan, 2020 into a single policy document, the Provincial Planning Statement (PPS, 2024). The PPS, 2024, will come into effect on October 20, 2024, and will replace both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.
- 3.6 The PPS, 2024 continues to encourage proactive conservation of significant built heritage resources and cultural heritage landscapes.

Ontario Heritage Act

- 3.7 The *Ontario Heritage Act*(Heritage Act) regulates the conservation, projection, and preservation of heritage properties in Ontario.
- 3.8 The Heritage Act empowers a municipality to pass a by-law to designate a property that is considered to be of cultural heritage significance. The Heritage Act outlines the process for designation. Once a property is designated by by-law under Part IV of the Heritage Act, the property owner is required to obtain consent for any proposed significant alterations to the building's heritage features that are listed in the designation by-law, or for demolition of all or part of the structure, or its significant attributes.

- 3.9 Under Section 27 of the Heritage Act, Municipalities in Ontario are required to maintain a Municipal Register that lists all formally designated heritage properties and “non-designated” properties that it believes to be of cultural heritage value or interest by Council. The benefit of including a property on the Municipal Register is to provide the Municipality with up to 60 days to review a request for a demolition permit rather than the shorter timeline outlined in the *Building Code Act*.
- 3.10 Bill 23, the *More Homes, Built Faster Act, 2022*, (Bill 23), which came into effect on January 1, 2023, amended the *Ontario Heritage Act* and O. Regulation 9/06, among numerous other pieces of legislation. The changes include creating a higher threshold for a property to be designated; now they must meet two or more criteria in O. Regulation 9/06. In addition, the changes to the legislation prevent us from designating a property when a planning application, including an official plan amendment, zoning by-law amendment or plan of subdivision application, has been submitted if the property is not already listed on the Municipal Register.

Region of Durham Official Plan

- 3.11 The new Region of Durham Official Plan (Envision Durham), approved by the Province on September 3, 2024 (with modifications). Envision Durham acknowledges cultural heritage as an integral component of the complete community. The conservation, protection, and enhancement of built and cultural heritage are set out as one of the objectives of building complete communities and maintaining vibrant neighbourhoods. It outlines goals for the preservation of historic and cultural heritage, including built heritage and encourages Councils of the area municipalities to utilize the Heritage Act to conserve, protect and enhance the built and cultural heritage resources,

Clarington Official Plan

- 3.12 The Clarington Official Plan, 2018, encourages the conservation, protection, enhancement and adaptive reuse of cultural heritage resources. The policy states that wherever possible, built heritage resources should be retained for the original use and in their original location. However, the policy also notes that where the original use cannot be maintained, the adaptive reuse will be supported.

Official Plan policy also states that the Municipality, with advice and direction of the Clarington Heritage Committee shall designate cultural heritage resources under Part IV of the Heritage Act, in support of achieving the Municipality’s cultural heritage objectives.

4. Communication and Consultation

- 4.1 The Clarington Heritage Committee has evaluated the subject property and recommended the designation under Part IV of the Heritage Act. In accordance with the Heritage Act, a notification is required before Council passes a by-law to designate a property. Staff has been communicating with the property owner about the intent to pursue designation of the property. A letter regarding advancing the heritage designation was sent to the property owner on September 26, 2023.

- 4.2 The property owner has approached staff through the pre-consultation process, expressed interest in the property's redevelopment, and committed to collaborating with staff on the conservation of the dwelling as part of the development approvals process. However, they have requested that the pursuit of designation be deferred so as not to encumber the site's redevelopment.
- 4.3 Staff recommended a collaborative approach to address the Heritage Committee's recommendation and facilitate the interest of redevelopment with the consideration of the latest legislation changes. A pathway was proposed to the property owner in December 1, 2023. Discussion continued over several months to finalize the approach that will balance the conservation and enhancement of the heritage building and allow for redevelopment of the site. The property owner agreed to the approach described in the following sections.
- 4.4 The first step is to add the property to the Municipal Register (Section 27 of the Heritage Act) to protect the building from demolition for two years. This interim measure will a) prevent the loss of the heritage resource and b) offer more flexibility to the property owner to integrate these Heritage Resources into the redevelopment.
- 4.5 The second step is for the owner to commission a Heritage Impact Assessment (HIA) in support of future *Planning Act* applications. The HIA will evaluate, identify and refine the heritage attributes and provide guidance for the redevelopment of the property. It must also include a Statement of Significance, including the list of Character-defining Features and a draft Designation by-law.
- 4.6 The third step will be to include designation of the property (under Section 29) of the OHA as a condition of the approval of any development application, Staff anticipate that a zoning by-law amendment and site plan approval will be required.
- 4.7 As part of the rezoning, a Holding Symbol(H) provision will require that as a condition of site plan approval, the property be designated. The Holding Symbol(H) is recommended to be lifted once the site plan condition requiring the property be designated, is registered on title and the designation process is initiated.
- 4.8 The goal is that the heritage resources can be conserved, and the redevelopment of the site can be facilitated through this collaborative approach.
- 4.9 It is noted that the recent amendments to the Heritage Act (via Bill 23) have restricted the opportunity to conserve heritage resources collaboratively through the development approvals process because intent to designate cannot be initiated where an official plan amendment, zoning by-law amendment or plan of subdivision application has been submitted if the property is not already listed on the Municipal Register. As such, it is important to add the property to the Municipal Register at this time.

5. Financial Considerations

- 5.1 Not Applicable.

6. Strategic Plan

- 6.1 The Clarington Strategic Plan 2024-27 outlines the objectives to cultivate a strong, thriving, and connected community where everyone is welcome. Designation of the subject property contributes to achieving one of the priorities (Connect 4.1) that promotes and supports local arts, culture, and heritage sectors.

7. Climate Change

- 7.1 Not Applicable.

8. Concurrence

- 8.1 Not Applicable.

9. Conclusion

- 9.1 The Clarington Heritage Committee and staff are in support of the designation of 98 Concession Street East, Bowmanville.
- 9.2 In collaboration with the property owner and in consideration of legislation changes, staff recommend that the property at 98 Concession Street East, Bowmanville be added to the Municipal Register (under Section 27 of the *Ontario Heritage Act*) at this time. It provides protection for two years, preventing the structure from being demolished.
- 9.3 It is further recommended that the subject property, as a condition of approval of future development applications, including a Zoning By-law Amendment with a (H) Holding Symbol and site plan approval, be required to be designated under Section 29 of the *Ontario Heritage Act*.
- 9.4 In addition, it is recommended that the (H) Holding Symbol provision associated with the designation of the property, only be lifted once the Site Plan Agreement, which requires designation, is registered on title.
- 9.5 It is respectfully recommended that the Recommendations be adopted as presented.

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Attachments:

Not Applicable

Interested Parties:

List of Interested Parties available from Department.