

IN THE MATTER OF THE ONTARIO HERITAGE ACT,  
RSO 1990, CHAPTER 0.18  
AND IN THE MATTER OF THE PROPERTY KNOWN AS

**2187 Gordon Street**

IN THE CITY OF GUELPH,  
IN THE PROVINCE OF ONTARIO.

**NOTICE OF OBJECTION TO DESIGNATE**

**TAKE NOTICE** that 2575950 Ontario Ltd. ("**257**"), the owner of the lands and premises municipally known as 2187 Gordon Street ("**Subject Lands**"), in the City of Guelph ("**City**"), in the Province of Ontario objects to the proposed designation of the Subject Lands, pursuant to subsection 29(5) of the *Ontario Heritage Act*, for the following reasons:

**RELEVANT FACTS**

**Subject Lands**

1. The Subject Lands are located at 2187 Gordon Street at the south end of the City, situated on Lot 14, Concession 7, formerly within the Township of Puslinch. They are located on the west side of Gordon Street between Clair Road and Maltby Road.
2. The Subject Lands contain an early 20<sup>th</sup> century residence ("**Farmhouse**"), a mid-to-late 19<sup>th</sup> century barn ("**Barn**"), a late 19<sup>th</sup> century outbuilding, wood lots, and agricultural fields.

3. The Subject Lands have been listed on the City's Municipal Register of Culture Heritage Properties since at least 2011.
4. 257 purchased the Subject Lands in January 2019.

### **Designated High Density Residential and Preferred Servicing Strategies**

5. The Subject Lands fall within the Clair-Maltby Secondary Plan ("**Secondary Plan**"), adopted by City Council on May 16, 2022. The servicing of the Subject Lands, to implement the development permissions contemplated by the Secondary Plan, were addressed through a Master Environmental Servicing Plan Study ("**MESP**") approved with the Clair-Maltby Secondary Plan on May 16, 2022.
6. Pursuant to Council's vision as set out in the Secondary Plan, a portion of the Subject Lands are located within the Gordon Street Corridor and are designated as a Clair-Maltby High Density Residential (Schedule B of the Secondary Plan). According to Section 11.3.2.2.4 of the Secondary Plan, the portion of the Subject Lands in the Gordon Street Corridor are intended to be developed as an integrated, compact and mixed-use district with a range of built forms. Further, the Gordon Street Corridor will accommodate the highest density in Clair-Maltby (Section 11.3.2.2.4 of the Secondary). The Gordon Street Corridor will have an approximate width of 120 metres on each side of the Gordon Street right-of-way (Section 11.3.8.3 of the Secondary Plan).
7. In the Secondary Plan within the Gordon Street Corridor and within the Clair-Maltby High Density Residential designation, high density residential development is subject to the following height and density criteria, among others:
  - a. The minimum height is four (4) storeys (Section 11.3.8.6.4 of the Secondary Plan) and the maximum height is fourteen (14) storeys along Gordon Street and adjoining is ten (10) storeys (Schedule D of the Secondary Plan);

- b. The maximum net density is 250 units per hectare and no less than a minimum net density of 100 units per hectare; and
  - c. The minimum floor space index (FSI) shall be 1.5.
8. The MESP outlines the preferred storm and sanitary servicing strategy for the Clair-Maltby community, including the Subject Lands.

### **Proposed Undertaking**

9. 257 is proposing to develop the property with a residential development as contemplated by the Secondary Plan and the MESP.
10. As part of its proposal and in consultation with 257's consultants, 257 proposes to remove the Farmhouse and the Barn to implement Land Use Designation policies in the Secondary Plan and the preferred servicing, grading and stormwater management solutions in the MESP. This would include the implementation of various Infrastructure Projects subject to Environmental Assessment(s) completed and approved as part of the MESP.

### **REASONS FOR OBJECTION**

#### **Retention of Structures must be Balanced Against Site-Specific Considerations**

11. 257 objects to the proposed designation of the Subject Lands on the basis that retention of the structures must be balanced against site-specific considerations, including the proposed undertaking and the context within which the structures would be retained, and the structural condition of the heritage resources.

#### **Retention *In Situ* is Incompatible with Council's Planning Vision**

12. It is not feasible to retain the Farmhouse and the Barn *in situ* and accommodate the preferred grading, storm and sanitary servicing strategy outlined in the MESP. Based on the work on 257's consultants, it is anticipated that significant grading

and fill will be required to construct roads, services, and stormwater management, with up to seven metres of fill being required in the front portion of the property. As a result, *in situ* retention would leave the structures several meters below grade.

13. Further, retention of the Farmhouse and the Barn would also impact the density targets envisioned by Council as set out in the Secondary Plan. With a portion of the Subject Lands being situated in the Clair-Maltby High Density Residential designation within the Gordon Street Corridor, Council intends for these lands to be developed with multiple unit residential buildings generally in the form of apartments.
14. The Farmhouse and the Barn comprise an area of approximately 2.4 hectares. If this area is not able to be developed due to due retention of these structures, this could result in an estimated reduction of 200 to 600 units. This will hinder the ability of the Secondary Plan to meet its intended density targets.
15. Further, the Farmhouse and the Barn had an agricultural purpose but have not been actively used for decades. This agricultural context will be lost if they sit *in situ* within a high density residential area.

#### **Structural Condition of the Barn is not Safe**

16. The structural condition of the Barn is unsafe and not viable. The safety risks and structural deficiencies include, but are not limited to, the collapse of the north stone wall, compromised bracing of and cracks in the remaining walls, and major deficiencies in the floor beams and boards.
17. 257's consultants have opined that the Barn is unsafe for contractors to conduct work and there is risk of further collapse and potential liability if work commences. Further, vibrations caused by heavy construction equipment related to development of the Subject Lands could quite possibly worsen the Barn's condition. These safety risks outweigh the structure's value.

18. In addition to the safety risks associated with *in situ* restoration of the Barn, 257's consultants estimate an excessive budget to restore the building to a point intended to limit further damage and deterioration. This budget does not account for the significant additional work and costs involved to prepare the Barn for *in situ* retention. Furthermore, there is no guarantee that such restorative work will in fact prevent further damage and deterioration.

19. Given the extreme safety and liability risks associated with retention of the structures, 257's consultants cannot recommend attempting restoration.

### **Delay in Intention to Designate**

20. The Subject Lands have been listed on the City's Municipal Register of Culture Heritage Properties since 2011. If designation of these lands and structures was a genuine conservation exercise, the City should have initiated the process many years ago. It is the City's obligation, under the *Heritage Act*, to manage and designate cultural resources within the municipality.

21. It is premature to consider designation of the Subject Property in the absence of a balanced approach that accounts for all of the City's ongoing planning objectives. A comprehensive, collaborative approach is instead required.

22. Such further and other grounds as Counsel advises and this Board permits.

All of which is respectfully submitted.

DATED at Hamilton, Ontario, this 24<sup>th</sup> day of November, 2023.

2575950 Ontario Ltd., by its lawyers,

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