

Staff Report



To	City Council
Service Area	Infrastructure, Development and Environment
Date	Tuesday, May 14, 2024
Subject	2187 Gordon Street – Intention to Demolish a Cultural Heritage Resource

Recommendation

1. That the application of intention to demolish the cultural heritage resources at 2187 Gordon Street be refused as the property has been protected by heritage designation By-law (2024)-20901 through the provisions of Part IV of the Ontario Heritage Act.
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Executive Summary

Purpose of Report

An application has been made by the property owner of 2187 Gordon Street (2575950 Ontario Limited) indicating their intention to demolish all buildings on the subject property.

This report provides Council with staff's recommendation that the request to demolish be refused as Council has already moved to protect the property (specifically the Kidd barn and Blair farmhouse) through the passing of heritage designation By-law (2024)-20901 on February 13, 2024. On March 18, 2024 the property owner appealed the passing of the by-law and the matter was remitted to the Ontario Land Tribunal. The Tribunal has not yet scheduled a hearing or initial case conference in that matter.

Key Findings

At their meeting of [February 13, 2024](#) Council moved unanimously to continue to protect the Kidd barn and Blair farmhouse at 2187 Gordon Street (Attachment-1) by passing heritage designation By-law (2024)-20901.

On March 18, 2024 the property owner (2575950 Ontario Limited) appealed the passing of the by-law and the matter is currently before the Ontario Land Tribunal.

According to section 30 (2) of Part IV of the Ontario Heritage Act, once Council published its intention to designate 2187 Gordon Street on October 26, 2023, the property is thereafter considered as though the designation process were complete and the property had been designated under section 29.

On March 18, 2024 a revised application was received from the property owner (2575950 Ontario Limited) indicating their intention to demolish all buildings on the property known as 2187 Gordon Street. The application was deemed complete by the General Manager of Planning and Building Services on March 27, 2024 and

Council has 90 days from that date to make a decision regarding the proposed demolition.

In a letter to the City of Guelph dated February 6, 2024 (Attachment-2) the property owner's legal agent asserted that:

- The cost to restore the barn is prohibitive and they feel there is no expectation that doing so will ensure its conservation.
- If the Barn were to be maintained in situ, drainage would be directed to the depression surrounding it without having an outlet, which will result in ponding and flooding of the existing barn.
- Removal of the barn and dwelling is necessary to accommodate proposed grading, storm, and sanitary servicing as contemplated by the City's Master Environmental Servicing Plan.
- Both the barn and dwelling impede the CMSP's ability to meet the planned function and densities assigned to the subject lands and would hinder the ability of the CMSP to meet its intended density targets.
- A balanced approach would require the removal/relocation of the barn and dwelling.
- Relocation of the dwelling, and partial relocation of the barn with commemoration, are the preferred alternatives.

Staff do not concur with the positions above. The cost of restoration has only risen because of the owner's neglect to address it at an earlier stage even in the face of Property Standards Orders. No application for development of the site has yet been submitted, and the Clair-Maltby Secondary Plan as approved by the Ontario Land Tribunal requires that development

[m]inimize changes to the *hummocky topography* of the *Paris Galt Moraine* through the design of new *development* and infrastructure to preserve the aesthetic and geologic uniqueness of Clair-Maltby.

The Kidd barn design as a bank barn is integrated with the slope of the hummocky topography to create access to the main floor and lower floor. The objectives Principle 3 (11.3.1.2) of Official Plan Amendment 79 for the Clair-Maltby Secondary Plan includes the following: Promote forward-thinking and innovative design that integrates new development into the hummocky topography of the Paris Galt Moraine, while conserving significant cultural heritage resources.

Future Guelph Theme

City Building: Grow and care for our community spaces and places

Financial Implications

Any costs which may be associated with the designation bylaw and the intention to demolish being appealed to the Ontario Land Tribunal are already implicated by previous directions from Council. There is no net impact from maintaining that direction in the face of the demolition application as staff recommends in this case.

Report

A property may be designated under section 29, Part IV of the Ontario Heritage Act if it meets two or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 (as amended by O. Reg. 569/22).

The heritage attributes of the Kidd barn and Blair farmhouse at 2187 Gordon Street meet six of the nine criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06 under the Ontario Heritage Act and therefore the property merits individual heritage designation under section 29 of Part IV of the Ontario Heritage Act.

Designation enabled Council to review proposed alterations for the property, enforce heritage property standards and maintenance and refuse demolition. The security and deteriorating condition of the James Kidd barn have been major concerns of the City since June of 2021. The owner has also known about the City's intentions to pursue designation and has been issued three orders to attend to the deteriorating condition of the barn since 2021.

Following the collapse of the north wall of the stone slot barn, staff brought a recommendation to Council on October 17, 2023, which resulted in a notice of intention to designate 2187 Gordon Street being published on October 26, 2023. According to section 30 (2) of Part IV of the Ontario Heritage Act, once Council published its intention to designate 2187 Gordon Street on October 26, 2023, the property is thereafter considered as though the designation process were complete and the property had been designated under section 29.

An objection to the intention to designate was received by the City Clerk on November 24, 2023, from Jennifer Meader of Turkstra Mazza Associates on behalf of the property owner (2575950 Ontario Ltd.). At their meeting of February 13, 2024, Council moved unanimously to continue to protect the Kidd barn and Blair farmhouse at 2187 Gordon Street by passing heritage designation By-law (2024)-20901. On March 18, 2024, the property owner (2575950 Ontario Limited) appealed the passing of the by-law and the matter is currently before the Ontario Land Tribunal.

According to section 30 (2) of Part IV of the Ontario Heritage Act, once Council published its intention to designate 2187 Gordon Street on October 26, 2023, the property is thereafter considered as though the designation process were complete and the property had been designated under section 29.

On March 18, 2024, a revised application was received from the property owner (2575950 Ontario Limited) indicating their intention to demolish all buildings on the property known as 2187 Gordon Street. The application was deemed complete by the General Manager of Planning and Building Services on March 27, 2024, and Council has 90 days from that date to make a decision regarding the proposed demolition.

The Cultural Heritage Resource Assessment Existing Conditions Report (ASI: Dec 2016, revised June 2017) for the CMSP identified 2187 Gordon Street as containing the barn and farmhouse as built heritage resources. The 2017 report recommended these two buildings as strong candidates for conservation and integration into future land uses in the secondary plan area and that heritage designation should be considered as part of mitigation and/or alternative development approaches to reduce the potential for adverse impacts.

The property owner is of the opinion that it is not feasible to retain the Kidd barn and Blair farmhouse *in situ*.

The Clair-Maltby Secondary Plan includes policies for Cultural Heritage (11.3.4.1) that set out that "Future development shall conserve identified built heritage resources or cultural heritage landscapes as they contribute to an understanding of the agricultural history of this area of the city. Through the implementation of this Secondary Plan, it is the intent to evaluate, manage and conserve the existing cultural heritage resources that provide a link to the agricultural past of the area."

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Consultations and Engagement

At the time of this report's writing, it is staff's intention that at the upcoming May 6, 2024 meeting the Heritage Guelph Committee will be informed of Heritage Planning staff's intention to recommend to Council that the application of intention to demolish the cultural heritage resources at 2187 Gordon Street be refused.

Attachments

Attachment-1 Property and Building Location

Attachment-2 Letter to City of Guelph re Application to Demolish (February 6, 2024)

Departmental Approval

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