

**Attachment-2 Notice of Objection to Designation -
919 York Rd (January 20 2022)**



January 20, 2022

Delivered by Registered Mail & Email

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
ATTN: Stephen O'Brien, Clerk

Dear Mr. O'Brien

**Re: Notice of Objection – *Ontario Heritage Act*, R.S.O. 1990, c. O.18, ss.29(5);
895 and 919 York Rd., Guelph;
Notice of Intention to Designate dated December 23, 2021
Our Client: Brodie Limited (file: 52021-010)**

SmithValeriotte Law Firm LLP ("SV Law") acts for Brodie Limited, the owner of the property known municipally as 895 and 919 York Road. This letter serves as a formal Notice of Objection under subsection 29(5) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (the "OHA").

Our client strenuously opposes designation of the Matthews farmhouse at the property known municipally as 895 and 919 York Road (but referred to simply as 919 York Road in the Notice of Intention to Designate dated Dec. 23, 2021).

By way of background, in 1975 the Royal Canadian Legion Branch 234 (Guelph) purchased 919 & 895 York Road. At this time the Matthews farmhouse was rented by the Bruce Hare family. In 1977 the new Legion building was completed, and the Legion moved in. Shortly thereafter, the Hare family moved out of the Matthews farmhouse. The intentions of the Legion were to bring the Matthews farmhouse up to standards and to rent it out for extra income. However, when inspecting the house, it was in such bad shape, and needed so much work (which the Legion couldn't afford to address) that it was instead used for storage.

In 2011 the Legion at 919 York Road and the Matthews house was purchased by Brodie Ltd. When inspecting the Matthews farmhouse, the conditions were so bad, the only solution was to apply for a demolition permit. Enclosed are interior pictures taken in January 2022 of a house that had been deteriorating for 34 years before Brodie Ltd purchased it.

Reply to Guelph Office:

MAILING ADDRESS

P.O. Box 1240, Guelph, ON N1H 6N6

ADDRESS

105 Silvercreek Pkwy. N., Suite 100, Guelph, ON N1H 6S4

T 519 837 2100 TF 800 746 0685 F 519 837 1617

Reply to Fergus/Elora Office:

MAILING ADDRESS

P.O. Box 128, Fergus, ON N1M 2W7

ADDRESS

294 East Mill Street, Unit 108, Elora, ON N0B 1S0

T 519 843 1960 F 519 843 6888

As previously noted in our correspondence to Council of December 10, 2021, the former farmhouse itself has never been occupied during our client's ownership and the interior of the property is inhabitable, with no kitchen or washrooms and with significant structural safety issues. Because of the parkland zoning on the property, occupation as a single detached dwelling is precluded. Under the P.1-1 zoning, the house can only be used for a 'clubhouse' which, practically speaking is an impossibility given modern requirements for parking, accessibility, and other requirements of an assembly occupancy under the *Building Code*. The proposed comprehensive zoning by-law update proposes to further downzone this property to a 'natural heritage' zone, removing even the ability to use the property as a clubhouse.

The property in its current state represents a significant and ongoing safety hazard. Enclosed with this letter, please see correspondence from Philip Ruhlman, who is an architect retained by Brodie Ltd. to assess the feasibility of restoring the farmhouse for any use. His conclusions are that the cost to make the building structurally safe far exceed the value. Where public safety is concerned, such issues are paramount.

While it is easy to characterize this as 'demolition by neglect', the property was in a state of disrepair and unsuitable for occupancy long before my client purchased the broader land holdings that include 919 and 895 York Road. Proceeding with designation of the farmhouse will not save it, and there is a pressing public safety interest in having it demolished.

Council will recall that it recently made a decision to allow the demolition of another listed property at 797 Victoria Rd. North. The main difference between 797 Victoria Rd. North and 895/919 York Road is that the property on Victoria had, until only a few years ago, been tenanted. The GRCA stopped leasing out that building for residential tenancy purposes, and it fell into disrepair and became a target for vandals. The Matthews farmhouse, on the other hand, doesn't have the option of being used for *any* practical purpose. Restoring the property with no viable after-use is not a fair ask of a private owner (especially one that acquired an already beyond-repair structure) and sends the message that public sector owners such as the GRCA are held to a lesser standard. We implore you to abandon the proposed designation of the Matthews farmhouse, so that the demolition of this building can occur in accordance with the Property Standards Order.

Insofar as the stone gate and stone shed are concerned, public safety issues do not exist, and my client is not opposed to designation.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP
PER:



Kevin M. Thompson, B.Sc. (Hons.), J.D.
KMT\pp

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PHILIP RUHLMAN
ARCHITECTURAL DESIGN

82 Piper St.

Ayr, Ontario. N0B 1E0 Ph: 519-223-7042

Jan. 17, 2022

Re: 919 York Road – Guelph, Ontario

I have been retained by Brodie Limited to comment on the stone house (Matthews house) located at the above address.

I have been in the construction industry for 49 years since graduating from Conestoga College in 1973. Since graduating, I have been in the architectural design business, designing houses and small commercial buildings, and have been involved in the renovation and restoration of numerous heritage buildings in the area. I served on the LACAC in Kitchener for 2 years as well as local conservation committees.

Upon inspection of the Matthews house, I would like to make the following comments;

1/ The house was last inhabited in 1978, 44 years ago, and was not maintained by the previous owners until being purchased by Brodie Limited in approximately 2012, by which time the house was beyond repair. Upgrading costs would be far beyond its value, and at the end could not be used for any practical purposes.

3/ Upon inspection, I observed that the structure was way beyond repair. Extensive rot and mildew of all the interior and roof structure. The house has been inhabited by wildlife. The remains of the original lead paint is evident.

3/ Entering the house would not be advised without the proper environmental safety equipment. The floors and stairs are so far gone that collapse would be of great concern.

4/ The cost to bring the structure to code would far exceed the value, and at the end would have no legal use.

I believe that the building should be demolished as it poses a safety hazard not unlike the Preston Springs Hotel in Cambridge, and the Mayfair Hotel in Kitchener. The interior and roof system must be completely removed and replaced, and would likely fall apart during the renovation.



Philip Ruhlman