



The property owner contacted Planning staff to determine whether it would be possible to demolish the existing barn on the property. Planning staff completed a review of the Town's records with respect to the property and determined that the property is contemplated for inclusion on the Municipal Register of Heritage Properties which is currently in progress with a preliminary rating as an A property (high heritage value).

According to Municipal Property Assessment Corporation records, the property contains three structures: a dwelling and shed constructed in approximately 1820 and a barn constructed in approximately 1904. Historical research indicates that the property was used as an inn operated by John Buckbee between 1834 and 1868 where it served as a resting point for travelers between Brantford and Niagara-on-the-Lake on the Indian Trail. The inn was also a post office and a business centre for tea smuggling. Records also indicate that there was a cooper's and weaver's shop behind the inn during this time. The full statement cultural and historical significance is available in Appendix A.

Planning staff attended the site to take photographs of the barn (Figures 2-6).

Figure 2: Barn Photo - Front



Figure 3: Barn Photo East Side and Rear View



Figure 4: Barn West Side and Rear View



Figure 5: Interior Wood Rot at Concrete Floor



Figure 6: Interior Support Beam Rot



The property owner is requesting permission to remove the barn due to rot that is occurring in the corners of the support beams and also along the floor. A previous owner poured a concrete floor in most of the structure, encasing the wooden framing within the concrete which has resulted in decay and rot with few options for repair.

Analysis:

Ontario Heritage Act

Section 27- Register

Section 27 of the Ontario Heritage Act permits a register to be compiled of property within the municipality that is of cultural heritage value or interest. The register, which is kept by the Clerk, contains all properties that have been designated (under Section 29) or listed (under Section 27 Subsection 3).

With respect to each property, the register contains: a legal description of the property; the name and address of the owner; and, a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property.

Once a property has been placed on the register as a listed (not designated) property, the owner cannot demolish or remove or permit the demolition or removal of the building or structure unless the owner gives Council at least 60 days' notice, in writing, of the owner's intention.

The purpose is to provide Council the opportunity to consider if the property should be designated—if Council decides the property is worthy of designation the designation process, outlined in Section 29, would occur and the demolition or removal of the building or structure would be halted.

If the property is not designated, the 60 days also affords the time and opportunity to record through a photographic record any attributes of the building prior to demolition. For Council's information, there are no other restrictions on listed properties other than the 60 days' notice to be provided to Council requesting permission to demolish or remove a listed building or structure. If Council approves the request to demolish or remove a listed building or structure, the property could be removed from the register, a demolition permit may be applied for by the owner, and the Building department has up to 10 days to issue a demolition permit once received.

It is noted that Planning staff are working on a register of non-designated properties, however it is not complete. Once the work is complete, Planning staff will provide notice to property owners and seek their input with regards to if they would like the property to be on a register of non-designated properties and also to confirm the information as it relates to the statement of cultural and historical significance. After that, the full list of non-designated properties will come to Council for endorsement.

For Council's information, a by-law to designate a property does not prohibit its demolition. Section 34 of the Act permits the owner to apply to Council to receive consent in writing to the demolition or removal of structures. This allows Council, on behalf of the public, to consider the merits of demolition or removal of structures with regard to health and safety and the cultural heritage value of the property. If Council agrees to the demolition or removal of structures, under Section 34.4.2, Council shall pass a bylaw to repeal the whole or part of the by-law that designated the property under Section 29.

Staff Comments

The barn structure was constructed in the early 1900s, long after the property's noteworthy history as an inn, post office, business center for tea smuggling and associated weaver's and cooper's shops. Further, removal of the barn structure will not detract from the heritage value of the rest of the property. Staff are of the opinion that the barn structure does not meet the prescribed criteria in Section 29 of the *Ontario Heritage Act* for designation and it is experiencing significant rot and decay while unfortunate, is difficult to repair due to the past encasement of the concrete floor within the structure.

The dwelling and shed structures are in very good condition and would meet the prescribed criteria in Section 29 of the *Ontario Heritage Act* for designation. Staff recommend that the property be included on the register of non-designated properties of cultural heritage value or interest. Further, staff have discussed the designation process with the property owner and they have indicated that they may consider making a request for designation as a property of cultural heritage value or interest in future.

Financial Considerations:

There are no financial impacts associated with the recommendations of the report. The property owner is responsible for all costs associated with the demolition of the barn

Alternatives Reviewed:

N/A.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Protecting properties of cultural and heritage significance is an important part of maintaining and building a strong community identity with valued cultural assets.

Consultation:

Planning staff discussed the recommendation of the report with the property owner.

Other Pertinent Reports/Attachments:

Appendix A Statement of Culture and Historical Significance

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer