

# Closed Staff Report



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To	<b>City Council (Closed Meeting)</b>
Service Area	Corporate Services
Date	Monday, September 27, 2021
Subject	<b>797 Victoria Road North</b>

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## Recommendation

That City Council rise, report and introduce the following motion as a special resolution at its September 27, 2021 meeting:

1. That the property municipally known as 797 Victoria Road North be removed from the Municipal Register of Cultural Heritage Properties as outlined in closed report 2021-286, dated September 27, 2021.
  2. That the demolition of the stone farmhouse at 797 Victoria Road North, in accordance with the Order made under Section 21 of the Fire Protection and Prevention Act, 1997 and as outlined in closed report 2021-286, dated September 27, 2021, be approved with the following conditions:
    - a. That the stone farmhouse be recorded by a qualified heritage consultant before and during the careful dismantling of the building using high quality digital photography and text description in order to better understand the evolution of the building and the materials and methods used to construct the house;
    - b. That the stone farmhouse be dismantled carefully with the intention to salvage all granite and limestone from the exterior walls with minimal damage to the materials;
    - c. That the salvaged stone be delivered by the owner's contractor to the City of Guelph's stone storage location at the owner's expense;
    - d. That the contractor responsible for the careful dismantling make all reasonable efforts to salvage any extant wooden doors, interior wood trim, wooden window sashes (including any associated early hardware) as well as any large wooden framing timbers for possible appropriate reuse by the owner or for purchase by others; and
    - e. That the owner is encouraged to present (in text and photos) the history of the Shortreed farmstead through interpretive materials planned for the Guelph Lake Conservation Area.
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# Executive Summary

## Purpose of Report

The report provides City Council with information about an Order made under Section 21 of the Fire Protection and Prevention Act, 1997 that was issued for the demolition of the detached house located at 797 Victoria Road North and seeks City Council approval to remove the property from the Municipal Register of Cultural Heritage Properties to allow for a demolition permit to be issued for compliance with the Order. [**NOTE:** Sentence removed in accordance with the Motion passed by City Council on October 6, 2021.]

## Key Findings

Fire Services issued an Order under Section 21(1)(a) of the Fire Protection and Prevention Act, 1997 in relation to the property municipally known as 797 Victoria Road North, which is owned by the Grand River Conservation Authority, for the demolition of the stone farmhouse situated on the property. The compliance date for this Order is October 4, 2021.

797 Victoria Road North is listed as a built heritage resource on the City of Guelph's Municipal Register of Cultural Heritage Properties.

The demolition control bylaw and the Ontario Heritage Act provisions apply to the property municipally known as 797 Victoria Road North. City Council is the approval authority for demolition permit applications for properties listed on the Municipal Register of Cultural Heritage Properties.

Under applicable law, upon notice to City Council that a party intends to demolish a listed (non-designated) built heritage resource, City Council has a period of 60 days to consider whether to consent to the demolition or to move to protect the property by delivering a notice of intention to designate the property under Section 29, Part IV of the Ontario Heritage Act. If the notice of intention is not issued within that 60-day period, City Council would be deemed to have consented to the proposed demolition and the owner can require the Chief Building Official to deliver a demolition permit.

A property may be designated under Section 29, Part IV of the Ontario Heritage Act if it meets one or more of the criteria used to determine cultural heritage value or interest as set out in Ontario Regulation 9/06. The farmhouse at 797 Victoria Road North meets the criteria for designation. Heritage Guelph previously expressed interest in pursuing designation of this property.

[**NOTE:** Paragraph removed in accordance with the Motion passed by City Council on October 6, 2021.]

The property owner has exhausted all measures to secure the property and, despite their efforts, trespass, break-ins and suspicious activity continues, which presents a serious life safety risk to private security personnel, any person or people unauthorized to be in the building, and Fire Services.

Demolition of the farmhouse on site is recommended in accordance with the Order issued by Fire Services.

## **Financial Implications**

The demolition costs are the responsibility of the property owner. Costs associated with transporting salvaged materials to a City storage facility are the responsibility of the property owner.

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## **Report**

The legal owner of the property is the Grand River Conservation Authority (GRCA). The property was acquired by the GRCA as part of the Guelph Lake and Dam acquisition.

The subject property is located on the east side of Victoria Road at the city's northern boundary. The property contains a two-storey single detached house of wood frame construction with a stone façade. The house is set back approximately 300 metres from Victoria Road North. It is situated on approximately 230 acres of land. The house is surrounded by brush and trees and is not visible from the roadway. There is no electrical service or other utilities present within this structure at this time. Two outbuildings on the property were destroyed by fire. The large barn on the property was destroyed on May 30, 2021 and a shed/barn style building in proximity to the house was destroyed on July 18, 2021. The agricultural fields are currently leased and farmed. A hiking trail and off-road bike trail are also situated on this GRCA property.

In March 2017, City Council delegated approval authority for residential demolition permits to the General Manager of Planning and Building Services, provided the building is not listed (non-designated) on the Municipal Register of Cultural Heritage Properties or designated under Part IV or V of the Ontario Heritage Act. In this case, because the property is listed, City Council is the approval authority.

## **Fire Order**

Fire inspectors have attended the property in response to complaints received about people accessing the vacant buildings. Inspections occurred following the large barn fire and prior to the fire that destroyed the shed/barn building. Of the remaining structure (farmhouse), the inspector observed evidence of unauthorized entry, burn patterns in the carpet, burnt rags and a gas can. An Order was issued to secure the property and the GRCA complied in short order.

Several meetings occurred between the Guelph Fire Department and the owner to discuss ongoing concerns about this property. It was determined during these meetings that the owner was aware that these structures were being entered, and that due diligence by the owner was being achieved by patrolling the property multiple times per week and securing the buildings against unauthorized entry where breaches were discovered in building openings.

As a result of a second fire occurrence at this property on July 18, 2021, at the shed/barn style building, the Guelph Fire Department conducted a fire and origin and cause determination. It was discovered that an opening on the north side of the vacant farmhouse had been breached along with charred wooden debris on the ground directly below this opening. Thus, regardless of reasonable due diligence by the owner, any securing of the building was being continually breached; this time with evidence of a fire that was incendiary in nature. With two separate fires in two

of the three buildings within a short period of time, there are concerns that a third fire may occur in the remaining building (farmhouse) described above. If a fire were to occur in the remaining vacant building situated on this property, the following fire and life safety concerns would manifest:

- The fire may cause undue harm to the natural environment and may spread to surrounding trees, brush and vegetation, trailing unpredictably through the surrounding dense boscage, posing a potential threat to persons who hike the nearby trails frequently.
- Due to evidence suggestive of persons entering this building, regardless of the openings being secured with wooden boards and metal screens, and if a fire were to occur while persons are in this building, the number of exit facilities would be limited to a point of not permitting occupants to move to a safe place in a timely manner, thus seriously jeopardizing the life safety of occupants.
- If a fire were to occur in this building while occupants are present within the building, early warning detection devices such as smoke alarms are not present and, therefore, notification of persons in a timely manner of the need to take action and evacuate to a safe place would not occur, thus seriously jeopardizing the life safety of occupants.
- Due to the building's remote location, if a fire were to occur in this building, discovery of the fire and early notification to the Fire Department would be delayed, thus causing rapid fire spread and full building involvement of fire by the time fire crews arrive. This would then make fire suppression and rescue efforts very difficult and dangerous, thus jeopardizing the lives of firefighters and any persons therein should entry be warranted to rescue trapped occupants.
- Due to the fact that all of the openings in this building have been secured with wooden boards and metal screens, if a fire were to occur in this building and firefighters need to make entry to perform rescue operations, the number of exit facilities would be limited to a point of not permitting them to move to a safe place in a timely manner, thus seriously jeopardizing their life safety.

As a result of the investigation and the considerations noted above, Fire Services have ordered the removal of the farmhouse from the property. The date for compliance with the Order is October 4, 2021.

[**NOTE:** Section removed in accordance with the Motion passed by City Council on October 6, 2021.]

## **Cultural Heritage Considerations**

### **Summary of Cultural Heritage Value**

The stone farmhouse located on the property municipally known as 797 Victoria Road North is listed as non-designated on the Municipal Register of Cultural Heritage under Section 27 of the Ontario Heritage Act. It has been described in the

heritage register as a Neo-Classic vernacular, two-storey sidehill building with a hip roof. The heritage register record includes the following elements, which were later additions and not part of the original dwelling: end chimneys; one-storey board and batten east wing; and a cellar built into the hillside with a vaulted brick ceiling. Note: The rubble stone cellar walls may have been part of a previous kitchen tail. The type of red brick used in the vaulted ceiling is from the mid-20<sup>th</sup> Century.

### **Determining Cultural Heritage Value**

The stone farmhouse building at 797 Victoria Road North satisfies all three of the criteria used to determine cultural heritage value as per Ontario Regulation 9/06 made under the Ontario Heritage Act. A property may be designated under Section 29 of that Act if it meets one or more of the criteria used to determine cultural heritage value or interest.

The stone farmhouse at 797 Victoria Road North has design value or physical value because it is a representative and early example of a material or construction method. The farmhouse was constructed before 1861 using granite and limestone walls, large stone quoins and on a log timber substructure. The farmhouse was built into the hillside with a door to the rear on the second floor.

The property has historical value or associative value because it has direct associations with a theme and person that is significant to a community. The farmhouse is linked to the theme of mid-19<sup>th</sup> Century European pioneer settlement within this area of Guelph Township with Thomas Shortreed and family establishing their farmstead in 1840. George Shortreed became a community figure who was active on Wellington County Council in the 1850-60s.

The Shortreed farmhouse has contextual value, given that its presence is important in supporting the rural character and farming history of the area. This well-constructed fieldstone dwelling has survived as a testament to the prosperity and rural domestic architectural history of the area.

Based on the foregoing, Heritage Planning staff would recommend that City Council protect the original, hip roof stone farmhouse building at 797 Victoria Road North by publishing a notice of intention to designate under Section 29, Part IV of the Ontario Heritage Act.

The Grand River Conservation Authority is preparing a scoped Built Heritage Resource Report of the Shortreed-Fontinato farmhouse at 797 Victoria Road North including the following information:

- Identification of the significance of the subject cultural heritage resource, including the completion of a detailed occupational and/or site biography using land title abstracts and census information.
- Documentation of the cultural heritage resource by way of high quality digital photographs of the context and setting of the cultural heritage resource, including all interior spaces that could be considered to contain heritage attributes (e.g., the vaulted brick cellar beneath the porch behind the house; any extant original interior architectural elements such as plaster work, stairways, fireplaces, wood trim, baseboards, doors and window sashes).

## **Recommendation**

While the property meets the criteria for designation and City Planning staff would recommend that the farmhouse be protected by an individual designation under Part IV of the Ontario Heritage Act, the risk to life safety takes precedence in staff's recommendation to City Council.

It is recommended that City Council rise, report and introduce a motion in open session to remove the property from the Municipal Register of Cultural Heritage Properties and approve the demolition of the stone farmhouse in order for the Fire Order to be complied with. It is further recommended that the following conditions be imposed:

1. That the stone farmhouse be recorded by a qualified heritage consultant before and during the careful dismantling of the building using high quality digital photography and text description in order to better understand the evolution of the building and the materials and methods used to construct the house;
2. That the stone farmhouse be dismantled carefully with the intention to salvage all granite and limestone from the exterior walls with minimal damage to the materials;
3. That the salvaged stone be delivered by the owner's contractor to the City of Guelph's stone storage location at the owner's expense;
4. That the contractor responsible for the careful dismantling make all reasonable efforts to salvage any extant wooden doors, interior wood trim, wooden window sashes (including any associated early hardware) as well as any large wooden framing timbers for possible appropriate reuse by the owner or for purchase by others; and
5. That the owner is encouraged to present (in text and photos) the history of the Shortreed farmstead through interpretive materials planned for the Guelph Lake Conservation Area.

The property owner has undertaken appropriate measures including securing the property from unauthorized access through the boarding up of windows and doors with wooden boards and metal screens as well as employing security personnel. Unfortunately, the undesirable activity on the property continues despite these measures. The house is not visible from the roadway and its setting does not afford casual views to deter undesirable activity. The property has been decommissioned for residential use and a residential tenancy program is no longer under the purview of the conservation authority. The GRCA would require provincial approval, as well as an Official Plan and Zoning Bylaw Amendment, to sever and sell the house, which is a multi-year process. The construction of the house with the rear wall built into the hillside does not allow for it to be moved off its foundation to a different site. The GRCA has no current or future use for the house. As such, the property will remain vulnerable to fire risks as long as it is retained in a vacant state.

## **Financial Implications**

The demolition costs are the responsibility of the property owner. Costs associated with transporting salvaged materials to a City storage facility are the responsibility of the property owner.

## **Consultations**

The property owner has been consulted by Fire Services and Planning Services.

The General Manager of Planning and Building Services will inform Heritage Guelph about the circumstances and decisions made with respect to 797 Victoria Road North. The documentation provided by the property owner will be shared with the committee.

## **Strategic Plan Alignment**

Priority: Building our Future

Direction: Continue to build strong, vibrant, safe and healthy communities that foster resilience in the people who live here.

Alignment: The implementation of the Fire Services Order maintains community safety. The documentation of cultural heritage resources is aligned with building and maintaining vibrant and resilient communities by providing a means for residents to appreciate the rural, agricultural heritage of the city.

## **Attachments**

Attachment 1 - 797 Victoria Road North Site Photographs

## **Departmental Approval**

Christopher C. Cooper, General Manager, Legal, Realty and Court Services/City Solicitor

Dave Elloway, General Manager, Fire Services/Fire Chief

Krista Walkey, MCIP, RPP, General Manager, Planning and Building Services

## **Report Author**

Jeff Aitkens, Deputy City Solicitor

Tony Sabatini, Chief Fire Prevention Officer

Melissa Aldunate, MCIP, RPP, Manager, Policy Planning and Urban Design

## **This report was approved by:**

Christopher C. Cooper

General Manager, Legal, Realty and Court Services/City Solicitor

Corporate Services

519-822-1260 extension 2288

christopher.cooper@guelph.ca

**This report was recommended by:**

Trevor Lee

Deputy Chief Administrative Officer

Corporate Services

519-822-1260 extension 2281

trevor.lee@guelph.ca