

Oakville HERITAGE

North Oakville *Heritage Resources Review and Strategy*



Photo source: Trafalgar Township Historical Society and Town of Oakville files

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TABLE OF CONTENTS

Executive Summary	5
1.0 Introduction	7
1.1 Background Reference Material	8
1.2 Boundary of Study Area	15
1.3 Objectives of the Study	16
2.0 North Oakville History	17
2.1 Pre-Colonial Period and European Settlement	17
2.2 Development of Roads	19
2.3 Development of Hamlets and Villages	21
2.4 Twentieth Century Changes	23
2.5 North Oakville Today	24
3.0 Identification of Cultural Heritage Resources	25
4.0 General Conservation Strategies	29
5.0 Heritage Inspections and Enforcement	43
6.0 Conclusions and Recommendations	45
 Appendices	
Appendix A – Property Inventory Sheets	
Appendix B – Examples of Conserved Rural Heritage Resources	
Appendix C – Lost Built Heritage in North Oakville	
Appendix D – Excerpts from the Town of Oakville Official Plan (2006)	
Appendix E – Parkway Belt Area	
Appendix F – Property Standards By-law 2007-100	
Appendix G – Letter to Owners of Designated Properties in North Oakville Regarding Property Standards	

Executive Summary

The North Oakville Heritage Resources Review and Strategy was initiated by Heritage Planning staff in the fall of 2008 for the area north of Dundas Street and south of Highway 407. The purpose of the study is to provide an overview of the existing cultural heritage resources remaining in north Oakville and a strategy for protecting and managing these resources for the future.

The area of north Oakville includes over 7,000 acres of land and is currently a mostly rural landscape. However, over the next decades it will be transformed into a dense urban area with residential, commercial and employment developments, intersected by a natural heritage and open space system. The planned vision for north Oakville is a compact, pedestrian-oriented urban community which supports smart growth and social diversity, while reflecting the distinct historical roots and small-town heritage of Oakville and Trafalgar Township.

This study documents the remaining heritage resources within north Oakville, as well as the general history of the area. The findings of this research show that despite numerous changes within north Oakville in recent decades, the area still contains a number of heritage resources. These elements continue to define the historically rural landscape, planned and developed by pioneer settlers who used the land for mostly agricultural purposes for the past two centuries.

In addition to documenting these cultural heritage resources, staff has developed strategies and guidelines for their long-term conservation. These strategies are in accordance with and reflect the heritage conservation policies outlined in the North Oakville Secondary Plans.

At the present time, there are a total of 53 properties which have been identified by staff as being of heritage value or interest. These include 10 properties which are designated under Part IV of the *Ontario Heritage Act* and 43 properties which are listed on the Oakville Register of Properties of Cultural Heritage Value or Interest (not designated).

1.0 Introduction

The purpose of this study is to provide an overview of the existing heritage resources remaining in north Oakville and a strategy for these resources for the future. The objectives of this study are outlined below in Section 1.3.

This document includes a background on the history of north Oakville, from the pre-Colonial period to today, in Section 2.0. Section 3.0 outlines the heritage resources which have been identified in north Oakville. General strategies for the recognition, conservation and commemoration of the heritage for the whole of north Oakville are outlined in Section 4.0.

Attached as appendices to this study are several documents which expand upon and support this review and strategy document:

Appendix A is a collection of inventory sheets completed for each property in north Oakville which has been identified as containing cultural heritage resources;

Appendix B shows examples of rural heritage resources which have been conserved within new development, in and outside of Oakville. These include farmhouses, barns and agricultural outbuildings and building remnants;

Appendix C includes photographs of several historic structures in north Oakville which have been demolished. This provides a record of these structures and underlines the importance of conserving the remaining heritage resources in the area;

Appendix D includes excerpts related to heritage conservation from the Town of Oakville Official Plan (2006); and,

Appendix E is an overview of the Parkway Belt Area located north of Highway 407. This area is outside of the study's boundaries, but preliminary research has been completed for properties identified in this area as being of heritage significance. An additional study regarding the heritage resources in this area may be completed at a later date;

Appendix F is the Property Standards By-law 2007-100; and

Appendix G is a letter that was sent out by Heritage Planning staff to owners of designated heritage properties in north Oakville regarding property standards and how they relate to designated properties.

1.1 Background Reference Material

As part of this north Oakville study, staff reviewed existing policies which affect the properties identified in north Oakville. These include the Secondary Plans for North Oakville East and West, the Town of Oakville Official Plan (2006), and various guidelines and studies which affect the conservation of heritage properties in general. The Secondary Plans, however, have been the principal policy documents consulted in the establishment of the heritage conservation strategies outlined in this study.

North Oakville East Secondary Plan

The purpose of the North Oakville East Secondary Plan was to establish a detailed planning framework for the future urban development of the North Oakville East Planning Area. The Planning Area is comprised of the Glenorchy and Joshua's Meadows residential communities/employment districts and approximately 53 hectares of the Sixteen Hollow residential community/employment district.

The lands which are subject to the policies of the North Oakville East Secondary Plan are bounded by:

- a) North: Highway 407 and the Town boundary;
- b) East: Ninth Line (Regional Road 13);
- c) South: Dundas Street (Regional Road 5); and,
- d) West: Generally the centre line of Sixteen Mile

This Plan was reviewed in the preparation of the subject study to determine future use and other planning initiatives for properties which contain cultural heritage resources.

The North Oakville East Secondary Plan provides the following guidelines in regards to cultural heritage resources and archaeology:

7.2.3.7 Cultural Heritage

- a) To encourage, where appropriate and feasible, the incorporation of cultural heritage resources, including their adaptive reuse, as part of the development of North Oakville East.

7.4.14 CULTURAL HERITAGE RESOURCES

The protection of cultural heritage resources is governed by the requirements of the *Ontario Heritage Act*, as amended. The following policies, in conjunction with the requirements of the *Ontario Heritage Act*, provide the framework for the protection of cultural heritage resources in North Oakville East.

7.4.14.1 Designation of Cultural Heritage Resources

a) The *Ontario Heritage Act* permits the Town to prohibit the demolition or removal of property designated under the Act or to attach terms and conditions to the approval of demolition, subject to an appeal to the Ontario Municipal Board.

Absent a heritage easement agreement, the designation of a property provides the maximum degree of protection to the cultural heritage resource.

b) In addition to properties which are already designated (See Appendix 7.1), the Town may consider the designation of additional properties and heritage conservation districts pursuant to the provisions of the *Ontario Heritage Act* subject to an assessment based on the criteria prescribed by Provincial regulation. Properties which may be considered for designation are listed in the Town's register of heritage properties.

7.4.14.2 Register of Heritage Resources

The Town shall maintain a register of cultural heritage resources in accordance with the requirements of the *Ontario Heritage Act*.

7.4.14.3 Integration of Heritage Resources

a) In evaluating development applications, the Town shall:

- i) encourage the use or adaptive reuse of cultural heritage resources, or key components of such resources, whenever possible as part of the new development in situ, or on an alternate site; or,
- ii) where resources which are not designated, and are not to be conserved, request the documentation of such resources in a cultural heritage report with a detailed property history, architectural description and photographic recording.

b) The Town may also take additional steps to recognize the heritage of North Oakville East including:

- i) the use of interpretative plaques and displays;
- ii) integration of historic landscape features into public parkland or other public facilities where feasible and appropriate;
- iii) commemorating historic persons, families and events in the naming of public buildings, streets, parks and other public places; and,
- iv) provision of incentives to encourage the retention of cultural heritage resources such as the establishment of an area of publicly owned land for their relocation.

c) In addition to the other provisions of this section, the Town shall protect existing Burnhamthorpe Road as a character road in accordance with the policies of this Plan.

d) In accordance with the policies of Section 7.4.14.3 a) i), the existing art school use and expansions to that use, and an art gallery and other similar uses are permitted in the designated heritage buildings and expansions to those buildings or additional buildings approved by the Town in accordance with the provisions of the Heritage Act and the Planning Act at 1086 Burnhamthorpe Road East in the East Half of the North Half of Part of Lot 10, Concession I (NDS).

7.4.15 ARCHAEOLOGICAL RESOURCES

The Town shall determine the potential for impacts to archaeological resources from any new development based on the Stage 1 Archaeological Assessment of North Oakville Secondary Plan, East of Sixteen Mile Creek, and the Stage 1 Archaeological Assessment of North Oakville Secondary Plan, West of Sixteen Mile Creek. Where such potential is determined to exist, the proponent shall retain a consultant to carry out a Stage 2 archaeological assessment of the subject property before any grading, preservicing or construction activities begin.

The Stage 2 archaeological assessment will be used to determine areas of archaeological resources. Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted as determined by the archaeological assessment.

North Oakville West Secondary Plan (Council-adopted)

The purpose of the North Oakville West Secondary Plan is to establish a detailed planning framework for the future urban development of the North Oakville West Planning Area. The Planning Area is comprised of the 407 West and Sixteen Hollow industrial districts/employment lands.

The lands which are subject to the policies of the North Oakville West Secondary Plan are bounded by:

- a) North: Highway 407;
- b) East: Generally the centre line of Sixteen Mile Creek, and the westerly limit of Lot 25, Concession 1, N.D.S.;
- c) South: Dundas Street (Regional Road 5); and,

d) West: Tremaine road allowance.

The North Oakville West Secondary Plan provides the same policies regarding cultural heritage resources and archaeology as the North Oakville East Secondary Plan, as outlined above. While the North Oakville West Secondary Plan was adopted by Town of Oakville Council on May 25, 2009, it is currently under appeal.

In addition to the policies outlined in the North Oakville East Secondary Plan, the North Oakville West Secondary Plan also refers to a Special Study Area on the west and east sides of Old Bronte Road north of Dundas Street in the village of Palermo. The Special Study Area designation, described in Section 8.6.4 of the Plan, reflects an area which is intended to develop as a mixed use area that is pedestrian and transit oriented. The area is subject to a special study to address its cultural heritage features and how these features can be integrated with the proposed new development.

This Plan was reviewed in the preparation of the subject study to determine future use and other planning initiatives for properties which contain cultural heritage resources.

Town of Oakville Official Plan

The current Town of Oakville Official Plan, adopted in 2006, includes heritage conservation as part of the Plan's goals and objectives in Part B. Section 8.0 of Section C provides general policies for heritage conservation in the Town, including policies on heritage designation, incorporation and conservation of heritage resources in new development, impact on archaeological resources and incentive programs.

A new Official Plan, called Livable Oakville, was adopted by Town of Oakville Council on June 22, 2009. Although the current Official Plan and Livable Oakville contain policies regarding heritage conservation, they are not directly applicable in North Oakville once the North Oakville Secondary Plans are in force.

Provincial Policy Statement

The Province sets out the following guidance regarding cultural heritage to municipalities in the consideration of development in the Provincial Policy Statement (PPS) (2005) under the Ontario Planning Act:

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and / or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or alteration.

The PPS defines cultural heritage landscape as:

A defined geographical area of heritage significance which has been modified by human activities. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*, and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.

The PPS defines built heritage resources as:

One or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by the local, provincial or federal jurisdictions.

The PPS defines significance as:

In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people.

Cultural Resource Document Reports for Highway 407 West Extension

In 2001, Unterman McPhail Associates (UMA) were retained by SNC-Lavalin Engineers and constructors Inc. to complete Cultural Resource Documentation Reports for properties affected by the Highway 407 West Extension. These reports assessed built heritage and cultural landscapes associated with the construction of the highway. These documents were assessed in the preparation of the subject study on north Oakville.

Cultural Heritage Resource Assessment Report Built Heritage Features and Cultural Heritage Landscapes for North Oakville East Secondary Plan

In 2003, Unterman McPhail Associates (UMA) undertook a cultural heritage resource assessment of the North Oakville East Secondary Plan study area bounded by Dundas Street East to the south, the Sixteen Mile Creek to the west, Ninth Line to the east and south of Hwy 407 to the north. The findings of the heritage resource assessment are contained in the report titled "Draft for Review and Discussion - Cultural Heritage Resource Assessment Report Built Heritage Features & Cultural Heritage Landscapes," prepared by UMA, dated September 2003.

The report findings are based on a research framework which includes a windshield survey of the area, heritage planning and legislative framework and 19th and early 20th century Euro-Canadian settlement history. A draft list of 48 heritage features was grouped under Cultural Landscape Units (CLU) and Built Heritage Units (BHU) (refer to Appendix A).

The list of properties compiled by UMA are accompanied by a survey methodology which provides dates, description, photographs and other research findings for properties of heritage interest. The study concludes that the area remains rural in character with heritage resources possessing varying degrees of heritage value, interest and merit. The document notes that built heritage resources such as farmhouses and rural residences can be incorporated for adaptive reuses into new planning initiatives.

This document was reviewed in the preparation of the subject study on north Oakville.

Heritage Significance Assessments

In 2006, Stevens Burgess Architects Ltd. and Heritage Consultant William N. Greer prepared Heritage Significance Assessments for the Town of Oakville Planning Services Department for several properties in the north Oakville area. These documents also assessed for the purposes of preparing the subject study.

Palermo Village: A Heritage Resources Review and Strategy (Draft)

In 2008, the Town's Heritage Planning staff initiated an in-house study of the village of Palermo, located at the intersection of Dundas Street West and Old Bronte Road. This study was endorsed by Council on January 12, 2009. The village area remains a Special Study Area under the North Oakville West Secondary Plan and is subject to a study to address its cultural heritage features the integration of these features within proposed new development.

The purpose of the study was to document and evaluate the heritage character and resources of the village both north and south of Dundas Street and to propose conservation strategies for conserving the heritage of the community both as individual elements and collectively as a cultural heritage landscape. Recommendations made in this study have already been implemented, including the addition of numerous properties onto the Oakville Heritage Register as listed properties, as well as the designation of the Palermo Schoolhouse.

The initial findings of the study have noted that despite significant change over the past fifty years, and in particular the past five years with the expansion and realignment of the Dundas Street West and Regional Road 25 intersection, the village of Palermo retains significance and is worthy of evaluation for special policies governing the protection of heritage resources. Palermo is the oldest urban centre and the last remaining inland settlement within the boundary of present day Town of Oakville.

The properties north of Dundas Street in the village of Palermo that were identified in the Palermo Study have also been identified in this study on north Oakville. However, because a great deal of information on the village and on these individual properties has already been compiled in the Palermo Study, the same extent of information has not been included in the subject study.

1.2 Boundary of Study Area

The study area of the North Oakville Heritage Resources Review and Strategy is bounded by Dundas Street West to the south, Ninth Line to the east, generally Highway 407 to the north and Tremaine Road to the west. A map of this area is shown below:

Fig. 1.1 – Study Area



1.3 Objectives of Study

The Town of Oakville has been a leader in the conservation of cultural heritage resources, notably in the historic downtown along the lake. There is, however, a considerable amount of heritage resources in what is known as north Oakville, north of Dundas Street. Originally part of Trafalgar Township, this is the oldest part of the Town of Oakville in terms of modern settlement as it was the first area in Oakville to be opened up for settlement in the early 19th century. With the planning framework being developed for the future of these former agricultural lands, the Town of Oakville is reviewing the cultural heritage resources which remain in this area.

The principal objectives of this study are:

1. To document the remaining cultural heritage resources in an inventory;
2. To provide a history of the area of north Oakville;
3. To review the cultural heritage significance of each property that contains heritage resources; and,
4. To provide strategies on the conservation, stabilization and protection of heritage structures, communities, as well as the commemoration of the area through signage and street naming.

These objectives correspond to the goals and objectives outlined in the North Oakville Secondary Plans and the Town of Oakville Official Plan, both existing and Livable Oakville, for the conservation, protection and integration of heritage resources in the Town of Oakville.

2.0 NORTH OAKVILLE HISTORY

2.1 Pre-colonial Period and European Settlement

Historical records indicate that the Iroquois Indians occupied the land in Trafalgar Township from at least 1649 until the early 1700s when they left the area. After that time, the Chippewa Indians of the Algonquin Nation settled in the region. The Crown took ownership of the land in September 1806, and proceeded to grant lots to European settlers.¹

The County of Halton, including Trafalgar Township, was surveyed in 1806 by Deputy Provincial Surveyor Samuel S. Wilmot (see Fig. 2.1). Dundas Street was used as a base line, with two concessions laid out to the north of it, and four concessions to the south. This excluded the areas around what is now downtown Oakville and Bronte, which remained Aboriginal settlements until 1820. Therefore much of north Oakville, especially along the main thoroughfare of Dundas Street, was settled earlier than Old Oakville and Bronte.²

Dundas Street was first proposed in 1793 by Lieutenant-Governor John Graves Simcoe as a military link between Lake Ontario, Lake Erie and Lake Huron and to encourage settlement throughout southern Upper Canada and deter invasion from the Americans to the south. The portion of the road through Trafalgar Township was partially cleared by 1800, just before the Wilmot Survey.³

Settlers on these new lots were required to clear half of the road adjacent to their lots, clear and fence five acres of land, and build a house approximately 16 by 20 feet, all within 18 months (six months shorter than the more typical 24 months required in Ontario). After this was accomplished, settlers were able to secure a patent to their land. Most patents were issued between 1807 and 1810, with others issued later in the 1840s and 1850s.⁴

Lots were settled by pioneer families whose names are still prevalent today in Oakville, including Biggar, Bowbeer, Clements, Featherstone, Kaitting, Munn, Post, Fish and Snider.

By the 1820s, stage coach lines were established along Dundas Street, and farms and commercial entities opened up along it. Most of the early farmhouses were log cabins, of which only a handful remain today. After the land was cleared, the principal crop until later in the century was wheat, which was shipped down to Oakville for export.⁵

¹ Trafalgar Township Historical Society records

² *Oakville and the Sixteen: The History of an Ontario Port*

³ *The Governor's Road*

⁴ *Oakville and the Sixteen: The History of an Ontario Port*

⁵ Cultural Heritage Resource Assessment Report, Untermaier McPhail

2.2 Development of Roads

The concession roads and sideroads developed by early surveyors of the Crown form the grid pattern of the former Trafalgar Township. In Oakville, the concession roads run east-west and the side roads run north-south, which is typical in Ontario. However, the roads do not actually conform to these real directions, and are angled to the west by 45 degrees.

Each of these routes has played a significant role in the historical development of north Oakville, and continues to reflect its historic rural roots. However, as north Oakville develops over the next few decades into an urban landscape, some of these routes will be altered to reflect north Oakville's new urban context while new and larger roads will also be developed. Below is a brief overview of the existing conditions of each road in north Oakville. This has been included in order to document the existing rural character of these routes which, as time passes, will be changed to reflect the urban development of the area.

Bronte Road / Old Bronte Road

This road, also known as regional Highway 25, links the historic villages of Bronte and Milton and is a busy two-lane highway in the north Oakville area. The highway runs through the village of Palermo where it intersects with Dundas Street. The highway now by-passes the village to the west of the intersection, and the original road through the village is now called Old Bronte Road. Old Bronte Road north of Dundas Street ends where the new by-pass reconnects to the original road. There are currently two listed heritage properties on Old Bronte Road in north Oakville.

Burnhamthorpe Road

Opened up by the 1850s, this concession road is currently a narrow paved road with two lanes, lined with treelines, fences, fencerows, hedgerows, grassy ditches and narrow gravel shoulders. Some portions of the road have rolling topography but for the most part the road is flat. The road is divided by Highway 407 and ends in a cul-de-sac just east of Sixteen Mile Creek. Remaining heritage resources along this road include numerous farmhouses and barns, with 3 properties designated and 19 properties listed on the Heritage Register. The North Oakville East Secondary Plan notes that this road shall be protected as a character road.

Dundas Street

First surveyed in 1793, Dundas Street is one of the oldest and most historically significant roads in all of Ontario.⁶ However, due to road widenings and other developments in Oakville, this road has lost much of its historical features and character. The road has four lanes with centre medians and numerous turning lanes. Many of the historic structures on this road have been demolished and some have been moved back from the road. The principal remaining heritage

⁶ *Oakville and the Sixteen: The History of an Ontario Port*

features along Dundas Street include farmhouses, barns and remaining structures in the village of Palermo, of which 9 are designated and 15 are listed on the Heritage Register. Another significant feature of this road is the Sixteen Mile Creek, which has played a significant role in the development of the Town and region.

Eighth Line

Eighth Line is a short road that runs north from Dundas Street, providing access to four properties before terminating. The right-of-way to the north is still visible in the landscape by the associated treelines and fencerows.

Fourth Line

This road is unique in that it has now been divided in two different areas in the study area, leaving two dead-ends. To the north of Burnhamthorpe Road, the road ends directly south of Highway 407 in a cul-de-sac. The road then runs south, past Burnhamthorpe Road, and ends in a cul-de-sac near a former sanitary landfill site, before Neyagawa Boulevard continues in the original location of the south portion of Fourth Line. The road is narrow and paved with no shoulder and limited vegetation at its edge. Remaining heritage resources along this road include farmhouses and farm buildings, of which 5 properties are listed on the Heritage Register. This includes the remnants of the Glenorchy Bridge which originally crossed the valley of Sixteen Mile Creek in the former village of Glenorchy.

Neyagawa Boulevard

While a portion of this road is new, the section to the south towards Dundas Street was the original Fourth Line, a historic road. The principal remaining heritage feature on this road is a farmhouse at 3079 Neyagawa Boulevard, which is oriented to Dundas Street, and is listed on the Heritage Register.

Ninth Line

The west side of this paved two-lane road is the only portion within the boundaries of the Town of Oakville. This road has been altered significantly to the north with the construction of on- and off-ramps for Highway 407 and Highway 403. Highway 403 runs almost parallel to the road towards the east. Additionally, the Glen Oaks Memorial Gardens located along a large portion of the west side of the road has resulted in a loss of rural character. The principal remaining heritage feature on this road is the farmhouse at 3480 Ninth Line which is listed on the Heritage Register.

Sixth Line

While this road has been intersected by Highway 407 to the north, it still retains much of its rural and historical character. The road is quite flat and straight with some vegetation and fences along the sides of the road. To the south, the road travels through the historical settlement of Munn's Corners and runs north past

historic properties at 3369 Sixth Line, which is designated, and 3060 and 4243 Sixth Line, which are listed on the Heritage Register.

Trafalgar Road

Trafalgar Road (originally known as Seventh Line) was opened c.1830 to allow access to Oakville from Lower Base Line. This became the principal north-south route in the Township and is still a main thoroughfare for the Town today, linking the downtown to the north. The road has four lanes with wide shoulders and some vegetation and fencing at the edges, most of which is modern as previous hedgerows and fencelines were removed or relocated when the road was widened. Intersected by Highway 407 to the north, the road travels south past Burnhamthorpe Road to Dundas Street, where the former community of Trafalgar was once located. At this intersection, remnants of the village are still identifiable. Heritage resources along the road include historic barns, farmhouses and farmsteads, many of which are listed on the Heritage Register.

Tremaine Road

The east side of this two lane paved road is the only portion within the boundaries of the town of Oakville. There is little vegetation at the edges of the road and no remaining cultural heritage resources have been identified on this short portion of road in the study area.

2.3 Development of Hamlets and Villages

Hamlets and villages began to develop along these historic rural routes throughout the Township (see Fig. 2.2). Most of these communities are now only marked by a few remaining buildings, or contain no remnants at all. The following is a brief overview of the rural communities that once existed in north Oakville:

Glenorchy

This community developed along Fourth Line and Sixteen Mile Creek, where Highway 407 now intersects Fourth Line. Established in the late 19th century as a farming community, the hamlet once contained several farmsteads and houses, as well as a schoolhouse and mill which were located on the flats of the river.⁷ In the early 1990s, there was still a sign pronouncing the presence of the community which read "Welcome to Glenorchy, Population 18".⁸

Munn's Corners

This hamlet was established by 1814 at the corner of Dundas Street and Sixth Line when Daniel and Millicent Munn opened up a tavern and stagehouse on the southeast corner of the crossroads. The settlement grew with two taverns, a schoolhouse and several residences. Today, the intersection is characterized by

⁷ Unterman McPhail Associates, *Highway 407 West Extension Report No. 2: 4116 Fourth Line*

⁸ Trafalgar Township Historical Society records

Munn's United Church on the northeast corner and the church cemetery across the road to the south.⁹

Palermo

Located at the intersection of Dundas Street and Bronte Road, this village was the largest of those spread throughout what is now the Town of Oakville, other than Bronte and Oakville proper. By 1877, the village, originally known as Hagartown, contained over 300 residents.¹⁰ It is the only historical village in north Oakville which still remains today as a visible crossroads community.

First settled in 1806, Palermo thrived in the early to mid-19th century as a result of its position along Dundas Street, which was the oldest and most significant east-west overland route between Toronto and western Ontario for more than a century. The village was also strategically situated midway along the north-south road between Bronte and Milton. Palermo once included a foundry and agricultural works, a wagon shop, blacksmith shop, harness shop, hotel, brick schoolhouse, two churches, community hall, two general stores, telegraph company office, a sawmill, a large drill-shed and as many as thirty houses. While many of these buildings no longer exist, the village still contains several houses, the two churches and the schoolhouse, all of which are on the Heritage Register as either designated or listed properties.¹¹

Sixteen Village (also known as Sixteen Hollow or Proudfoots Hollow)

Located south of Dundas Street on the banks of Sixteen Mile Creek, this hamlet was founded by George Chalmers who opened a grist and saw mill, a store and an ashery there in 1827. In 1840, Chalmers sold 400 acres in the area to John Proudfoot, including a mill, house, tavern stand, barns, blacksmith shop and other buildings, and the community was subsequently known as Proudfoots Hollow. The village disappeared by 1858, after the stage coach route along Dundas Street was removed and the bridge across the creek was constructed.¹²

Snider's Corners

This hamlet was located at the corner of Burnhamthorpe Road and Ninth Line. After fighting in the War of 1812, David Snider cleared land at this crossroads and soon a hamlet emerged. The hamlet once contained a Methodist church on the northwest corner and a schoolhouse which stood until 2009 on the southwest corner of the intersection.

Trafalgar (also known as Postville or Post's Corners)

Located at Dundas Street and Trafalgar Road, the hamlet was called Post's Corners from at least 1816 to 1851, named after Ephraim Post who opened a tavern on the southwest corner of the crossroads in 1816. The hamlet became

⁹ Trafalgar Township Historical Society records

¹⁰ Halton County Atlas

¹¹ Trafalgar Township Historical Society records

¹² Trafalgar Township Historical Society records

known as Postville by 1857 and later in the 1900s it was renamed Trafalgar. This community once included a local store, inn, school, steam saw mill, drill shed for the local militia, and a post office. The post office was the first in Halton County and the only post office between York (now Toronto) and Dundas. The community was also a stagecoach stop along the busy Dundas Street. Most of the historic buildings were torn down in the 1960s and only a couple of residential buildings from the village remain.¹³

In the latter half of the 19th century, agriculture in Trafalgar Township developed into mixed crop, livestock and dairy farming, as well as fruit orchards which thrived in the local soils. The log houses first constructed by the settlers were gradually replaced by houses constructed of frame and brick. The emergence of the railway as the primary overland transportation method in the late 19th century saw the use of Dundas Street decline, though it remained a significant route.¹⁴

2.4 Twentieth Century Changes

North Oakville has experienced significant change over the last half of the 20th century. The increase in automobile traffic after the Second World War resulted in the widening of roads and the construction of turning lanes. For communities like Palermo, this resulted in the demolition and relocation of a number of historic buildings once located in the heart of the village.

In 1962, the southern portion of Trafalgar Township amalgamated with the town of Oakville to form the current Town of Oakville. After this time, much of the land in the former Township changed from rural agricultural to the central suburban core of Oakville.

Urban residential development began occurring farther out from the town centre of Oakville, spreading north of Upper Middle Road and to the south edge of Dundas Street by the 1990s. Developments in this area also included cemeteries, golf clubs and recreational centres established in the last half of the 20th century.

As of 2009, most of the land south of Dundas Street has been developed and plans are underway for the development of north Oakville north of this road. The area now known as north Oakville represents the remaining undeveloped area in the larger Town of Oakville.

In the 1970s, the Province of Ontario designated land along the northern boundaries of the Town of Oakville for a future highway. Eventually, the land was sold in 1999 for the construction of Highway 407. The construction of the west extension of Highway 407 in the early 2000s altered the landscape of north Oakville in several ways. The new highway cut through numerous rural

¹³ Trafalgar Township Historical Society records

¹⁴ Cultural Heritage Resource Assessment Report, Unterman McPhail

properties and farms, dividing original 100 and 200 acre lots and limiting access between these divided parcels. A number of farmhouses and other rural structures were demolished as part of this process.

The layout of roads in north Oakville was also altered. The new highway cut through Fourth Line north of Burnhamthorpe Road and Neyagawa Boulevard was constructed as a by-pass to the original road. Fourth Line also became blocked off on either side of the creek in what was historically known as Glenorchy. The original portion of Fourth Line between Burnhamthorpe Road and Dundas Street has been renamed Neyagawa Boulevard. Burnhamthorpe Road just east of Highway 25 was bisected by the new highway, leaving a small portion of original Burnhamthorpe Road inaccessible between Highway 407 and Sixteen Mile Creek.

The construction of the Highway 407 also led to the demolition of several buildings, including heritage properties. These properties were documented as part of the Cultural Resource Documentation Reports completed by Unterman McPhail Associates in 2001.

In 2006, the Bronte By-pass road was constructed directly west of the intersection of Old Bronte Road and Dundas Street in Palermo. While this route has allowed for the continuation of the quiet rural atmosphere of Old Bronte Road, it has also led to further demolition of historic buildings. Additionally, Old Bronte Road is now cut off by barriers at Dundas Street, which has had the effect of severing the village.

2.5 North Oakville Today

Currently, north Oakville remains relatively rural, with numerous farmsteads still dotting the landscape. These historic settlements can be identified by their historic landscape features, including the laneways, fields, treelines, fences, wood lots, ponds, orchards and other natural elements.

While some of these are still working farmsteads, many are now being used for residential purposes only, with the barns and other agricultural buildings having been demolished or used for other purposes such as storage. Much of the land itself is still being used for crops, though the acreage farmed by an individual has increased over the years with fewer farmers working larger parcels of land.

The Sixteen Mile Creek is another significant feature of this area, running from the north to the south boundaries of north Oakville. There are many high river banks with large flats and dense vegetation. While Fourteen Mile Creek does not run through north Oakville, there are small tributaries of this creek and Sixteen Mile Creek which run through the area.

3.0 Identification of Cultural Heritage Resources

As part of this study of north Oakville, Heritage Planning staff has identified and categorized the cultural heritage resources of the area into two categories: designated properties and listed properties. As of July 2009, 53 heritage properties have been identified by staff in north Oakville:

10 are designated under Part IV of the *Ontario Heritage Act*
43 are listed in the Oakville Register

Further investigation and evaluation of the cultural heritage value of these properties was completed by staff, an overview of which is provided in the inventory sheets, attached in Appendix A. A map showing the location of these properties is available below as Fig. 4.

These lists of designated and listed properties are subject to change as properties are added to the lists in the future.

Designated Properties

Address	Name
489 Burnhamthorpe Road East	Marlatt Bramall House
1086 Burnhamthorpe Road East	William Somerset Bowbeer House
1481 Burnhamthorpe Road East	Snider House
5 Dundas Street East	Munn's United Church
257 Dundas Street East	"Squire" James Applebe House
237 Dundas Street West*	Kaitting House
2431 Dundas Street West	Palermo Schoolhouse
2507 Dundas Street West	Switzer House
2521 Dundas Street West	Palermo United Church
3369 Sixth Line**	Henry Mosely Farmhouse

* The Notice of Intention to Designate has been issued for this property but its designating by-law has not yet been completed

** The Notice of Intention to Designate has been issued for this property but its designation is currently under appeal

Listed Properties

Address	Name
191 Burnhamthorpe Road East	McDuffie Farm
273 Burnhamthorpe Road East	John Jones Farmhouse
340 Burnhamthorpe Road East	Vic Hadfield Farm
1055 Burnhamthorpe Road East	Fish Farmhouse
1141 Burnhamthorpe Road East	William Secord Farm
1158 Burnhamthorpe Road East	Bowbeer Farmhouse
1187 Burnhamthorpe Road East	Edwin Secord Farm
1265 Burnhamthorpe Road East	Hoffman-Mayne Farm
145 Burnhamthorpe Road West	John Featherstone Barn
185 Burnhamthorpe Road West	Featherstone House
263 Burnhamthorpe Road West	Brady-Clements Barn
1354 Burnhamthorpe Road West	Howell-Fleming Barn
1495 Burnhamthorpe Road West	Slacer Log Cabin
41 Dundas Street East	William Perkins House
87 Dundas Street East	Papps Farm
1005 Dundas Street East	Fish Garage
1297 Dundas Street East	Turner Farm
Dundas Street West (ORC property)	Hager Barn
21 Dundas Street West	Freeman Driveshed
103 Dundas Street West	Freeman House
1361 Dundas Street West	Taras Shevchenko Monument Base
2165 Dundas Street West	Smith-Carrique Barn and Shed
2391 Dundas Street West	Jacob Lawrence House
2457 Dundas Street West	Teetzel-Hager House
2527 Dundas Street West	Third Hagar Family House
3269 Dundas Street West	Wilkinson Family Farm
3367 Dundas Street West	McMichael Farm
3445 Dundas Street West	James Van Sickle Farmhouse
4022 Fourth Line	Ford-Slacer Farm
4119 Fourth Line	Askin House
3079 Neyagawa Boulevard	Cline Farmhouse
3480 Ninth Line	F.M. Brown Farmhouse
3017 Old Bronte Road	Palermo United Church Parsonage
3113 Old Bronte Road	Bronte Cottage House
3060 Sixth Line	Freeman House
4243 Sixth Line	Biggar Farm
3040 Trafalgar Road	State Farm Insurance Building
3048 Trafalgar Road	Dr. J.A. Johnstone House
3075 Trafalgar Road	Post Barn
3371 Trafalgar Road	Matthew Clements Farmhouse
3437 Trafalgar Road	Clements Family Farmhouse
3444 Trafalgar Road	James Morrison Farmhouse
4233 Trafalgar Road	Dunn Family Farm

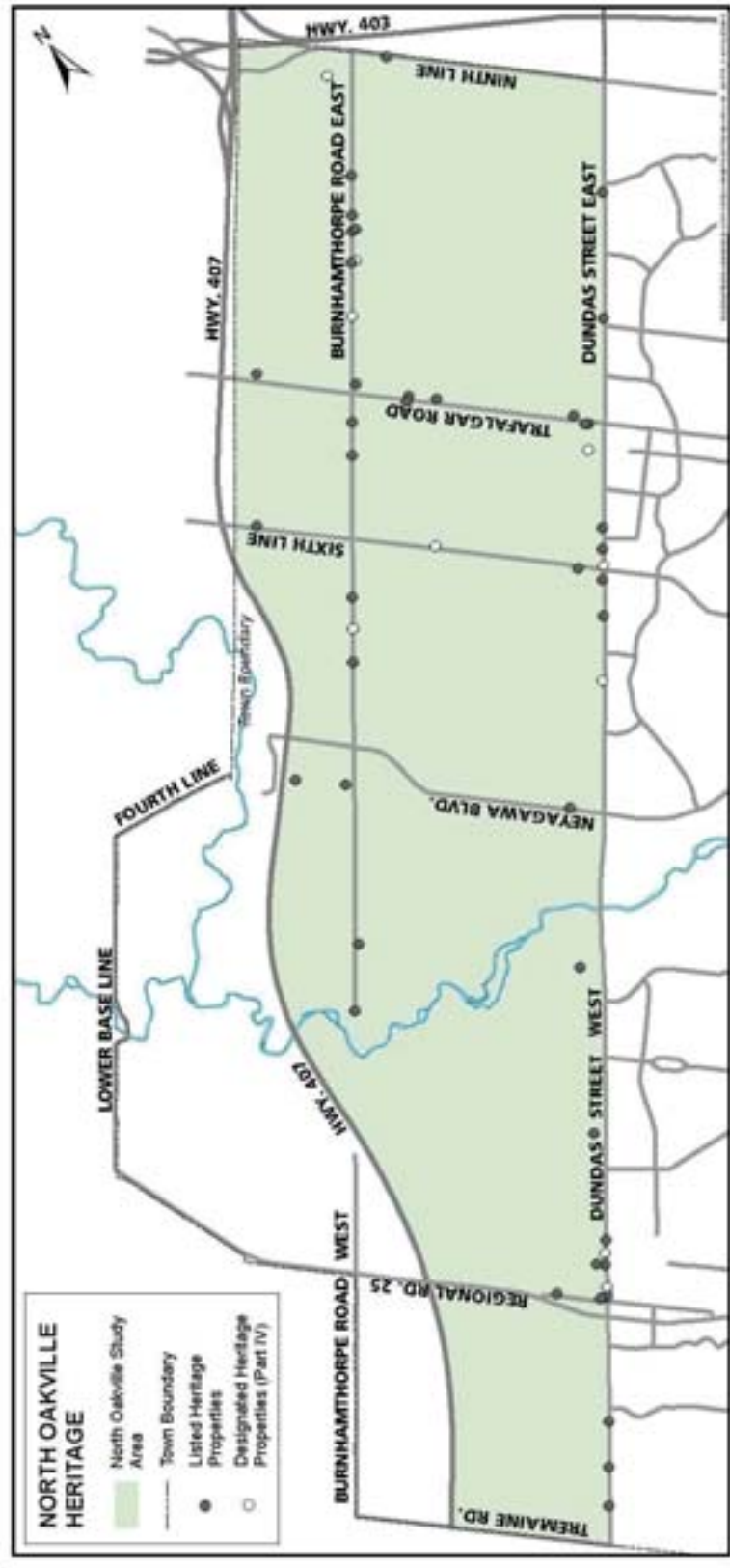


Fig. 3.1 – Location of Designated and Listed Properties in the Study Area

4.0 General Conservation Strategies

Despite the many changes that have occurred in north Oakville in the past several decades, there are a number of significant cultural heritage resources which remain. While not all heritage resources which have been identified can be preserved, there are distinct benefits in the recognition and conservation of remnants of the former rural landscape of north Oakville as it ensures that this history is still visible for future generations.

In addition to the conservation of the existing building stock, the commemoration of the heritage of the area and appropriately designed infill allow for the historical rural character of north Oakville to be recognized. The following is a vision statement from Section 7.2.2 of the North Oakville East Secondary Plan and Section 8.2.2 of the North Oakville West Secondary Plan:

North Oakville's development as an urban community shall reflect Oakville's distinct historical roots and small-town heritage and Trafalgar Township's village rural heritage, with nodal development, prestige industry, and green linkages continuing to define Oakville's unique landscape.

This study outlines several strategies which provide direction to the conservation of the heritage of north Oakville. It is important to note that for any property or project, several of these various conservation strategies may be applicable. For example, a heritage resource may be incorporated into new development in an adaptive reuse with a plaque erected to indicate its significance.

Where the conservation guidelines below are specifically outlined in the North Oakville Secondary Plans, references to the Plans have been included.

The conservation strategies are as follows:

- 1) **Add cultural heritage resources to the Oakville Heritage Register;**
- 2) **Pro-actively designate heritage resources;**
- 3) **Guide proposed development to ensure compatibility with and respect of heritage resources;**
- 4) **Seek opportunities to incorporate houses, barns, silos and other structures into new developments;**
- 5) **Require the review of archaeological resources which may be impacted by any new development;**
- 6) **Require stabilization and protection of heritage resources which are being conserved;**
- 7) **Establish and implement submission requirements for requests to demolish or remove a property from the Heritage Register;**

- 8) Incorporate signage on existing roads and in new developed areas that recognize the historical significance of the former Trafalgar Township, its roads and its communities;
- 9) Use historical names when naming new public buildings, streets, parks and other public places; and
- 10) Consider the potential for establishing incentive programs to encourage the conservation of heritage properties.

1) Add cultural heritage resources to the Oakville Heritage Register

Listing properties on the Oakville Register of Cultural Heritage Value or Interest provides some limited protection against demolition in the event that an application to demolish a structure is submitted. Potential heritage resources which are not listed are not protected.

Sections 7.4.14.2 of the North Oakville East Secondary Plan and Section 8.4.14.2 of the North Oakville West Secondary Plan provide direction for the Town to maintain a register of cultural heritage resources in accordance with the requirements of the *Ontario Heritage Act*.

In July 2009, Town of Oakville Council approved the addition of 18 properties in north Oakville to the Register, as listed (not designated) properties. Each property was evaluated according to the document *Evaluation of Heritage Resources in the Town of Oakville*. This document, developed by Town of Oakville Heritage Planning staff, outlines the process used by staff to determine whether or not a property should be listed on the Register.

A property will be recommended to Council for inclusion in the Register if it has the potential to meet at least one of the three criteria outlined in Ontario Regulation 9/06. This regulation, made under the *Ontario Heritage Act*, outlines the evaluation criteria with which a property must be assessed in order to determine if it merits designation. While a property must meet at least one of the criteria for designation, Heritage Planning staff uses these criteria for listing properties as well, but the property only needs to have the potential to meet one of the criteria. The criteria are grouped into three categories as follows:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit
 - iii. demonstrates a high degree of technical or scientific achievement
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
- i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

The only restriction for a property listed on the Register is a 60-day waiting period for a demolition permit. During that time, Council may consider whether or not the property should be designated under the *Ontario Heritage Act* or removed from the Register, therefore allowing demolition. If the property is to be demolished, the Town may request the ability to document the building for posterity or to salvage historic materials in advance of demolition. If designation is proposed, it is a separate process requiring consultation with property owners.

2) Pro-actively designate cultural heritage resources

Designation provides increased protection against demolition of a property and encourages the recognition and celebration of our cultural heritage resources. Designation ensures that a property is legally protected under the *Ontario Heritage Act* and provides a legal means to ensure that adjacent development considers and is sensitive to the designated heritage resources.

Section 7.4.14.1 of the North Oakville East Secondary Plan and Section 8.4.14.1 of the North Oakville West Secondary Plan describe the Town's ability under the *Ontario Heritage Act* to prohibit the demolition or removal of a designated property, subject to appeal, and to designate additional properties and heritage conservation districts under the *Act*.

The designation of a property does not prevent the redevelopment of the site. There are many instances where designated heritage resources are sensitively conserved and integrated into new subdivisions, commercial developments and condominium projects. Designation does not prevent owners from altering the property or changing its use, but merely guides the manner in which these changes are done.

In accordance with the *Ontario Heritage Act*, an extensive evaluation of a property must be undergone in order to determine if it merits designation. The criteria used to evaluate a property for designation is Ontario Regulation 9/06,

and a property must meet one or more of its criteria in order to be designated. These criteria are outlined above in Section 1) above.

Past designations within the Town of Oakville have concentrated mostly on houses and not on outbuildings such as silos, barns or sheds. It may be appropriate for certain properties within north Oakville to either include the house and outbuildings within the designation, or to exclusively designate a barn which no longer has any other significant built heritage resources on the property. The same criteria of Ontario Regulation 9/06 need to be applied in the same manner as designations for houses or other buildings.

The designation of an area as a Heritage Conservation District in north Oakville may be considered as well. This may be suitable for an area of concentrated heritage resources, such as a village or farmstead.

3) Guide proposed development to ensure compatibility with and respect of heritage resources

A new development which is adjacent to, or in the immediate vicinity of, a heritage resource should as much as possible be physically and visually compatible with, respectful of and distinguishable from a heritage resource. The heritage resource should therefore be treated in such a way that all nearby work is not only sympathetic to the building, but allows for it to maintain its presence and even its landmark quality.

Sections 7.4.14.3 of the North Oakville East Secondary Plan and Section 8.4.14.3 of the North Oakville West Secondary Plan provide direction on the integration of heritage resources in new development. The use and adaptive reuse of cultural heritage resources is encouraged within the new development or on alternate sites.

In addition, Section 2.6.3 of the Provincial Policy Statement recognizes the importance of evaluating and guiding development on properties adjacent to protected heritage properties.

A key to preserving cultural heritage resources within new developments is to work with the applicants proposing to re-develop the land from the earliest part of the process as possible.

The Town of Oakville has successfully worked with developers on the conservation of farmhouses within new plans of subdivision in Oakville. While retaining the farmhouse on its original site is the most ideal option, it is not always possible due to various circumstances. In these cases, staff needs to work with the developers to find a solution in which the building can be conserved within the site or on a nearby site.

The following is a basic overview of the strategy that is recommended for staff to use when attempting to conserve a built heritage resource which is located in an area which is to be developed for non-agricultural use:

- 1) Staff is to meet with the developers and/or applicants as soon as possible in the process in order to ensure all parties understand the significance of the built heritage resource and the possible outcomes for it;
- 2) Staff is to require a Cultural Heritage Impact Assessment from the owner and/or developer, which outlines how the heritage resource will be affected by the proposed development.
- 3) Staff is to require a Conservation Plan which outlines various options for the structure, including conservation, restoration, expansion, relocation, and use, as well as any costs associated with these projects.
- 4) Staff is to prepare and present a report to the Heritage Oakville Committee which outlines the applicant's proposal, reviews the Heritage Impact Assessment(s), Conservation Plans and other documents and important information; and,
- 5) If the property is not already designated and staff determines that the property is worthy of designation under Part IV of the *Ontario Heritage Act*, staff is to prepare a designation brief outlining the design or physical value, historical or associative value and contextual value of the property. This is to be presented to the Heritage Oakville Advisory Committee who may then recommend to Council that the property be designated. If possible, it is recommended that staff work with the owner of the property in order to pursue designation with their support.

4) Seek opportunities to incorporate houses, barns, silos and other structures into new developments

The majority of the built heritage resources which have been identified in north Oakville are farmhouses. These buildings may be suitable for various adaptive re-uses and would add diversity and character to new developments. Other cultural heritage resources which could be included in new developments include barns, silos, smokehouses, drivesheds, foundations, barn ramps, walls, fences, and other built features.

The integration of heritage resources with medium and high density development projects will not be without its challenges, however, it may be achievable and should be considered. There are numerous examples across Ontario where heritage buildings and new developments have been successfully integrated. See Appendix B for examples of heritage structures which have incorporated into new developments.

Sections 7.2.3.7 of the North Oakville East Secondary Plan and Section 8.2.3.7 of the North Oakville West Secondary Plan encourage, where appropriate and feasible, the incorporation of cultural heritage resources into the development of north Oakville, including their adaptive reuse. Sections 7.4.14.3 of the North Oakville East Secondary Plan and Section 8.4.14.3 of the North Oakville West Secondary Plan provide direction on the integration of heritage resources in new development.

Prioritized Conservation Strategies

Where new development is taking place in the location of an identified cultural heritage resource, the following is a list of possible outcomes for the resource, beginning with the most ideal option:

- 1) Retain the resource in situ and manage the new development in a manner that is compatible with and respectful of the heritage resource. This is the most ideal conservation option for a heritage building. The grading plan for the new development should be designed or adjusted to accommodate the existing grading around the heritage house. This is to ensure that the heritage house is not at a significantly higher or lower grade than the rest of the development surrounding it.
- 2) If in situ retention is not possible, relocate the resource within the site and manage the new development in a manner that is compatible with and respectful of the heritage resource. It should be determined by staff that on site retention of the heritage resource is not viable prior to its relocation. It is recommended that staff work with the owners and/or developers to choose a location that is most suitable for the building. It should be noted that relocation is a last resort method of conserving built heritage resources and should only be utilized when all other options have been exhausted. The relocation of a built heritage resource shall only be considered through a Heritage Impact Assessment that addresses the retention and relocation of the heritage resource.
- 3) If retention in situ or within the site is not possible, relocate the resource to a new site where the surroundings are compatible with and respectful of the heritage resource. Within the north Oakville area, there are numerous subdivisions and other developments currently in the planning stage, some of which may have a lot suitable for relocation. A building could then be moved to this lot outside of the existing development site. There may be an opportunity to relocate the heritage building to a lot beside one which already contains a heritage structure, so that the two could form a historic landscape.
- 4) In the event that options for retention on site and relocation as a whole structure are determined by staff to not be feasible, another option may be considered which involves the documentation, cataloguing, dismantling

and reconstruction of the built resource. The new house should be constructed to be as close as possible to the original house in design, form and materials. The building should be reconstructed in an appropriate location as close as possible to the original site of the house with the original orientation of the house maintained if possible. If on-site reconstruction is not possible, the building could be relocated within the site, and if this is not possible, outside of the site. Detailed architectural drawings and photography is required to accurately reconstruct the building. Each material should be documented, handled and stored carefully for re-use in the new structure. This option is to be considered only in very rare circumstances.

- 5) If retention in situ or relocation is not possible, document the resource through photography and historical research. Additionally, materials which are found to have cultural heritage significance should be removed and salvaged for future investigations and as a remnant of the lost resource. Sections 7.4.14.3 a) ii) of the North Oakville East Secondary Plan and Section 8.4.14.3 a) ii) of the North Oakville West Secondary Plan note that a documentation of such resources should be requested in the form of a heritage report with detailed property history, architectural description, measured drawings and photographic recording.

Use

The best use for a historic building is its original use. However, there may be circumstances where this is not possible and alternative options should be explored which do not significantly alter the heritage features of the building. For buildings historically used as residences, other uses such as commercial, retail, office or institutional are possible options. Larger outbuildings, such as barns or sheds, could also be used as residential, commercial, institutional or industrial buildings. Sections 7.4.14.3 a) i) of the North Oakville East Secondary Plan and Section 8.4.14.3 a) i) of the North Oakville West Secondary Plan encourages the use and adaptive re-use of cultural heritage resources wherever possible.

Outbuildings

The Town may also pursue opportunities to conserve outbuildings which are also significant heritage resources. These structures, such as a silo or smokehouse, may be more appropriate for integration into public parkland or other public facilities. Sections 7.4.14.3 b) ii) of the North Oakville East Secondary Plan and Section 8.4.14.3 b) ii) of the North Oakville West Secondary Plan note that the Town may integrate historic landscape features into public parkland or other public facilities where feasible and appropriate.

5) Require the review of archaeological resources which may be impacted by any new development

Where it has been determined through an archaeological assessment that any new development may have an impact on archaeological resources, the owner of the property must retain a consultant in order to carry out an archaeological assessment of the property. This is to be done prior to any demolition, grading or other soil disturbance. Any archaeological resources found to be present on the property shall be mitigated through preservation on site, or removal and documentation, to the satisfaction of the Town and the Province.

Sections 7.4.15 of the North Oakville East Secondary Plan and Section 8.4.15 of the North Oakville West Secondary Plan outline the requirements for archaeological resources and assessments.

6) Require stabilization and protection of heritage resources which are being conserved

Once it has been determined that a built heritage resource will be conserved, it is extremely important to stabilize the structure and provide security measures. The owner of the property containing the cultural heritage resource could take measures to secure the properties which include, but are not limited to:

- 1) Board up all window and door openings and paint the boards;
- 2) Erect a high fence close to the building to limit access to the structure;
- 3) Erect a locked gate at the end of the lane or driveway to prevent vehicular access;
- 4) Erect a sign that is clearly visible at the edge of the roadway, or other area seen by the public, that the building is in the process of being restored for future use;
- 5) Install video monitoring system to dissuade vandalism activity; and,
- 6) Continue ongoing inspection and monitoring of the building.

The Town may seek opportunities such as subdivision or site plan approvals where it may be appropriate to impose specific requirements to ensure that a site is secure.

In some circumstances, the Town may require that the owner carefully remove and store in a dry and secure place significant architectural details of the heritage resource for safekeeping until such a time that the restoration of the building can take place.

Section 10.0 of the Town of Oakville Property Standards By-law 2007-100 outlines the minimum standards for the maintenance and occupancy of a

designated property. Section 10.5 outlines guidelines specifically for heritage properties which are vacant.

All designated properties are subject to the guidelines in Section 10.0 of this By-law. Regular inspections of designated properties should be completed by Town staff in order to ensure that the heritage buildings are secured and protected. In the event that a property does not meet the requirements set out in By-law 2007-100, staff may issue an Inspection Order on the owner with a requirement to remedy the deficiencies outlined in the Order.

Examples of security measures implemented on heritage buildings:

Photo source: Town of Markham Planning Department, Town of Oakville Planning Services Dept



1) Boarded up windows and door openings



2) High fence erected close to the structure



3) Gate erected at end of laneway with security sign



4) Sign erected at house to show house is being restored

7) Establish and implement submission requirements for requests to demolish or remove a property from the Heritage Register

The *Ontario Heritage Act* allows a municipal council to require that additional information be submitted along with a notice of intention to demolish for a designated or listed property in order for the application process to be considered complete. A policy could be established by Heritage Planning staff outlining submission requirements for notices of intention to demolish a listed or designated property and requests to de-list or de-designate a property. These additional requirements would ensure that sufficient information is submitted in order for staff and Council to fully evaluate the request and the heritage value of the property.

8) Incorporate signage on existing roads and in new developed areas that recognize the historical significance of the former Trafalgar Township, its roads and its communities

Signage allows for the recognition of historical communities by enhancing their village or hamlet character while creating a sense of arrival. Signage would benefit the historic settlements of Palermo, Trafalgar and Munn's Corners by defining entry points to these crossroad communities and by recognizing their historical significance as pioneer settlement areas.

Sections 7.4.14.3 b) i) of the North Oakville East Secondary Plan and Section 8.4.14.3 b) i) of the North Oakville West Secondary Plan encourage the recognition of the heritage of north Oakville through the use of interpretative plaques and displays.

The following are examples of signs that would be appropriate to install at the edges or intersection of these three hamlets:



Fig. 4.1
Source: Town of Markham



Fig. 4.2
Source: City of St. Catharines

Interpretative plaques or displays may also be appropriate for specific sites of heritage significance, including in front of conserved heritage buildings or in spaces where heritage buildings and/or landscapes previously existed, as a reminder of the past.

New signage could also be established as part of the new Oakville Heritage Trails in north Oakville. Led by the Town of Oakville and the Community Foundation of Oakville, the Oakville Heritage Trails unite all parts of the community and reflect our natural, human and built heritage. Accessible to walkers, joggers and cyclists, these trails feature information stations telling over eighty stories about this land and its people, from 9000BC to today.

The history of north Oakville, including its early settlement communities, transportation routes, geography and other historical information on Trafalgar Township could be relayed through new signage, as a continuation of the Town's successful Heritage Trails project.



Figure 4.3 - Information sign on Crosstown Trail in Oakville.
Source: Town of Oakville files

9) Use historical names when naming new public buildings, streets, parks and other public places

Using historically significant names in new developments allows for the history of north Oakville to be retained and celebrated for generations to come. Names of some of the earliest settlers and historical figures in the north Oakville area include Applebe, Biggar, Freeman, Featherstone, Hagar, Kaitting, Kenney, McDuffie, Munn, Post and Snider.

Sections 7.4.14.3 b) iii) of the North Oakville East Secondary Plan and Section 8.4.14.3 b) iii) of the North Oakville West Secondary Plan encourage the

commemoration of historic individuals and events in the naming of public buildings, streets parks and other public places.

Owners and developers should contact both Heritage Planning staff and Engineering and Construction staff at the Town in order to discuss which names would be best suited for specific areas and projects. For each new name, historical research should be completed by Heritage Planning staff in order to determine what the most appropriate name is. Names must also conform to the street naming guidelines developed by the Town's Engineering and Construction Department.

Names can include, but are not limited to:

1. Names of past owners or occupants of the property. This information can be found through land registry records or through historic maps such as the Tremaine Map of 1858, the County of Halton Illustrated Historical Atlas of 1877, and the Guidal Map of 1917. Special attention should be paid to individuals who played a significant role in their community or elsewhere, such as a veteran or local politician. Streets named after veterans should include signs with the red poppy label to signify this;
2. Themes or activities associated with the property. These could include references to the type of agricultural, commercial, or other trades or practices that took place on the property. The choice of name should be based on historical research of the property; and,
3. Landscape features associated with the property. These could include references to the topography of the area, local vegetation, or other natural land or water features.

A report will be brought forward to Council by Planning staff in the future to consider the establishment of a formal policy related to the use of historical names for new streets in Oakville.

10) Consider the potential for establishing incentive programs to encourage the conservation of heritage properties

Heritage conservation incentives for heritage properties (both monetary and non-monetary) are tools used by municipalities in Canada aimed at promoting the retention and restoration of heritage resources. The establishment of incentive programs for heritage properties in Oakville, and more specifically in north Oakville, could be a useful tool for encouraging good stewardship and restoration of heritage properties. The potential for establishing conservation incentives for heritage properties to augment the Town's existing heritage conservation program would be considered in greater detail in a future report to Council prepared in consultation with the Finance Department.

5.0 Heritage Inspections and Enforcement

A key consideration of the North Oakville Heritage Resources Review and Strategy is the maintenance of heritage properties in compliance with the Property Standards By-law 2007-100. This By-law outlines the requirements for proper maintenance and security of buildings in the town, with a specific section regarding properties which have been designated under the *Ontario Heritage Act* in Section 10.

Owners of properties designated in accordance with Section 29, Part IV of the *Ontario Heritage Act* are obligated to maintain their property according to the requirements outlined in By-law 2007-100 (attached as appendix F). This ensures that the heritage resources are in a good and sound condition when the time comes to consider integrating the heritage resources into new developments as the North Oakville Secondary Plans are implemented. By providing proper maintenance up to and during the development process, property owners can benefit from a significant reduction in the costs and efforts required to bring the heritage resource to a habitable condition. There are currently ten designated properties in north Oakville to which Section 10 of the By-law can be applied.

In responding to continuing issues related to the maintenance of designated heritage properties in north Oakville, Heritage Planning staff has developed the following strategy for ensuring that designated heritage properties are maintained in a good and sound condition as would be expected of any normal property owner.

NORTH OAKVILLE HERITAGE PROPERTY CONDITION STRATEGY

- 1) The maintenance of designated properties in north Oakville is a high priority.
- 2) All owners of designated properties in north Oakville are to be provided with a copy of By-law 2007-100, concerning Property Standards (see Appendix G).
- 3) Heritage Planning staff will inspect designated properties in north Oakville to determine the condition of heritage properties.
- 4) Owners will be contacted about any violations of By-law 2007-100.
- 5) Property Standards Orders will be issued where maintenance issues, as defined by By-law 2007-100 are not addressed.

While the maintenance of designated heritage properties in north Oakville has been a problem in the past, it is anticipated that through continued inspections, enforcement and engagement with designated property owners in the north

Oakville area, as outlined in the North Oakville Heritage Property Condition Strategy, that the deterioration of designated heritage properties in north Oakville can be limited. This will ensure that heritage resources are maintained in a condition which is conducive to future rehabilitation and long-term preservation.

6.0 Conclusions and Recommendations

The purpose of the study is to provide an overview of existing heritage resources remaining in north Oakville and a strategy for these resources for the future.

North Oakville is currently predominantly rural and contains numerous heritage resources which should be conserved as part of the development of that area. Without the conservation of these buildings and landscapes, the significant rural history of Oakville and the former Trafalgar Township will not be maintained for future generations.

As part of the implementation of this study, the following recommendations are being made by staff:

1. That this study be used as a reference tool and as a guide for managing heritage conservation in north Oakville;
2. That the general conservation strategies outlined in Section 4.0 of this report be implemented by staff;
3. That further research and study be done on the properties located in the Parkway Belt Area in conjunction with any future planning initiatives (ie. a secondary plan) for the area; and
4. That potential cultural heritage landscapes in Natural Heritage System Areas only be identified in north Oakville as part of a future town-wide study to define and develop policies for managing Oakville's cultural heritage landscapes.

North Oakville Heritage Resources Review and Strategy

APPENDIX A – PROPERTY INVENTORY SHEETS

Note: For the purposes of this meeting report, only 3 example inventory sheets have been included. Please see staff for the full collection of inventory sheets.

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

S
I
T
E

ADDRESS: 2431 Dundas Street West

LEGAL DESCRIPTION: PT LT 30, CON 1 TRAFALGAR, NORTH OF DUNDAS STREET, AS IN 148642 EXCEPT PT 6, 20R2214; OAKVILLE..

S
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S

HERITAGE DESIGNATION: Designated Part IV

ZONING: A - Agricultural

OFFICIAL PLAN: Urban Special Study Area
Natural Heritage System Area (North Oakville)

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NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

A ADDRESS: 2431 Dundas Street West

R STRUCTURE 1: Schoolhouse

C PRESENT USE: Public Use ORIGINAL USE: School

H CONSTRUCTION DATE: 1942 STYLE: Colonial Revival

I BUILDER: Unknown

T GENERAL DESCRIPTION:

E PLAN: STOREYS: 1 BAYS: 3

C FOUNDATION MATERIAL: Concrete

T EXTERIOR WALL MATERIAL: Red brick

E ROOF TYPE: Hipped

C WINDOWS: 6/6 wood

T ENTRANCE: Central front doorway with decorative fanlight above door and brick hood mould with concrete keystone

U UNIQUE FEATURES:

R CHIMNEY (S):

E DORMERS:

ROOF TRIM: Wood trim

WINDOW TRIM: Wood trim, concrete sills, concrete lintels

SPECIAL WINDOWS: Fanlight above front door

DOOR TRIM: Wood trim

PORCH/VERANDAH:

OTHER: Cornerstone from previous S.S. No. 2 dated 1875 placed on rear wall; cornerstone from this building's construction in 1942 placed on front wall.

CURRENT CONDITION OF STRUCTURE: Good; extensive restoration work has been completed over recent years by the Trafalgar Township Historical Society.

LANDSCAPE ELEMENTS:

- Mature trees along the east side of the property.
- Gravel parking lot to the west of the school.
- Sidewalk connecting front entrance of the school to the public sidewalk, associated with the village of Palermo.

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

- William Hagar sold the land on which this schoolhouse stands to school trustees in the 1870s for the construction of a school.
- The present school was built in 1942 to replace the previous school built on this property in 1875 after the roof of that school was destroyed in a lightning storm.
- The building was later used by the Oakville Players, a local community theatre group, for 30 years.
- It is now used by the Trafalgar Township Historical Society who has done extensive restoration work on the building and will be using it as a museum, education centre, and archives facility.

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Palermo School, c. 1940s-1950s.
Photo source: Trafalgar Township Historical Society



NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

Palermo School, c. 1940s-1950s.
Photo source: Trafalgar Township Historical Society



Ethel Wettlaufer in front of Palermo School in the 1940s. Wettlaufer taught at the school during the 1940s and 1950s.
Photo source: Trafalgar Township Historical Society

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

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ADDRESS: 3444 Trafalgar Road

LEGAL DESCRIPTION: CON 1 NDS PT LOT 13 ; OAKVILLE

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HERITAGE DESIGNATION: Listed

ZONING: A - Agricultural

OFFICIAL PLAN: Urban Special Study Area
Natural Heritage System Area (North Oakville)

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NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

A R C H I T E C T U R E	ADDRESS: 3444 Trafalgar Road		
	STRUCTURE 1: Farmhouse		
	PRESENT USE: Residential		ORIGINAL USE: Residential
	CONSTRUCTION DATE: c.1850		STYLE: Gothic Revival
	BUILDER: Unknown		
	GENERAL DESCRIPTION:		
	PLAN:	STOREYS: 2	BAYS: 3
	FOUNDATION MATERIAL:		
	EXTERIOR WALL MATERIAL: Stucco		
	ROOF TYPE:		
	WINDOWS: Wood		
	ENTRANCE: Frontispiece with front central doorway		
	UNIQUE FEATURES:		
	CHIMNEY (S): 1 side chimney		
	DORMERS:		
	ROOF TRIM: Decorative bargeboard and finial on front gable		
	WINDOW TRIM: Wood trim, stone sills, wood shutters		
SPECIAL WINDOWS: French-style tall windows on front façade; decorative arched window in front gable			
DOOR TRIM: Wood trim			
PORCH/VERANDAH:			
OTHER:			
CURRENT CONDITION OF STRUCTURE: Good			
STRUCTURE 2: Barn			
PRESENT USE: Barn		ORIGINAL USE: Barn	
CONSTRUCTION DATE: Unknown		STYLE: Gambrel Bank Barn	
BUILDER: Unknown			
GENERAL DESCRIPTION:			
PLAN:	STOREYS: 2	BAYS:	
FOUNDATION MATERIAL: Stone			
EXTERIOR WALL MATERIAL: Vertical wood barn board (painted red)			
ROOF TYPE: Gambrel with metal roofing			
WINDOWS:			
ENTRANCE:			
UNIQUE FEATURES:			
CHIMNEY (S):			
DORMERS:			
ROOF TRIM:			

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

WINDOW TRIM:
SPECIAL WINDOWS:
DOOR TRIM:
PORCH/VERANDAH:
OTHER:

CURRENT CONDITION OF STRUCTURE: Good

STRUCTURE 3: Shed

PRESENT USE: Shed

ORIGINAL USE: Shed

CONSTRUCTION DATE: Unknown

STYLE: Vernacular

BUILDER: Unknown

GENERAL DESCRIPTION:

PLAN: STOREYS: 1 BAYS: 1

FOUNDATION MATERIAL:

EXTERIOR WALL MATERIAL: Vertical barn board (painted red)

ROOF TYPE: Front gable

WINDOWS:

ENTRANCE: Large wood sliding doors

UNIQUE FEATURES:

CHIMNEY (S):

DORMERS:

ROOF TRIM: Wood trim

WINDOW TRIM: Wood trim

SPECIAL WINDOWS: Diamond window on east elevation

DOOR TRIM: Wood trim

PORCH/VERANDAH:

OTHER:

CURRENT CONDITION OF STRUCTURE: Good

LANDSCAPE ELEMENTS:

- Farm complex layout with central laneway with house to the west and barn at the termination of the laneway.
- Some large mature trees

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

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- Associated with the 19th century development of Trafalgar Township.
- Crown Patent granted to Abraham Grubb in 1808, then sold to Peter Kenney in 1828. 100 acres were sold to Peter Adamson in 1834. John Clements obtained the property in 1854, then left it to his son William in 1870, who then sold it to James Morrison in 1877.
- John Clements is noted on the Tremaine Map of 1858 and James Morrison is noted on the County of Halton Illustrated Historical Atlas of 1877.



View of east elevation of the house, 1977.
Photo source: Town of Oakville files



View of north elevation of the house, 1977.
Photo source: Town of Oakville files



View of southeast corner of the house, 1977.
Photo source: Town of Oakville files

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

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ADDRESS: 263 Burnhamthorpe Road West

LEGAL DESCRIPTION: CON 2 NDS PT LOT 18; OAKVILLE

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HERITAGE DESIGNATION: Listed

ZONING: A - Agricultural

OFFICIAL PLAN: Urban Special Study Area
Natural Heritage System Area (North Oakville)

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NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

A ADDRESS: 263 Burnhamthorpe Road West

R STRUCTURE 1: Barn

C PRESENT USE: Barn

ORIGINAL USE: BARN

H CONSTRUCTION DATE: c.1922

STYLE: Gambrel Bank Barn

I BUILDER: Unknown

T GENERAL DESCRIPTION:

E PLAN: Rectangular

STOREYS: 2

BAYS:

C FOUNDATION MATERIAL: Concrete block

EXTERIOR WALL MATERIAL: Vertical barn board

ROOF TYPE: Gambrel metal roofing

WINDOWS: Historical wood window openings boarded up or with new glass panes

ENTRANCE: Wood doors on lower level; large wood sliding doors on upper level

T UNIQUE FEATURES:

U CHIMNEY (S):

DORMERS:

ROOF TRIM:

WINDOW TRIM: Wood trim

SPECIAL WINDOWS:

DOOR TRIM: Wood trim

PORCH/VERANDAH:

OTHER:

E CURRENT CONDITION OF STRUCTURE: Good

LANDSCAPE ELEMENTS:

- Remnants of former farm complex layout.
- Remnants of former farmhouse in front of the existing barn.

NORTH OAKVILLE INVENTORY OF HERITAGE RESOURCES

- Property once contained a brick Gothic Revival farmhouse, constructed in the late 1800s.
- The land was settled in 1841 by Matthew Clements, secretary of the Agricultural Society, but he never lived on the land (Town of Oakville Heritage files).
- J. Brady is noted on the property on the Tremaine map of 1858 and M. Clements is noted on the property in the County of Halton Illustrated Historical Atlas of 1877.
- The original farmhouse was demolished in 2002.



Photo of the original farmhouse (since demolished) and the existing barn to the rear, c.1992.
Photo source: Town of Oakville files



Photo of the original farmhouse (since demolished), c.1992.
Photo source: Town of Oakville files

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North Oakville Heritage Resources Review and Strategy

**APPENDIX B – EXAMPLES OF CONSERVED
RURAL HERITAGE RESOURCES**

Examples of Conserved Rural Heritage Resources

Farmhouses

The majority of heritage buildings remaining in the rural portion of Oakville are the historic farmhouses. Ideally, a farmhouse is retained on its original site, possibly on its original foundation, and the new development is designed in a way that positions the house facing directly onto the original road or onto a new street. If on-site retention is not possible, the farmhouse could be relocated to a new lot where it is highly visible, such as a corner lot. Clear viewscales to the building can help it achieve status as a landmark within the community. It is recommended that the lot be large enough to provide natural space around the building. Ideally the house would be maintained for residential use, but adaptive re-use such as commercial, retail or institutional use, could be implemented in a sympathetic manner.

There are numerous examples throughout the Greater Toronto Area, in urban-rural fringe municipalities like Oakville, where historic buildings have been successfully restored and incorporated into new development. The following images show houses which have been neglected and restored to their former beauty. When conserved properly, farmhouses can provide beautiful and unique architectural features within new developments, and help to retain and recognize the important rural history of Oakville.

Examples of Farmhouses Restored – Before and After

Photo source: Town of Markham Planning Department, Town of Aurora Planning Department



BEFORE



AFTER



BEFORE



AFTER



BEFORE



AFTER



BEFORE



AFTER



BEFORE



AFTER



BEFORE



AFTER



Proposed Restoration Drawing



House Relocated within Site and Restored.

Example of Farmhouse Retained In Situ

Photo source: Town of Markham Planning Department



Farmhouse preserved in situ as a residence on a double corner lot within a residential plan of subdivision, with mature trees preserved.



Farmhouse preserved in situ as a residence with original orientation in new residential subdivision.

Example of Farmhouse Relocated within the Site

Photo source: *Town of Markham Planning Department*



Farmhouse relocated from across the street in order to accommodate the construction of a new gas station, and adaptively re-used as a school



Farmhouse relocated from down the street to a location beside another farmhouse which was retained in situ, and used as part of an institutional development.

Examples of Farmhouses Relocated Outside of the Site

Photo source: Town of Markham Planning Department, Town of Oakville Planning Services Department



Amos Biggar Farmhouse relocated from Dundas Street to Neyagawa Boulevard, now used for commercial use.



Farmhouse relocated to a lot purchased by the owner from another property owner.

Examples of Farmhouses Dismantled and Reconstructed

Photo source: Town of Markham Planning Department, Town of Oakville Planning Services Department



Farmhouse dismantled and relocated from original farm site on Dundas Street to new subdivision where it continues to face Dundas Street and new compatible rear addition was constructed.



Farmhouse dismantled and relocated to new subdivision where it was reconstructed and placed on a lot facing a public park.

Examples of Farmhouses with Residential Use

Photo source: Town of Markham Planning Department



Farmhouses preserved within a residential plan of subdivision.

Examples of Farmhouses with Commercial Use

Photo source: Town of Markham Planning Department, Town of Aurora Planning Department



Farmhouse used as presentation centre for subdivision development.



Farmhouse used as medical offices on a main street.



Farmhouse used as a convenience store in new subdivision development.



Farmhouse used as restaurant in a new commercial development.

Examples of Farmhouses with Institutional Use

Photo source: Town of Markham Planning Department, Town of Aurora Planning Department



Farmhouse retained in situ with mature trees preserved, used as a school with new addition constructed to the rear to increase space.



Two farmhouses retained in situ and used as daycare facilities.

Barns and Outbuildings

There are numerous barns and rural outbuildings located throughout North Oakville, some of which remain structurally sound with most materials intact. There are opportunities to retain barns and find adaptive re-uses for them, such as storage facilities, recreational buildings, commercial centres or even as residences in some cases. While some barns in North Oakville have deteriorated significantly, there is large potential to conserve the remaining foundations and ramps to be used as part of new developments. Sheds and garages could be conserved for new use, or retained as car garages. Other outbuildings such as smokehouses, small sheds and silos can also be maintained fairly easily and cheaply within new commercial or residential properties, or within parks and open space areas.

Ideally, a barn or outbuilding is retained on its original site on its original foundation. As many of these structures are larger buildings, they are more difficult to relocate than houses and are best retained in situ. If on-site retention is not possible, the structure could be relocated to a location within the site that is highly visible, such as a corner lot. Clear views to the building can help it achieve status as a landmark within the community. A final option is to conserve only the foundation and/or ramp of the barn to be included within new parking lots or as features along streets or in parks.

Barns, farm outbuildings and remnants of these structures are prominent reminders of the former rural landscape of North Oakville and with proper planning, can be conserved within new developments in a compatible and economically feasible manner.

Examples of Barns Conserved in New Developments



Barn adapted for use as a residence, Markham, Ontario.
Source: Town of Markham Planning Services Department



Barn adapted and expanded for use as an art gallery and cultural centre, Oakville, Ontario.
Source: www.joshuacreekheritagecentre.ca



Barn preserved at the entrance of a new residential community, North Carolina.
Source: www.flickr.com



Barn adapted as a clubhouse for a new residential community, North Carolina.
Source: www.flickr.com



Barn adapted as an institutional building within a new university campus, Pennsylvania.
Source: www.flickr.com

Examples of Sheds and Garages Conserved in New Developments



Garage retained for use as a garage in a new residential subdivision, Markham, Ontario.
Source: Town of Markham Planning Services Department



Garage retained for use as a garage in a new residential subdivision, Markham, Ontario.
Source: Town of Markham Planning Services Department

Examples of Silos Conserved in New Developments



Silo and barn foundation preserved in a new golf course.
Source: www.flickr.com



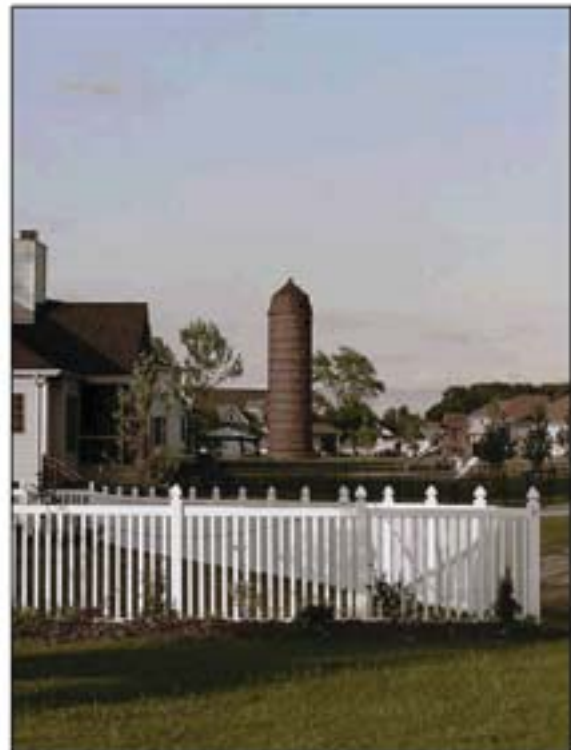
Silo preserved within commercial development, Oakville.
Source: Town of Oakville files



Silos used as art galleries, St. Jacob's, Ontario
Source: www.flickr.com



Silo preserved within new residential subdivision.
Source: www.flickr.com



Examples of Rural Remnants Conserved in New Development



Mill ruins preserved within new public park, Guelph, Ontario.
Source: www.flickr.com



Barn timbers incorporated into a park in Campbellville, Ontario.
Source: Town of Oakville Planning Services



Barn foundation preserved and incorporated into new patio.
Source: www.flickr.com



Barn foundations preserved along a road.
Source: www.flickr.com



Mill ruins used as parking lot perimeter, Guelph, Ontario.
Source: Town of Oakville Planning Services



Barn foundation incorporated into a garden in Perth County, Ontario.
Source: Town of Oakville Planning Services

North Oakville Heritage Resources Review and Strategy

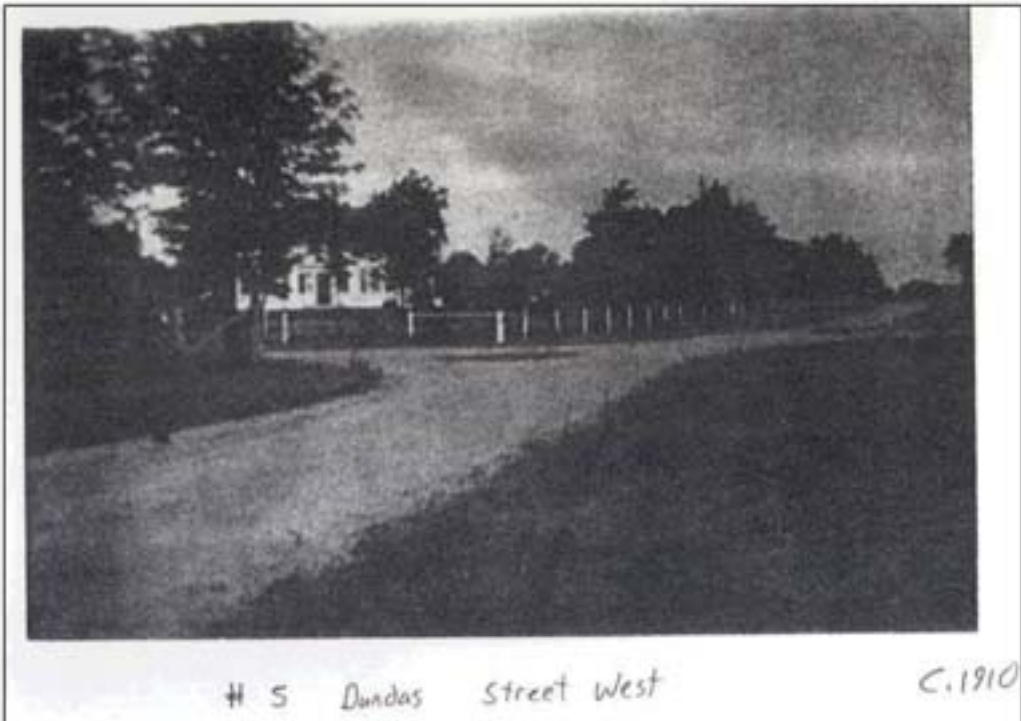
APPENDIX C – LOST BUILT HERITAGE IN NORTH OAKVILLE

Lost Built Heritage Resources in North Oakville

The following photographs are examples of buildings including farmhouses, schoolhouses, bridges, barns and commercial buildings which once existed in North Oakville but have since been demolished. While there are numerous more that are not included in this appendix, this selection of photographs attests to the loss of heritage buildings in North Oakville over the past several decades, and underlines the importance of conserving the area's remaining heritage resources for the future.



Former farmhouse at 5 Dundas Street West, c.1991.
Photo source: Town of Oakville Planning Services Department



Former farmhouse at 5 Dundas Street West at the northwest corner of Sixth Line and Dundas Street, c.1910.
Photo source: Town of Oakville Planning Services Department



Glenorchy Schoolhouse, S.S. No. 14, c. 1948.
Photo source: Trafalgar Township Historical Society



Store and house on northwest and northeast corners of the village of Trafalgar, c. 1952.
Photo source: Trafalgar Township Historical Society



Northwest corner of the village of Trafalgar, c. 1952.
Photo source: Trafalgar Township Historical Society



Lesley Bradley's Grocery Store, northwest corner of the village of Trafalgar, 1940.
Photo source: Trafalgar Township Historical Society



Palermo General Store, northeast corner of Palermo, c. 1934.
Photo source: Trafalgar Township Historical Society



Lawrence Hagar Homestead, northwest corner of Palermo, c. 1928.
Photo source: Trafalgar Township Historical Society



Jonathan Hagar house, northwest corner of Palermo.
Photo source: Trafalgar Township Historical Society



Jonathan Hagar house, northwest corner of Palermo, 2008.
Photo source: Town of Oakville Planning Services Department



Thompson Inn, northwest corner of Palermo.
Photo source: Trafalgar Township Historical Society



Palermo School S.S. No. 2, c. 1930s, later replaced by existing schoolhouse.
Photo source: Trafalgar Township Historical Society



Former farmhouse at 3069 Dundas Street West, at the northwest corner of Bronte Road and Dundas Street, c.1992.

Photo source: Town of Oakville Planning Services Department



Former farmhouse at 4116 Fourth Line, 1990. The house was demolished for the construction of the 407 West extension.

Photo source: Town of Oakville Planning Services Department



Former farmhouse at 4116 Fourth Line, 1977. The house was demolished for the construction of the 407 West extension.

Photo source: Town of Oakville Planning Services Department

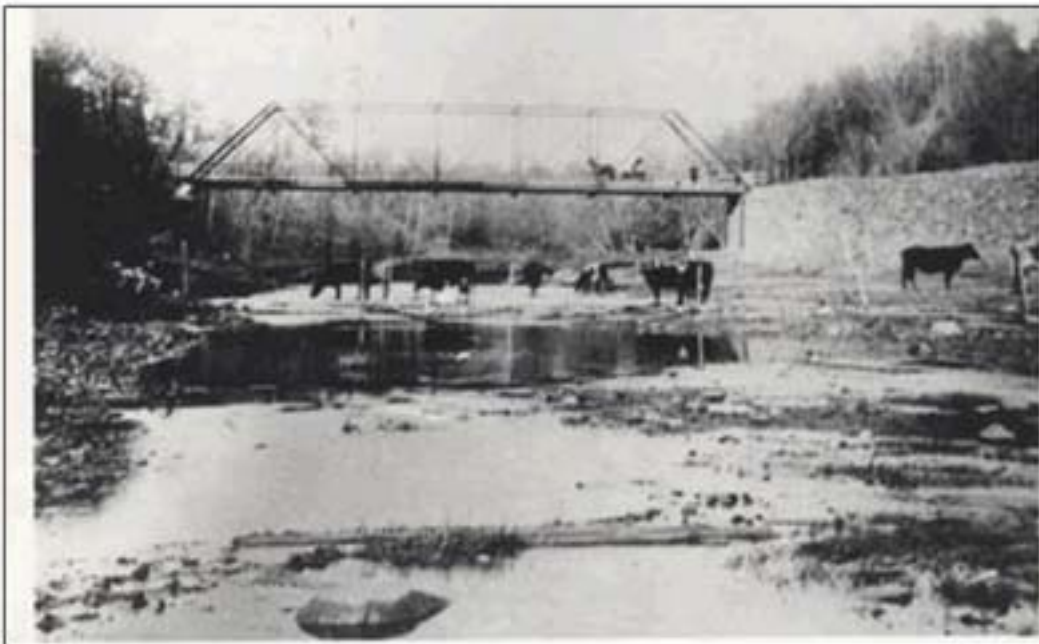


Former farmhouse at 4116 Fourth Line, 1977. The house was demolished for the construction of the 407 West extension.

Photo source: Town of Oakville Planning Services Department



Former farmhouse at southeast corner of Burnhamthorpe Road and Fourth Line, c.1992.
Photo source: Town of Oakville Planning Services Department



Glenorchy Bridge over Sixteen Mile Creek at Fourth Line, date unknown.
Photo source: Trafalgar Township Historical Society



Former farmhouse at 1264 Burnhamthorpe Road East, 2008
Photo source: Town of Oakville Planning Services Department



Former barn at 1264 Burnhamthorpe Road East, 2008.
Photo source: Town of Oakville Planning Services Department



Snider Schoolhouse on southwest corner of Burnhamthorpe Road East and Ninth Line, c.1940s.
Photo source: Trafalgar Township Historical Society



Snider Schoolhouse after residential use and before final demolition, 2009.
Photo source: Town of Oakville Planning Services Department

North Oakville Heritage Resources Review and Strategy

**APPENDIX D – EXCERPTS FROM THE
TOWN OF OAKVILLE OFFICIAL PLAN (2006)**

Excerpts from the Town of Oakville Official Plan (2006)

Part B

7. Heritage Resource Conservation

Goal

To preserve the heritage of such resources as archaeological sites, buildings, and structures of historic and/or architectural significance, value, or interest.

Objectives

To encourage growth and development patterns which promote the protection and sympathetic treatment and use of heritage resources.

To ensure that all avenues for the conservation of a heritage resource be explored.

To integrate structures of historic and/or architectural significance into development proposals where appropriate.

Part C

8. Heritage Resource Conservation

For the purposes of this section, heritage resources shall include features or areas of architectural, historical, archaeological or contextual interest.

8.1 a) It shall be the policy of the Town that individual properties may be considered for designation pursuant to the provisions of the *Ontario Heritage Act* if they exhibit or contain one or more of the following criteria:

- i) the property is associated with the life of a significant member of the community;
- ii) the property has played a role in an important historic event;
- iii) the property has architectural significance, value or interest due to building type, architectural style or period, or if it is the work of an important architect or early builder;
- iv) the property has contextual significance because of its position as an integral part of the surrounding streetscape.

b) The character of an individual historic designated property shall be maintained or enhanced through the careful consideration of plans for additions, alterations, renovation and restoration. Careful consideration shall also be given to the relocation, removal or demolition of designated structures, and the construction of new structures on designated property.

c) The Local Architectural Conservation Advisory Committee shall first be consulted on any plans for development or redevelopment on individual designated historic property, such as any plans for additions, alterations, renovation and restoration, and including the relocation, removal or demolition of

designated structures, and the construction of new structures on designated property.

d) The removal or alteration of any historic material or distinctive architectural feature should be avoided, when possible, with deteriorating architectural features or heritage materials being repaired rather than replaced, whenever possible.

e) Any addition or alteration to an existing structure, or any new construction, should be of a scale and massing, and of a design, style, colour and materials that is sympathetic, compatible and in keeping with the character of existing development on the property.

Notwithstanding the above, any addition, alteration, renovation, restoration or new construction shall be considered on an individual basis on the premise that contemporary styles can be more appropriate in certain cases than emulating turn-of-the-century designs.

f) In securing road extensions, road widenings, necessary road improvements, and any other public works, consideration is to be given to the impact of such works on individual historic designated property and the urban streetscape.

g) The demolition of any building or structure situated on an individual historic designated property is subject to the provisions of the *Town of Oakville Act, 1991* (Bill Pr. 82 – an Act respecting the Town of Oakville).

8.2 a) Areas may be considered for designation as Heritage Conservation Districts pursuant to the provisions of the *Ontario Heritage Act* if they exhibit or contain one or more of the following criteria:

- i) the area contains a grouping of buildings that are architecturally significant due to workmanship, age, beauty or uniqueness;
- ii) the area has historical significance, value or interest through an association with an important person, event, or community activity;
- iii) the area offers a definite sense of place and time through a series of common building elements, focal buildings, and landscape features.

b) Where Council has designated Heritage Conservation Districts, it is intended that the general policies in the Official Plan pertaining to Districts may be refined and amplified to apply to the individual designated Districts and their attributes and features by means of Heritage Conservation District Plans.

c) Heritage Conservation District Plans will be implemented by municipal review of changes proposed within the district. The Local Architectural Conservation Advisory Committee shall first be consulted on any plans for development or redevelopment within a Heritage Conservation District, such as any plans for

alterations, additions, restoration and renovation to existing structures, and including the removal, relocation or demolition of existing structures, and conservation of new structures.

d) The character of designated Heritage Conservation Districts shall be preserved, maintained and enhanced through the careful consideration of plans for change within the District.

In reviewing proposals for the construction, demolition, relocation or removal of buildings and structures, or for alterations, additions, renovation or restoration of existing buildings or structures within a designated Heritage Conservation district, the Town will be guided by the applicable Heritage Conservation District Plan.

e) Notwithstanding the District Plan guidelines, any addition, alteration, restoration, renovation or new construction shall be considered on an individual basis on the premise that contemporary styles can be more appropriate in certain cases than emulating turn-of-the-century designs.

f) In securing road extensions, road widenings, necessary road improvements and any other public works, every effort shall be made to ensure, where possible, that the character of existing roads and streetscapes are maintained and enhanced, and that proposed changes respect and are complementary to the identified heritage character of the District.

g) Required road rights-of-way indicated elsewhere in the Official Plan may be required in designated Heritage Conservation districts, but every effort shall be made to ensure, where possible, that existing pavement widths, especially where they are major contributors to the character of the streetscape, will be retained.

h) The demolition of any building or structure situated within a designated *Heritage Conservation District is subject to the provisions of the Town of Oakville Act, 1991 (bill Pr. 82 – An Act respecting the Town of Oakville).*

8.3 All new development permitted by the land use policies and designations of this Plan shall have regard for heritage resources and shall, whenever possible, incorporate these resources into any plan prepared for such new development.

8.4 The municipality, in consultation with the Province, or with the authority delegated to perform municipal plans review by the Province, shall determine the potential of impacts to archaeological resources to any new development. Where such potential is determined to exist, the proponent shall retain a consultant to carry out an archaeological assessment of the subject property prior to any demolition, grading or soil disturbance. Any archaeological resources found to be present on the subject property shall be mitigated through preservation on site, or removal and documentation, to the satisfaction of the municipality and the Province.

8.5 Heritage impact analysis may be required by Council where the development or redevelopment of property adjacent to, or in the immediate vicinity, of an individual historic designated property is considered by Council to adversely affect an individual historic property designated under Part V of the *Ontario Heritage Act*.

Heritage impact analysis may also be required by council where the development or redevelopment of property adjacent to, or in the immediate vicinity, of the boundaries of a Heritage Conservation District is considered by Council to adversely affect the maintenance and preservation of the existing character of a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*.

Where Council requires a proponent to prepare a heritage impact analysis, it shall be undertaken by a qualified professional with expertise in heritage studies and shall contain the following:

- i) a description of the proposed development, or alternative forms of the development, that may affect the heritage feature;
- ii) a description of the heritage features to be affected by the development, or the alternative forms of the development;
- iii) a description of the effects upon the heritage feature by the proposed development or its alternative forms; and
- iv) a description of the measures necessary to mitigate the adverse effects of the development upon the heritage feature.

Council may impose, as a condition of any required development approvals, the implementation of appropriate mitigation measures to ensure the conservation of affected heritage features.

8.6 That consideration be given to providing incentives to encourage the retention of buildings or structures worthy of heritage designation.

8.7 Owners of individual historic designated property, or property within a designated Heritage Conservation District, are encouraged to seek any available government grants and/or loans for eligible heritage conservation works.

8.8 The Town may enter into easements on real property designated under the Ontario Heritage Act as a means to ensure the maintenance or preservation of identified heritage resources.

8.9 That further to those measures outlined under Part "F" Implementation and Interpretation of this Plan, Council may adopt other measures available for the implementation of Heritage Resource Conservation Policies.

North Oakville Heritage Resources Review and Strategy

APPENDIX E – PARKWAY BELT AREA

Parkway Belt Area

As part of this study of the cultural heritage resources in North Oakville, staff undertook the research and analysis of heritage resources in the area currently zoned as Parkway Belt. This area is outside of the study area for the North Oakville Heritage Resources Review and Strategy. It is located at the far northwest boundaries of the Town and is bound generally on the south by Highway 407, on the west by Regional Road 25, on the north by Lower Base Line and on the east by Fourth Line. It includes properties along Tremaine Road, Burnhamthorpe Road West, Lower Base Line and Fourth Line.

Currently, this area has not been addressed in a Secondary Plan, as the North Oakville East Secondary Plan and North Oakville West Secondary Plan do not include this portion of land. Therefore the policies which have been developed in the North Oakville Heritage Resources Review and Strategy, which are based on documents like the Secondary Plans, could not be completed for the properties not addressed in the Secondary Plans.

A separate study, similar to the subject one, may be completed by staff for the Parkway Belt Area as part of a future workplan.

The following properties of heritage interest are located in the Parkway Belt Area:

Burnhamthorpe Road West (Barns)	Listed on Register
2381 Burnhamthorpe Road West	Listed on Register
2483 Burnhamthorpe Road West	Listed on Register
3164 Burnhamthorpe Road West	Listed on Register
3388 Burnhamthorpe Road West	Listed on Register
Fourth Line (Glenorchy Bridge)	Listed on Register
4278 Fourth Line	Listed on Register
1430 Lower Base Line	Potential cultural heritage resources
1556 Lower Base Line	Listed on Register
2252 Lower Base Line	Listed on Register
2346 Lower Base Line	Listed on Register
2410 Lower Base Line	Listed on Register
3451 Tremaine Road	Listed on Register

The map below shows the locations of these heritage properties:



North Oakville Heritage Resources Review and Strategy

APPENDIX F – PROPERTY STANDARDS BY-LAW 2007-100

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2007-100

A by-law to prescribe standards for the maintenance and occupancy of property.

WHEREAS under subsection 15.1 of the *Building Code Act, 1992*, S.O. 1992, c. 23 a by-law may be passed by the Council of a municipality prescribing standards for the maintenance and occupancy of property within a municipality; prohibiting the occupancy or use of such property that does not conform with the standards; and requiring that property that does not conform with the standards to be repaired and maintained to conform with the standards, provided that the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Corporation of the Town of Oakville includes provisions relating to Property conditions;

AND WHEREAS under subsection 35.3 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 as amended, Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property that has been designated by the municipality or the Minister, and require property that has been designated and that does not comply with the standards to be repaired and maintained to conform with the standards;

AND WHEREAS under subsection 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended, Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of property situated in a designated heritage conservation district and require property situated in a designated heritage conservation district that does not comply with the standards to be repaired and maintained to conform with the standards.

AND WHEREAS the Council of the Corporation of the Town of Oakville deems it desirable to enact a by-law for prescribing minimum standards for the maintenance and occupancy of property within the Town of Oakville;

AND WHEREAS the Council of the Corporation of the Town of Oakville deems it desirable to enact a by-law for prescribing the minimum standards for the maintenance of the heritage attributes of designated properties or properties situated in a designated heritage conservation district;

AND WHEREAS subsection 15.6 of the *Building Code Act, 1992* requires that a by-law passed under subsection 15.1 of the *Building Code Act, 1992* shall provide for the establishment of a Property Standards Committee.

NOW THEREFORE the Council of the Corporation of the Town of Oakville hereby **ENACTS** as follows:

1. DEFINITIONS

In this By-law,

"**Accessory Building**" means a building or structure, on the same lot as the main building or a part of the main building devoted exclusively to a purpose naturally and normally incidental to, and subordinate to, the main use of the premises.

"**Approved**" means Approved by the Property Standards Officer.

"Basement" means a Storey or Storeys of a building located below the Storey with its floor closest to Grade which has a ceiling of more than 1.8 metres (6 feet) above Grade.

"Chief Building Official" means a Chief Building Official appointed or constituted under the *Building Code Act, 1992, S.O. 1992 c.23*.

"Collectible Material" means ashes, garbage and such refuse as crates, packing materials and bedding.

"Dwelling" means a building or structure or any part of which is, or is intended to be, used for the purpose of human habitation and includes a building that is or would be intended to be used for such purposes except for its state of disrepair.

"Dwelling Unit or Rental Dwelling Unit" means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and approved as a permitted use by the Town's zoning by-law, as amended.

"Floor Area" means the area contained within the outside walls or outside finished furred partitions of the walls, but does not include a private garage, porch, stair well, attic or basement.

"Good Workmanship" includes, among other things

- i. ensuring that the component repaired can perform its intended function; and
- ii. finishing the Repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.

"Graffiti" means one or more letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings that disfigure or deface a structure or thing, howsoever made or otherwise affixed on the structure or thing but does not include:

- i. a sign or public notice authorized by the Town or by Provincial or Federal legislation;
- ii. in the case of private property, real or personal, any one or more letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings authorized by the Owner of the property upon which the letters, symbols, figures, etching, scratches, inscriptions, stains, or other markings appear, that, in the opinion of the Officer, does not contribute to the unsightly nature of the property.

"Grade" means the average level of proposed or finished ground adjoining a building at a exterior wall.

"Guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

"Health Hazard" means,

- i. a condition of a premises;
- ii. a substance, thing, plant or animal other than man; or
- iii. a solid, liquid, gas or combination of any of them,

that has or that is likely to have an adverse effect on the health of any person in the opinion of the Medical Officer of Health for the Region of Halton or a Public Health Inspector appointed to administer the *Health Protection and Promotion Act*.

"Heritage Attributes" means:

- a) the attributes of the Property, and the buildings and structures on the Property that contribute to the cultural heritage value or interest that are defined or described:
- i. in a by-law designating a Property passed under section 29 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reasons for designation or otherwise;
 - ii. in a Minister's Order made under section 34.5 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reasons for designation, or otherwise;
 - iii. in a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as Heritage Attributes, values, reasons for designation or otherwise;
 - iv. in the supporting documentation required for a by-law designating a heritage conservation district, which may include, but not be limited to a heritage conservation district plan, assessment or inventory and identified in such documentation as Heritage Attributes, values, reasons for designation, or otherwise
- b) The elements, features, or building components which may include, but not be limited to: roofs, walls, floors, retaining wall, foundations and structural systems that support or protect the Heritage Attributes, without which the Heritage Attributes may not be maintained

"Materials Suitable and Sufficient for the Purpose" includes among other things

- i. materials reasonably compatible in design with adjoining decorative finishing material; and
- ii. materials reasonably compatible in colour with adjoining decorative finishing materials.

"Motor Vehicle" means a vehicle that is drawn, propelled or driven by any means other than by muscular power, but does not include a vehicle of a railway that is operated on rails

"Non-collectible Waste" means any waste or matter other than Collectible Material and includes, among other things, the following:

- i. manufacturer's or industrial waste;
- ii. stock from any wholesaler or retailer;
- iii. celluloid cuttings, moving picture film, oil soaked rags, absorbents and explosive or highly combustible material of any nature whatsoever;
- iv. broken plaster, lumber or other waste resulting from the construction, alteration, repair, demolition or removal of any building or structure;
- v. spill and organic matter not properly drained or wrapped;
- vi. liquid (including motor oil) and gaseous waste;
- vii. bio-medical waste;
- viii. caustics and acids;
- ix. poisons, pesticides and herbicides;
- x. radioactive material;
- xi. septic tank pumpings, raw sewage, sludge and industrial process sludge;
- xii. night soil, hay, straw and manure;
- xiii. carcasses of animals;

- x.v. sod, soil and stones;
- xv. stoves, furnaces, bedsprings, furniture, boxes, barrels and other weighty or bulky articles;
- xvi. material which has become frozen to the receptacle and cannot be removed by shaking;
- xvi. discarded trucks, automobiles and other vehicles and any parts thereof or accessories thereto, including tires; and
- xvii. trees and stumps.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all outbuildings, fences or erections thereon or therein.

"Occupant" means any person or persons over the age of eighteen years in possession of the Property.

"Officer" means a Property standards Officer who has been assigned the responsibility of administering and enforcing this by-law.

"Owner" means any person, firm or corporation having control over any portion of the building or Property under consideration and includes

- i. the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- ii. a lessee or Occupant of the Property who, under the terms of a lease, is required to Repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property.

"Part IV Heritage Property" means Property designated under section 29 or 34.5 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

"Part V Heritage Property" means Property designated under section 41 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

"Person" means an individual, firm, corporation, association or partnership.

"Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land and properties listed under Part IV or Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

"Recyclable Material" includes, among other things, the following:

- i. glass, including bottles and jars but not broken glass, light bulbs, mirrors, plate glass or ceramics;
- ii. tin and aluminum cans;
- iii. plastic soft drink bottles (polyethylene terephthalate);
- iv. newspapers; and
- v. corrugated cardboard.

"Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the Property shall conform to the standards established in this by-law.

"Sewage System" means the Region's sanitary sewer system or a private sewage disposal system approved by the Town or the Ministry of the Environment.

"Storey" means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"Town" means the Corporation of the Town of Oakville.

"Yard" means the land, other than publicly owned land, ground or appurtenant to the whole or any part of a residential or Non-Residential Property and used or capable of being used in connection with the Property.

2. APPLICATION AND INTERPRETATION

2.1 This by-law applies to all Property in the Town of Oakville.

2.2 For the purpose of this by-law, unless otherwise stated to the contrary, the provisions prescribed shall be held to be the minimum standards for the promotion of the public health, safety, comfort, convenience and general welfare and are not intended to derogate from the standards found in any other applicable by-laws or legislation.

2.3 Subject to 2.1.4, the Owner of Property which does not conform to the standards prescribed in this by-law shall Repair and maintain the Property to conform to the standards or the Property shall be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.

2.4 Notwithstanding 2.1.3 above, in the case of buildings and structures located on Property that has been designated under the Ontario Heritage Act R.S.O. 1990, c. O18 as amended or substituted from time to time, shall not be cleared of all buildings and structures that do not conform to the standards.

3. PROHIBITION

3.1 No Owner or Occupant of Property shall use, occupy, allow or permit the use or occupation of the Property unless such Property conforms to the standards prescribed in this by-law.

3.2 No Person shall fail to maintain the Property in conformity with the standards prescribed in this by-law.

3.3 No Person shall fail to comply with a final and binding order issued under this by-law.

4. STANDARDS FOR ALL PROPERTIES, BUILDINGS AND STRUCTURES

4.1. GENERAL

4.1.1 All Repairs and maintenance of Property required by the standards prescribed in this by-law shall be carried out in a manner accepted as Good Workmanship in the trade concerned and with Materials Suitable and Sufficient for the Purpose.

4.2. STRUCTURAL ADEQUACY

4.2.1. Every Property shall be maintained in good Repair and in structurally sound condition so as:

4.2.1.1 to be capable of sustaining safely its own weight and any load to which it might normally be subjected;

4.2.1.2. to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;

4.2.1.3 to prevent the entry of moisture that would contribute to damage, decay, deterioration, including mould growth, and

4.2.1.4 to be capable of safely and adequately performing its function.

4.2.2. If in the opinion of the Officer there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the Officer may order that such building or structure or parts thereof be examined and a written report shall be prepared by a professional engineer, licensed to practice in Ontario and submitted to the Officer giving details of the findings and the proposed Repair methods, including details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer.

4.2.3 Upon completion of all of the work as required by a report submitted in accordance with 4.2.2, a further report prepared by the professional engineer shall be submitted to the Officer certifying that all of the work proposed in the written report has been completed and is in accordance with all applicable legislation.

4.2.4 No structural element may be added, removed, repaired or modified in any manner until any required permits have been obtained from the Chief Building Official.

4.3. FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS AND BALCONIES

4.3.1 A foundation wall, Basement, cellar or craw space floor, slab on Grade, exterior wall and roof shall be structurally sound, weather tight and damp-proofed and shall be maintained so as to protect against deterioration caused by the elements, fungus mould, dry rot, rodents, vermin or insects.

4.3.2 The foundations, walls, columns, beams, floors, roof slabs and balconies of all buildings including parking garages and Accessory Buildings shall be maintained:

4.3.2.1 in good Repair and a structurally sound state.

4.3.2.2 free from decayed, damaged or weakened sills, beams, piers, posts or other supports;

4.3.2.3 in a manner so as to prevent the entry of moisture into the building; and

4.3.2.4 in a manner so as to prevent settlement of the building.

4.3.3 The exterior walls of all buildings shall be maintained in good Repair, in a manner to prevent deterioration caused by the elements or pests and free from cracked or broken masonry, defective or deteriorated wood or metal siding or trim; cracked broken or loose stucco, and loose or unsecured objects.

4.3.4 Where the masonry units forming an exterior wall or part of an exterior wall, of any building are faced with a glazed or other decorative surface, all of those units from which the surface has spalled or broken shall be removed and replaced with units having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or is finished with other Approved materials.

4.3.5 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good Repair and the covering renewed when it becomes damaged or deteriorated.

- 4.3.6. Metal eavestroughs, rainwater pipes, flashings and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint and shall be renewed or replaced when such application deteriorates or becomes ineffective.
- 4.3.7. The cladding on the exterior walls of all buildings shall consist of masonry, stucco, wood, plywood, metal or other Approved materials of equivalent strength, durability and fire endurance.
- 4.3.8. Balconies, porches, canopies, marquees, awnings, screens, grilles, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting member shall be maintained:
- 4.3.8.1. in good Repair,
 - 4.3.8.2. free from Collectible Material, brush, Non-collectible Waste, Recyclable Material and unsightly storage;
 - 4.3.8.3. properly and safely anchored,
 - 4.3.8.4. protected against deterioration and decay, and
 - 4.3.8.5. free from broken or missing glass.
- 4.3.9. Exterior doors, windows, skylights, Basement hatchways, including storm and screen doors and storm windows, shall be maintained in good Repair and weathertight;
- 4.3.10. Openings in exterior walls, other than doors and windows, shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects unless it can be shown to the satisfaction of the Officer that the implementation of this section would adversely affect the normal operations in a Non Residential Property.
- 4.3.11. Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, shall be removed.

4.4 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

- 4.4.1. Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways.
- 4.4.2. Cooling water from water-cooled equipment shall be discharged directly into a proper drainage system which complies with all applicable governmental regulations.

4.5 ROOFS

- 4.5.1. All roofs shall be maintained:
- 4.5.1.1. in a watertight condition,
 - 4.5.1.2. free from loose or unsecured objects or materials,
 - 4.5.1.3. free from dangerous accumulations of snow or ice,
 - 4.5.1.4. free from all other accident, fire or Health Hazards,
 - 4.5.1.5. so that roof decks and related Guards are in a good state of Repair, and
 - 4.5.1.6. free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
- 4.5.2. No roof drainage shall be discharged on an entranceway, walkway or stair or discharged towards a neighbouring Property, or on to any

impervious road allowance or in such a manner that it will penetrate or damage the building or structure.

- 4.5.3. Every eavestrough, roof gutter, rainwater pipe and flashing shall be kept in good Repair free from obstructions, properly secured and free from health and accident hazards.

4.6 STAIRS, HANDRAILS AND GUARDS

- 4.6.1. All stairs, porches, decks, landings and other similar structures, all treads and risers, Guards, handrails and all supporting structural members shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 4.6.2. All Guards and handrails shall be installed and maintained in accordance with the Ontario Building Code so as to afford reasonable protection against accident or injury to any person in or on a Property.

4.7 FLOORS

- 4.7.1. Floors and floor coverings in all rental Properties and all non-residential Properties shall be maintained in a safe and sanitary condition, and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which may form fire, health or accident hazards.
- 4.7.2. Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant government regulations.
- 4.7.3. The floors of rooms in which plumbing fixtures are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

4.8. HEATING, VENTILATION AND MECHANICAL

- 4.8.1. Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstruction and to comply with all applicable governmental regulations and prevent:
- 4.8.1.1. obstruction to the free passage of persons within a building; and
- 4.8.1.2. fire and accident hazards.
- 4.8.2. Where a heating system, heating equipment or any auxiliary heating units burn solid or liquid fuel, a receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 4.8.3. All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.
- 4.8.4. Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 4.8.5. Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:

- 4.8.5.1. installed and maintained so as to prevent the escape of smoke or gasses into the building,
 - 4.8.5.2. clear of obstructions;
 - 4.8.5.3. free from open joints, free from broken and loose masonry; and
 - 4.8.5.4. in good Repair and plumb
- 4.8.6. A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good Repair, properly secured and free from fire, health and accident hazards
- 4.8.7 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good Repair and in a safe mechanical condition

5. STANDARDS FOR YARDS AND PARKING AREAS

5.1 GENERAL

- 5.1.1 All vacant lots and every Yard shall be kept clean and free from
- 5.1.1.1 injurious insects, termites, rodents, vermin and other pests and any condition which might result in the harbouring of such pests,
 - 5.1.1.2 dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition, and
 - 5.1.1.3. stagnant water which provides a breeding place for mosquitoes or other Health Hazards
- 5.1.2. No fill shall be allowed to remain in an uncovered state on any Property for longer than seven (7) days unless the Property is
- 5.1.2.1. a construction site for which a building permit is in effect;
 - 5.1.2.2. a Property being subdivided under subdivision agreement with the Town; or
 - 5.1.2.3. Property upon which material is being stored with the approval of the administration of the Town or the Regional Municipality of Halton in connection with a public works contract.
- 5.1.3. No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any Property for longer than thirty days unless the Property is
- 5.1.3.1. a construction site for which a building permit is in effect;
 - 5.1.3.2. a Property being subdivided under subdivision agreement with the Town; or
 - 5.1.3.3. actively being farmed
- 5.1.4 Every Yard, field, parking lot, carport and vacant Property shall be kept free of Collectible Material, brush, Non-collectible Waste, Recyclable Material and unsightly storage.
- 5.1.5. No Motor Vehicle, other than a Motor Vehicle currently bearing a valid license plate sticker issued by the Ministry of Transportation and capable of being driven, shall be parked other than in a building, on any Property in the Town of Oakville unless the parking of the unlicensed or inoperative Motor Vehicle is incidental to a

permitted use under the Town's zoning by-law for the zone in which the Property is located.

- 5.1.6. No machinery, vehicle, boat, trailer or part thereof which is in an unusable, wrecked, discarded, dismantled, partially dismantled or abandoned condition, shall be stored or allowed to remain on any Property, unless otherwise permitted by the Town's zoning by-law and if necessary, licensed under the Town's Licensing By-law.
- 5.1.7. Lawns, hedges and bushes will not be permitted to become overgrown or unsightly. Specifically, grass and weeds shall not exceed 20.33cm (8 inches) in height.
- 5.1.8. Walks, driveways and parking lots will be maintained free from accident hazards.
- 5.1.9. All exterior Property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties.

5.2 SEWAGE DISCHARGE

- 5.2.1. Sewage shall be discharged into a Sewage System.

5.3 EXTERIOR LIGHTING AND SUPPORTS

- 5.3.1. In the Yards of all Properties, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good Repair and in good working order.

5.4 FENCES

- 5.4.1. Fences, retaining walls and all structures appurtenant to a Property shall be installed and maintained in accordance with the Town's Fence By-law and in addition shall be
 - 5.4.1.1. Reasonably uniform in height and appearance;
 - 5.4.1.2. maintained in good Repair;
 - 5.4.1.3. maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - 5.4.1.4. maintained free from health, fire and accident hazards;
 - 5.4.1.5. protected from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is inherently resistant to such deterioration and compatible with surrounding finishes;
 - 5.4.1.6. made with suitable materials and designed and erected in a worklike manner and maintained so as not to appear unsightly; and
 - 5.4.1.7. capable of safely performing the function for which they were constructed.

5.5 MISCELLANEOUS

- 5.5.1. Storm water run off shall be drained from the grounds of Property and any area below exterior Grade so as to prevent excessive ponding, erosion or the entrance of water into a building or structure.
- 5.5.2. Unprotected wells, holes or cavities over one metre in depth shall be filled or safely covered.

5.5.3. Parking garages shall be maintained so as to prevent the accumulation of toxic fumes or the escape of toxic fumes into a building.

6. SUPPLEMENTARY STANDARDS FOR VACANT PROPERTY

6.1 In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law, the following additional standards shall apply to vacant Property:

6.1.1 Where any Property is unoccupied, the Owner or his agent shall protect every such Property against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorized persons.

6.1.2 All materials used for boarding up unoccupied buildings shall be covered and maintained with a preservative which is similar in colour to the exterior finish of the building.

6.1.3 Where a building remains vacant for a period of more than ninety days, the Owner or agent thereof shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent Property but this shall not apply where such utilities are necessary for the safety or security of the building or the building is designated under Part IV or Part V of the *Ontario Heritage Act*.

7. SUPPLEMENTARY STANDARDS FOR UNFINISHED BUILDINGS OR STRUCTURES

7.1 In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law, all buildings or structures, or parts thereof that are unfinished shall be finished in an acceptable manner within a reasonable amount of time and where applicable, in accordance with all relevant legislation and by-laws.

8. SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

8.1 GENERAL

8.1.1 In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law every Owner and every Occupant in the part of a Non-Residential Property that he or she occupies or controls shall maintain the Property:

8.1.1.1 in a sanitary and safe condition free from litter, refuse and debris, and shall provide containers for the disposal of such litter or refuse;

8.1.1.2 free from objects or conditions which are health, fire or accident hazards; and

8.1.1.3 free from rodents, vermin and noxious insects.

8.1.2 In a mixed-use building no Owner or Occupant thereof, nor anyone acting on behalf of such Owner or Occupant, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities to a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering such service or utility.

8.1.3 A person liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel, oil or other

service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance.

8.2. MEANS OF EGRESS

8.2.1. All means of egress for a Non-Residential Property shall be:

- 8.2.1.1. maintained free from all obstructions or impediments, and
- 8.2.1.2. provided with clean, clear, unobstructed and readily visible exit signs, for every required exit.

8.3. INTERIOR WALLS, CEILINGS AND FLOORS

8.3.1. Interior walls, floors and ceilings of a Non-Residential Property shall be maintained:

- 8.3.1.1. free from health, fire and accident hazards;
 - 8.3.1.2. in good Repair and free from holes, large cracks, broken plaster and loose or broken masonry;
 - 8.3.1.3. in a clean and sanitary condition which is reasonable considering the use or operation, and
 - 8.3.1.4. free from cracked and broken glass in door panels, glass screens and windows. Cracked broken glass in door panels, glass screens and windows shall be replaced with Approved glass or other Approved material.
- 8.3.2. Plaster Repairs made to the walls and ceilings of a Non-Residential Property shall be completed in worklike manner and each Repair shall be finished to match the existing wall or ceiling.
- 8.3.3. Glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 8.3.4. Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good Repair to ensure the proper operation and integrity of the door.
- 8.3.5. Plumbing fixtures shall be provided and maintained in accordance with the requirements of all applicable governmental regulations.
- 8.3.6. All plumbing, drain pipes, water pipes and plumbing fixtures and every connecting line to the Sewage System shall be maintained in good working order and free from leaks and defects and in compliance with all applicable governmental regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

9. SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1. GENERAL

- 9.1.1. In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law, and subject to the tenant's responsibility for ordinary cleanliness of the rented premises, the landlord shall provide such facilities and take such action to ensure that the residential complex or part thereof is safe, clean, in good state of Repair and fit for habitation.
- 9.1.2. The landlord shall maintain any services and facilities supplied by the landlord and maintain common areas intended for the use of the tenants.

- 9.1.3 All Repairs and maintenance of Property required by the standards prescribed in this by-law shall be carried out in a manner accepted as Good Workmanship in the trade concerned and with Materials Suitable and Sufficient for the Purpose.

9.2 LIGHT AND VENTILATION

- 9.2.1. An existing opening in the exterior surface of a building designed for a door, window or skylight shall be equipped with a door, window or skylight capable of performing the intended function and the landlord shall:
- 9.2.1.1 ensure that the doors, windows and skylights are weathertight,
 - 9.2.1.2. refill, replace, renew, caulk and weatherstrip any damaged, decaying defective or missing doors, windows, frames, sashes, casings, hatchways or screens;
 - 9.2.1.3. replace broken or missing glass, and
 - 9.2.1.4. replace defective or missing hardware.
- 9.2.2. Exterior doors, windows, skylights, Basement hatchways, including storm and screen doors and storm windows, shall be:
- 9.2.2.1. maintained in good Repair and weathertight,
 - 9.2.2.2. free from rotted or defective members,
 - 9.2.2.3. free from defective or missing hardware,
 - 9.2.2.4. free from torn, damaged or, where supplied, missing screens,
 - 9.2.2.5. free from defective or missing weatherstripping or caulking,
 - 9.2.2.6. free from defective storm or screen doors; and
 - 9.2.2.7. free from broken or missing glass.
- 9.2.3. All bedrooms, living rooms and dining rooms shall have a window or a door which contains a window that faces directly to the outside of the building.
- 9.2.4. All habitable space shall have natural or mechanical means of ventilation.
- 9.2.5. A window or natural ventilation is not required in a kitchen or washroom if electrical lighting and mechanical means of ventilation is provided, and a window is not required in habitable space, other than a bedroom or dining room, if there is an opening in a dividing wall to an adjoining room and the adjoining room has a minimum of 5 percent window area of the combined Floor Areas and if the required ventilation is provided.
- 9.2.6. At the request of the tenant, each window in a rental unit that is located above the Storey that has its floor closest to Grade and that has its ceiling more than 1.8 metres above Grade, shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimeters in diameter, except that the window must be capable of being opened by an adult tenant in an emergency without the use of tools.
- 9.2.7. Artificial lighting shall be provided in all habitable space and in interior common areas and maintained to permit safe use and passage, in accordance with the Ontario Building Code.
- 9.2.8. An exterior lighting outlet with fixture controlled by a wall switch located within the building shall be provided at every entrance to buildings of residential occupancy.

9.3 INTERIOR WALLS

9.3.1 Interior claddings and finishes of walls and ceilings, including elevator cars, shall be maintained in a safe and sanitary condition, free from holes, leaks or deteriorating materials. All interior walls must be painted or finished in a manner similar to other interior walls in the building.

9.4. SUPPLY FUEL

9.4.1. Unless required to be provided by the tenant, a landlord shall ensure a continuous and adequate supply of fuel, service or utility which provides light, heat, refrigeration, water or cooking facilities for a rental unit occupied by a tenant, except for such reasonable period of time as may be required for the purpose of repair or replacement of the service or utility.

9.5. HEATING, VENTILATION, MECHANICAL

9.5.1 Heating, ventilating and mechanical systems, including stoves, heating appliances, fireplaces, chimneys, fans, air conditioners, pumps, filtration and other equipment provided to supply heat, air conditioning, ventilation or other services shall be properly maintained and capable of being operated.

9.5.2. A space that contains a fuel-fired heating appliance shall have a natural or mechanical means of supplying the required combustion air.

9.5.3 Every residential rental Property shall have heating facilities capable of maintaining the habitable space at 22° Celsius.

9.5.4 A rental unit shall not be equipped with a portable heating appliance as a primary source of heat.

9.5.5. Only heating appliances approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

9.6 ELECTRICAL

9.6.1. A supply of electrical power by Oakville Hydro and wiring and receptacles acceptable to the Electrical Safety Authority or a supply of another type of power with its associated apparatus acceptable to the governmental authority regulating that type of power shall be provided to all habitable space in a residential complex and properly maintained.

9.6.2. If extension cords are provided by a landlord for permanent use, they shall,

9.6.2.1. be rated for the intended use; and

9.6.2.2. be installed in a safe manner.

9.6.3 If the landlord supplies a meter for electricity for the purpose of billing the tenants individually, it shall be properly maintained and kept accessible to tenants.

9.6.4. A kitchen shall be equipped with electrical or other service approved by Oakville Hydro or the authority having jurisdiction, and shall have outlets suitable for a refrigerator and cooking appliance.

9.7 SAFETY AND SECURITY

9.7.1. Every residential rental Property shall have a safe, continuous and unobstructed passage from every part of the interior to a safe exterior open space at street or Grade level.

- 9.7.2. All windows and exterior doors which are intended to be opened and which are accessible from outside a Rental Dwelling Unit or a building containing a Rental Dwelling Unit shall have hardware that makes them capable of being secured.
- 9.7.3. At least one entrance door in a Rental Dwelling Unit shall be capable of being both secured from inside and locked from the outside of the Rental Dwelling Unit.
- 9.7.4. Where provided, the vestibule door locking release and the Rental Dwelling Unit-to-vestibule communication system shall be properly maintained.
- 9.7.5. Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with a door equipped with a security device which prevents access to persons other than the landlord and tenants.
- 9.7.6. A mail delivery slot and other openings for deliveries that directly enter into a Rental Dwelling Unit shall,
 - 9.7.6.1. be located and maintained to prevent access to the lock on the entry door or any adjacent window, or
 - 9.7.6.2. be sealed, if other facilities for delivery have been made.
- 9.7.7. Mail boxes provided by the landlord shall be properly maintained and be capable of being secured.

9.8. REFUSE STORAGE

- 9.8.1. One or more suitable containers or compactors shall be provided for Collectable Material and Recyclable Material and shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.
- 9.8.2. The container shall be maintained in a clean and sanitary condition, accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

9.9. PEST PREVENTION

- 9.9.1. Every residential rental Property shall be kept reasonably free of rodents, vermin and insects at all times, and methods used for exterminating rodents and insects shall be in accordance with any applicable legislation.
- 9.9.2. Openings and holes in a building containing Rental Dwelling Units, including chimneys, windows, doors, vents, holes for pipes and electrical fixtures, cracks and floor drains that might permit the entry of rodents, vermin, insects, birds or other pests shall be screened or sealed as appropriate.

9.10. MISCELLANEOUS

- 9.10.1. Every rental unit shall contain at least the following:
 - 9.10.1.1. a toilet;
 - 9.10.1.2. a kitchen sink,
 - 9.10.1.3. a washbasin, and
 - 9.10.1.4. a bathtub or shower or a combination thereof.and shall be maintained in a clean, safe and good working condition.
- 9.10.2. A washroom shall be an enclosed space and shall have:
 - 9.10.2.1. a water-resistant floor;

- 9.10.2.2. water resistant walls in a tub surround and a shower;
- 9.10.2.3 a door which can be secured from the inside and can be opened from the outside in an emergency, and
- 9.10.2.4. an artificial light fixture which is maintained
- 9.10.3 No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing or consuming or storing food.
- 9.10.4 Hot water shall be provided to a sink, basin, bathtub and shower by safe equipment operated to provide water at a temperature of not less than 43° Celsius and not more than 49° Celsius.
- 9.10.5. Piped plumbing and drainage systems and appliances in a residential rental Property shall be maintained free from leaks, defects or obstructions and adequately protected from freezing
- 9.10.6 All appliances such as refrigerators or cooking stoves supplied by the Owner shall be maintained in good Repair and good working order by the Owner
- 9.10.7. Locker and storage rooms shall be kept free of dampness, mould or mildew.
- 9.10.8 Elevators intended for use by the tenant shall be properly maintained in accordance with the regulations under the *Technical Standards and Safety Act, 2000, S.O. 2000, c. 16*, as amended, and kept in operation except for such reasonable time as may be required to Repair or replace them
- 9.10.9. Driveways, ramps, parking garages, parking areas, paths, walkways, outside stairs or landings or similar areas shall be maintained to provide a safe surface for normal use, including the removal of ice and snow within twelve (12) hours of the end of a snow storm or ice storm,

10. HERITAGE PROPERTIES

10.1 GENERAL

- 10.1.1. In addition to the minimum standards for the maintenance and occupancy of Property set out elsewhere in this by-law, the Owner or Occupant of a Part IV or Part V Heritage Property shall:
 - 10.1.1.1 maintain, preserve and protect the Heritage Attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure;
 - 10.1.1.2. maintain the Property in a manner that will ensure the protection and preservation of the heritage values and attributes; and
 - 10.1.1.3 obtain a heritage permit from Council prior to performing required work or causing any required work to be performed under this section of the by-law

10.2 REPAIR OF HERITAGE ATTRIBUTES

- 10.2.1. Despite any other provisions of this by-law, where a Heritage Attribute of a Part IV or Part V Heritage Property can be repaired, the Heritage Attribute shall be not be replaced, instead shall be repaired:
 - 10.2.1.1. in such a manner that minimizes damage to the Heritage Attributes and values and maintains the design, colour, texture, grain or other distinctive features of the Heritage Attribute,

- 10.2.1.2 using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
- 10.2.1.3 where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used, if approved by Council.

10.3. REPLACEMENT OF HERITAGE ATTRIBUTES

10.3.1. Despite any other provisions of this by-law, where a Heritage Attribute of a Part IV or Part V Heritage Property cannot be repaired, the Heritage Attribute shall be replaced:

- 10.3.1.1 in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the Heritage Attribute, using the same types of material as the original, and
- 10.3.1.2, where the same types of material as the original are no longer available, alternative types of material that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material may be used, if approved by Council.

10.4. CLEARING AND LEVELLING OF HERITAGE PROPERTIES

10.4.1. Despite any other provision of this by-law or the *Building Code Act, 1992*, no building or structure located on a Part IV or Part V Heritage Property may be altered, demolished, removed, or re-located except in accordance with the *Ontario Heritage Act*.

10.5. VACANT HERITAGE PROPERTIES

- 10.5.1. Where a Part IV or Part V Heritage Property remains vacant for a period of 90 days or more, the Owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the Heritage Attributes.
- 10.5.2. The Owner of a vacant Part IV or Part V Heritage Property shall protect the building and Property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance of the elements, unauthorized persons or the infestation of pests by boarding up and securing any openings to the building.
- 10.5.3. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be installed from the exterior and shall be properly fitted in a watertight manner, and fit in such a manner so that all exterior trim and cladding remains uncovered and undamaged by the boarding.
- 10.5.4. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be fastened securely in a manner that minimizes damage to the Heritage Attributes.
- 10.5.5. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property shall be painted a manner to reflect the panes of glass, frames and muntins that were or are found on the opening that is being boarded over. The panes of glass shall be painted in matt black and the window frames and muntins shall be painted in a colour which matches that of the original opening.

- 10.5.6. All boards used for boarding or securing any opening to a Part IV or Part V Heritage Property not located in a window or door opening shall be painted or otherwise treated so that the colour blends with the exterior of the building or structure.

11. GRAFFITI

- 11.1 No Person shall place or cause or permit Graffiti to be placed on Property or on a wall, fence, or other structure or thing in a highway or other public place not included in the definition of Property.
- 11.2 The Owner or Occupant of a Property shall maintain the Property free of Graffiti.
- 11.3 The Owner or Occupant of a wall, fence, or other structure or thing located in a highway right of way or other public place shall maintain the structure or thing free of Graffiti.

12. DEMOLITION

- 12.1 Where a building, Accessory Building or other structure is being demolished and authorization for such demolition has been obtained under the Ontario Building Code, every precaution shall be taken to protect adjoining Property and members of the public. Such precaution may include the erection of fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.
- 12.2 Where a building, Accessory Building, fence or other structure on a Property is demolished, the site shall be cleared of all Collectible Material, brush, Non-collectible Waste, Recyclable Material and unsightly storage and left in a graded and leveled condition within thirty days.

13. DAMAGE BY FIRE, STORM OR OTHER CAUSES

- 13.1 Subject to the provisions relating to Heritage Properties contained in this by-law, a building or structure damaged by fire, storm or by other causes shall be demolished or repaired.
- 13.2 For a building or structure damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the Property and the building or structure shall be properly supported and barricaded until the necessary demolition or Repair can be carried out.

14. HOARDING

- 14.1 All hoarding used on a Property shall be maintained in a structurally secure manner, neatly painted or otherwise treated and kept free from posters, signs, notices, advertising material, words, pictures, drawings or other defacements.

15. ENFORCEMENT

- 15.1 Employees of the Town who are otherwise authorized to enforce by-laws within the Town are authorized to enforce this By-law.

16. PROPERTY STANDARDS COMMITTEE

- 16.1 A Property Standards Committee shall be established in accordance with section 15.6 of the *Building Code Act, 1992*, as amended and the

Terms of Reference passed by Council from time to time, to hear appeals of orders issued under this by-law, and shall consist of no less than three members.

17. INSPECTION OF PROPERTY WITHOUT WARRANT

- 17.1. An Officer may, upon producing proper identification, enter upon any Property at any reasonable time without a warrant, in accordance with section 15.2 of the *Building Code Act, 1992*, as amended, for the purpose of inspecting the Property to determine whether the Property conforms with the standards prescribed in this By-law, or whether an Order made under this by-law has been complied with.
- 17.2. For the purposes of an inspection, an Officer may be accompanied by a person with special knowledge in relation to a Property or part thereof, and may require the production of information, documents or samples as permitted under section 15.8 of the *Building Code Act, 1992*.

18. ORDERS

- 18.1. An Officer who finds that a Property does not conform with any of the standards prescribed in this by-law may make an order.
- 18.1.1. stating the municipal address or the legal description of the Property;
- 18.1.2. giving reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;
- 18.1.3. indicating the time for complying with the terms and conditions of the order and giving notice that if the Repair or clearance is not carried out within that time, the municipality may carry out the Repair or clearance at the Owner's expense, and
- 18.1.4. indicating the final date for giving notice of appeal from the order.
- 18.2. The order shall be served on the Owner of the Property and such other Persons affected by it as the Officer determines and a copy of the order may be posted on the Property.
- 18.3. The order may be registered in the proper land registry office and, when the requirements of the order have been satisfied, the clerk of the municipality shall register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

19. APPEALS

- 19.1. When the Owner upon whom an order has been served is not satisfied with the terms and conditions of the order, he or she may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the Town Clerk within fourteen (14) days of the service of the order:
- 19.2. An appeal fee of \$200.00, payable to the Town must accompany the notice of appeal.
- 19.3. In the event that no appeal is made within such fourteen (14) days, the order shall be deemed to have been confirmed and shall be final and binding.
- 19.4. Where an appeal has been made, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Officer and may confirm the order or may modify or rescind it, or may

extend the time for complying with the order provided that in the opinion of the Property Standards Committee, the general intent and purpose of this by-law is maintained

20. POWER OF MUNICIPALITY IF ORDER NOT COMPLIED WITH

- 20.1. If an order of an Officer under this by-law is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the Property Standards Committee or a judge, the municipality, in addition to all other available remedies, may cause the Property to be repaired or demolished accordingly
- 20.2 For the purpose of section 20.1, employees or agents of the municipality may enter the Property at any reasonable time without a warrant in order to Repair or demolish the Property
- 20.3 A municipal corporation or a Person acting on its behalf is not liable to compensate the Owner, Occupant or any other Person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection 20.1
- 20.4. The municipality shall have a lien on the land for the amount spent on the Repair or demolition under subsection 20.1 and the amount shall be deemed to be taxes due upon the land under section 349 of the *Municipal Act, 2001*, as amended and may be collected in the same manner as municipal taxes

21. EMERGENCY PROVISIONS

- 21.1 If upon inspection of a Property, the Officer is satisfied there is non-conformity with the standards prescribed in this by-law to such extent so as to pose an immediate danger to the health or safety of any person, the Officer may make an Order in accordance with section 15.7 of the *Building Code Act, 1992*, as amended, containing particulars of the non-conformity and requiring remedial Repairs or other work to be carried out immediately to terminate the danger

22. OFFENCES AND PENALTIES

- 22.1. An Owner or Occupant of Property is guilty of an offence if the Owner or Occupant uses, occupies, allows or permits the use or occupation of the Property unless such Property conforms to the standards prescribed in this by-law.
- 22.2. A Person is guilty of an offence if the Person:
- 22.2.1. fails to maintain the Property in conformity with the standards prescribed in this by-law, or
 - 22.2.2 fails to comply with a final and binding order issued under this by-law
- 22.3. Every Person who is convicted of an offence is liable to a fine of not more than \$50,000.00 for a first offence and to a fine of not more than \$100,000.00 for a subsequent offence.
- 22.4. Every corporation convicted of an offence, is liable to a fine of not more than \$100,000.00 for a first offence and to a fine of not more than \$200,000.00 for a subsequent offence
- 22.5. An offence is a subsequent offence if there has been a previous conviction under the *Building Code Act, 1992*, as amended.
- 22.6. If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law the court in

when the conviction is entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the Person convicted.

23. SEVERABILITY

23.1. If any section, clause or provision of this by-law hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intent that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect.

24. CONFLICTING BY-LAWS

24.1. Where a provision of this by-law conflicts with a provision of any other by-law in force in the Town or regulation in force in the Province of Ontario, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.

25. SHORT TITLE

25.1. This By law may be cited as the PROPERTY STANDARDS BY-LAW.

26. REPEAL

26.1. By-law 1991-111 and all amendments thereto are hereby repealed.

PASSED by the Council this 17 day of December 2007.

Rob Huron

MAYOR

Vicki Tyndale

CLERK

North Oakville Heritage Resources Review and Strategy

**APPENDIX G – LETTER TO OWNERS OF DESIGNATED PROPERTIES IN
NORTH OAKVILLE REGARDING PROPERTY STANDARDS**

TO: OWNER OF DESIGNATED HERITAGE PROPERTY

October 19, 2009

RE: Property Standards By-law and Heritage Properties

I am writing to you as the owner of **A DESIGNATED HERITAGE PROPERTY**, a property which has been designated by the Town of Oakville under Section 29, Part IV of the *Ontario Heritage Act*.

This letter is anticipated to be the first in a series of periodic updates for heritage property owners, designed to help foster awareness of new and applicable information as it relates to designated heritage properties.

The purpose of this letter is to provide information regarding the Town of Oakville Property Standards By-law 2007-100. This By-law outlines the requirements for proper maintenance and security of buildings in the Town, with a specific section regarding heritage properties in Section 10 of the By-law.

Owners of properties designated in accordance with Section 29, Part IV of the *Ontario Heritage Act* are obligated to maintain their property according to the requirements outlined in this By-law, in particular Section 10. Please take time to review the Property Standards By-law, attached to this letter, to ensure that your property is in compliance with this By-law.

If you find that work is required to bring a building or structure on your designated property into compliance, you may wish to investigate the Federal Home Renovation Tax Credit, to determine if you are eligible for a credit on works that you may be undertaking on your property before February 1, 2010, pursuant to agreements entered into after January 27, 2009. Further information about the Federal Home Renovation Tax Credit may be obtained through the following link.

<http://www.budget.gc.ca/2009/pamphlet-depliant/pamphlet-depliant3-eng.asp>

Additional information about heritage conservation in the Town of Oakville is available through the Town of Oakville website which can be found at the following link:

<http://www.oakville.ca/heritage.htm>

Another item that may be of interest to you is that on May 1 and 2, 2010, Oakville will be host to the Edifice Magazine Old Home Expo, which is being held at the St. Volodymyr Cultural Centre, 1280 Dundas Street West, Oakville. This expo will feature numerous products and services related to heritage homes. Additional information can be found at the following link:

<http://www.edificemagazine.com/>

Should you have any questions, please contact me at (905) 845-6601, ext. 3873 or by email at mseaman@oakville.ca.

Yours truly,

Michael Seaman,
Manager of Heritage Planning
Planning Services
Town of Oakville