

LOCAL PLANNING APPEAL TRIBUNAL
Tribunal d'appel de l'aménagement local

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject: Request to amend the Official Plan - Refusal of request by the Town of Oakville
Existing Designation: Private Open Space and Natural Area
Proposed Designation: Site Specific (to be determined) – including Residential, Mixed Use and Community Commercial
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Approval Authority File No.: OPA.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171084
LPAT Case Name: ClubLink Corporation ULC v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject: Application to amend Zoning By-law No. 2014-014 - Refusal of Application by the Town of Oakville
Existing Zoning: Private Open Space (O2), Private Open Space-Special (O2- Sp. 114), and Natural Area (N)
Proposed Zoning: Site Specific (to be determined)
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: Z.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171085

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL171086

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL171167

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject: Proposed Plan of Subdivision
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL180034

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 24
Municipality: Town of Oakville
LPAT Case No.: PL180158
LPAT File No.: PL180158
LPAT Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: By-law No. 2018-016
Municipality: Town of Oakville
LPAT Case No.: PL180158
LPAT File No.: PL180159

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 15
Municipality: Town of Oakville
LPAT Case No.: PL180580
LPAT File No.: PL180580

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 16
Municipality: Town of Oakville
L.P.A.T. Case No.: PL180580
L.P.A.T. File No.: PL180581

PROCEEDING COMMENCED UNDER subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Appeal of a decision of Council on an application to demolish a building or structure
Municipality: Town of Oakville
LPAT Case No.: MM180022
LPAT File No.: MM180022

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O.,
c.P.13, as amended

Appellant:	ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject:	Appeal against the levying of an application fee
Municipality:	Town of Oakville
LPAT Case No.:	MM170004
LPAT File No.:	MM170004

Witness statement of
JULIAN SMITH, C.M.

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Attachments:

- A. Julian Smith Curriculum Vitae
 - B. Acknowledgement of Expert's Duty
 - C. Text of Notice of Intention to Designate
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A. QUALIFICATIONS

1. I have been a registered architect in the Province of Ontario for 34 years. I am principal of Julian Smith & Associates Architects, a private consulting practice combining international standards of heritage conservation practice with full services in contemporary planning and design. I am an honorary member of the Canadian Society of Landscape Architects, in recognition of my extensive work on cultural landscapes. I also serve as Director Emeritus of the Willowbank School of Restoration Arts and the Willowbank Centre for Cultural Landscape.

(i) Education and experience

2. I attach a copy of my current curriculum vitae as Attachment A.
3. I completed my BA at Oberlin College (in Oberlin, Ohio), Magna Cum Laude, and my M. Arch. from the Massachusetts Institute of Technology, with the AIA School Medal as top graduating student. I obtained my certificate in preservation planning from Cornell University.
4. I have been involved in cultural landscapes within the heritage conservation field since early in my career. From 1980-87, I was Chief Architect within the National Historic Sites program of Parks Canada, where I was responsible for both the architecture and landscape architecture disciplines.
5. In 1987, I left Parks Canada and established a private consulting practice. I undertook design and planning projects, many involving significant cultural heritage properties and districts both in Canada and abroad, for clients in the

private and public sectors. I also developed policies and guidelines in the heritage field for all levels of government.

6. In 1989 I was retained by the National Capital Commission – the main federal urban planning agency in Canada's capital – to author a built heritage policy. I included in this document a recommendation, which was accepted, to expand the emphasis on heritage buildings to include the identification and conservation of significant cultural landscapes. As documented a few years later by the cultural advisor to UNESCO (the United Nations Educational Scientific and Cultural Organization), this was the first policy document anywhere in the world to introduce a cultural landscape category.
7. I continued to work on cultural landscapes, including developing Management Plans for the designed cultural landscapes at Parliament Hill (for Public Works and Government Services Canada) and Rideau Hall, the Residence of the Governor General (for the National Capital Commission), and for evolved cultural landscapes at the Byward Market (for the City of Ottawa) and Rockcliffe Park (for the Village of Rockcliffe Park).
8. Throughout my career, many governments and non-governmental organizations (NGOs) have retained me to provide advice on cultural heritage policy. In the 1990s, the Quebec government retained me to advise on their new heritage policy (*Politique du patrimoine bâti*), and the federal government retained me to co-write its first code of practice for the Federal Heritage Buildings program (*FHBRO Code of Practice*). I also developed the format and contributed to the content of the original federal-provincial *Standards and Guidelines for the Conservation of Historic Places in Canada*, and consulted with the Ontario government on their guidelines for heritage conservation districts (*Ontario Heritage Tool Kit: Heritage Conservation Districts, a Guide to District Designation under the Ontario Heritage Act*).
9. In 2009, UNESCO asked me to be one of the contributing authors for their 2011 *Recommendation on the Historic Urban Landscape*. At UNESCO's request, I

took on the role of lead author for the UNESCO North American regional report on culture, heritage and sustainability for the 2016 UN Habitat Conference in Quito, Ecuador.

10. I have been retained by agencies of ICOMOS (the International Council of Monuments and Sites) and UNESCO to undertake various international missions, including to the cultural landscape of Leshan, in China, and the tomb of Khoja Ahmed Yasawi and its urban setting, in Kazakhstan.
11. I am the immediate Past President of ICOMOS Canada. ICOMOS Canada is the Canadian chapter of ICOMOS (the International Council on Monuments and Sites), an international association of heritage professionals and the advisory body to UNESCO on cultural heritage matters. I have represented ICOMOS Canada at various international meetings and conferences, and was on the organizing committee for the 2014 international ICOMOS General Assembly in Florence, on the subject of 'heritage and landscape as human values'. I was granted ICOMOS Honorary Lifetime Membership at its 2020 International General Assembly.
12. I have been active in academia throughout my career. In 1988, I founded Canada's first English-language M.A. in Heritage Conservation, at Carleton University in Ottawa. I was coordinator of this program for fifteen years.
13. From 2008 to 2015 I was the Executive Director of Willowbank, an independent educational institution located in Queenston, Ontario. I helped establish its international reputation in the field of heritage conservation, particularly in the area of cultural landscape theory and practice. I was Director of its Centre for Cultural Landscape and developed the Centre's institutional partnerships with UNESCO's World Heritage Centres in both Paris and Shanghai.
14. I have received many awards for my work in heritage conservation across Canada, including both the National Trust's Léger Award and the ACO's Arthur Award, both for lifetime achievement in the heritage conservation field.

15. In 2016 I was appointed as a member of the Order of Canada. The citation begins "One of Canada's leading heritage architects and planners, Julian Smith has helped to ensure that our most iconic monuments and cultural landscapes are preserved for generations to come."

(ii) *Involvement with Glen Abbey Golf Course*

16. I was first retained by the Corporation of the Town of Oakville in July 2017 to advise the Town with respect to several matters regarding the Glen Abbey Golf Course. At the time of my initial retainer, the Town Council had recognized the Glen Abbey Golf Course as a significant cultural heritage landscape (in May 2017), based on the recommendations of a report prepared by a consulting team in the context of the Town's *Cultural Heritage Landscapes Strategy*,¹ and had asked staff to identify different methods that might be used to implement conservation of this landscape.
17. Through this and subsequent retainers, I have prepared several reports for the Town. From the commencement of my initial retainer, I have understood my duty as an independent expert is to provide fair, objective and non-partisan opinion evidence in my reports. I further acknowledge that it is my duty to provide opinion evidence that is related only to matters that are within my areas of expertise. I attach an Acknowledgement of Expert's Duty as Attachment B.
18. As part of these advisory services for the Town, I have undertaken research on the history and existing conditions of the Glen Abbey Golf Course and its immediate neighbourhood; on the history of golf course design in Canada more generally; on the development of cultural heritage landscape theory and practice at the international, national and provincial levels; on the current policy, legislative and regulatory frameworks for identifying and managing cultural

¹ *Cultural Heritage Landscapes Strategy Implementation – Phase II: Cultural Heritage Evaluation Report 1333 Dorval Drive (Glen Abbey Golf Course) Oakville, Ontario, May 2017, by Letourneau Heritage Consulting Inc., Contentworks Inc., DTAH, Creative Golf Design and This Land Archaeology*

heritage landscapes in Ontario; and on the related planning policies affecting the management of cultural heritage landscapes. I reviewed in detail the *Phase II Cultural Heritage Evaluation Report* by Marcus Letourneau and his team, and the related *Glen Abbey Golf Course Heritage Review* by Ken Moodie. I have also reviewed the 3 volumes of reference material assembled for Ken Moodie's report, as well as reviewing and discussing his more recent comments and witness statement. I have combined these research findings with my own experiences working on the identification, designation, conservation and redevelopment of significant cultural heritage landscapes both in Canada and abroad.

19. I have prepared the following reports and documents for the Town of Oakville:
- (a) A report entitled "Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property", dated August 10, 2017;
 - (b) A report entitled "Peer Review of Cultural Heritage Landscape Assessment and Heritage Impact Assessment by ERA Architects Inc., November 9, 2016", dated September 6, 2017;
 - (c) A report entitled "Review of Draft Cultural Heritage Landscape Conservation Plan prepared under the terms of the Town of Oakville Cultural Heritage Landscapes Strategy Phase III – Glen Abbey", dated January 15, 2018;
 - (d) A report entitled "Review of Draft Site-Specific OP and ZBA prepared under the terms of the Town of Oakville Cultural Heritage Landscapes Strategy Phase III – Glen Abbey", dated January 15, 2018 (regarding Official Plan Amendment 24 and Zoning By-law 2018-016);
 - (e) A report entitled "Review of the Application for Demolition and Removal under Section 34 of the Ontario Heritage Act, 1313 and 1333 Dorval Drive, Oakville, as submitted by Clublink Corporation ULC and Clublink Holdings Limited", dated January 26, 2018; and

- (f) Affidavits sworn in respect of applications to the Ontario Superior Court of Justice in relation to ClubLink’s application under section 34 of the OHA for demolition or removal of the Glen Abbey Golf Course.

B. LIST OF MATTERS TO BE ADDRESSED IN EVIDENCE

20. My evidence will address the following areas:

- (a) The framework for cultural heritage landscape conservation at the international, national and provincial levels, and in the Town of Oakville more particularly;
- (b) The application of this framework to the specific context of the Glen Abbey property;
- (c) An assessment of the Glen Abbey property as a significant cultural heritage landscape;
- (d) The Statement of Cultural Heritage Value and related Heritage Attributes of the Glen Abbey property set out in the by-law enacted by the Town under section 29 of the OHA designating the Glen Abbey property as having cultural heritage value or interest (the Designation By-law);²
- (e) The Town of Oakville’s OPA 24 and Zoning By-law 2018-016 pertaining to the Glen Abbey property;
- (f) A review of the “Cultural Heritage Landscape Assessment and Heritage Impact Assessment - Proposed Redevelopment of the Glen Abbey Golf Club” (November 9, 2016) (ERA Heritage Assessment) and Addendum

² By-Law Number 2017-138 enacted on December 20, 2017

(November 20, 2017) (ERA Addendum) prepared by ERA Architects Inc. (ERA);

- (g) My opinions regarding the impact of Clublink's proposed redevelopment of the Glen Abbey Golf Course from a cultural heritage perspective in the context of contemporary heritage policy, legislation and practice in Ontario.

21. As I will discuss in detail below, my opinion with respect to these questions is that:

- (a) Cultural heritage practices, policies and regulatory frameworks in Canada and Ontario have distinct traditions related to commemoration, on the one hand, and conservation, on the other.
- (b) The commemorative tradition began in a formal sense with the establishment of a designation, inscription, and plaquing program by the Historic Sites and Monuments Board of Canada in the years immediately following World War I. In Ontario, this activity was expanded a few decades later in the commemorative plaquing program of the Ontario government. These programs do not prevent the demolition or removal of cultural heritage resources. They focus instead on simply erecting commemorative markers at places associated with historically-significant people, places, and events. Commemorative programs can also involve preserving vestiges of a former place of historic interest.
- (c) The conservation tradition is a more recent activity, marked by the introduction of heritage legislation in Ontario and other provinces in the 1970s. This tradition has a different goal, namely the protection of culturally significant properties from demolition and physical change that would result in the loss of heritage value, and mechanisms to ensure ongoing conservation through appropriate management and use. These legislative initiatives related to conservation were the direct result of public

concern with the loss of such properties and the negative impact on the communities concerned.

- (d) Within the conservation tradition, the initial focus in the 1970s was on buildings, either alone or in historic districts. However, the concept of the "cultural landscape" entered the conservation heritage field in the early 1990's. This reflected a movement towards a more inclusive assessment of the property or collection of properties as a whole, including the relationship of natural and human-made elements within these properties. The terms "cultural landscape" and "cultural heritage landscape", and the definition of appropriate approaches to their conservation are now well-established in Canadian and international heritage conservation, including in Ontario.
- (e) Glen Abbey Golf Course is a cultural heritage landscape, within the established understanding of that term. It is more particularly a 'designed' cultural heritage landscape, rather than an 'evolved' or 'associative' landscape, within the definitions set out by the Province in its guidance on designation. The 'designed cultural heritage landscape' term is particularly applicable to the works of landscape architects, including golf course architects.
- (f) In the case of the Glen Abbey property, it has strong values across all three of the categories set out in the Province's evaluation criteria, namely design value, historical value, and contextual value. These evaluation criteria are used to establish cultural heritage significance as set out in the regulations to the Ontario Heritage Act (OHA). This significance is reinforced by considering the Glen Abbey property in the context of related national and international standards for evaluating cultural heritage landscapes. It is a "significant cultural heritage landscape" as defined by the Provincial Policy Statement (PPS).

- (g) Heritage attributes are defined in the OHA as “the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest”. In the case of the Glen Abbey property, the most important attributes are those that embody the design ideas put forward by the legendary Jack Nicklaus, creator of the existing golf course, and that have become recognized in Canada and beyond through the use of the golf course as the home of the Canadian Open for most of the last 40 years. They include:
- (i) those features reflecting the historical values of the course itself because of its associations with Jack Nicklaus, with the Canadian Open, and with championship golf more generally;
 - (ii) those features reflecting the design values of this pioneering stadium-style course with its dramatic unfolding sequences for both golfers and spectators, which helped shape a new era in golf course design; and
 - (iii) those features reflecting its contextual values in terms of views to, from and within the course and the visual and historical relationships to surrounding neighbourhoods.
- (h) The Town of Oakville’s Official Plan Amendment OPA 24 and Zoning By-law 2018-016, which limit the primary permitted use of the property to a golf course, are important efforts on the part of the Town to implement the PPS directive that significant cultural heritage landscapes shall be conserved. As defined in the PPS, ‘conserved’ means the identification, protection, management and use of cultural heritage landscapes in a manner that ensures their cultural heritage value is retained. Identification and protection can be achieved, in their most basic form, through designation under the OHA. Appropriate protection, management and use are achieved through various other means including OPAs and Zoning By-laws. In the case of the Glen Abbey property, the OPA and

Zoning By-law focus on ensuring land uses are permitted that are compatible with those heritage attributes that contribute most directly and importantly to cultural heritage value.

- (i) The current owners of the Glen Abbey property, Clublink LLC, retained ERA Architects Inc. to prepare a “Cultural Heritage Landscape Assessment and Heritage Impact Assessment”. This report begins by defining the property as an ‘evolved’ rather than ‘designed’ cultural heritage landscape, a clear deviation from standard conservation theory and practice at the provincial, national or international level. Because of this approach, the authors do not properly apply Regulation 09/06, the required instrument for assessing cultural heritage value in the Province of Ontario. As a result, the assignment of heritage value and identification of heritage attributes are inappropriate. Without the right framework, one cannot arrive at a conservation approach that follows the directive of the PPS to conserve significant cultural heritage landscapes. The result is a failure to meet the requirements of the Province’s legislative, regulatory and policy framework for properties of this kind.
- (j) When the Glen Abbey property is assessed, as it should be, as a ‘designed’ cultural heritage landscape – Jack Nicklaus being the clear and obvious designer – then the cultural heritage value and the heritage attributes that support that value emerge quite clearly. It is the golf course itself, designed by Nicklaus and directly associated with the Canadian Open and most of the great golfers and some of the greatest golf plays of the last 40 years, that represents the intrinsic cultural heritage value and interest of the property. It is a significant designed cultural heritage landscape.
- (k) Both this cultural heritage value and its key related attributes disappear in the proposed Clublink redevelopment scheme. The proposal involves demolishing and removing the golf course, including “all existing tees,

greens, hazards, fairways, cart paths, etc., together with all related infrastructure”. Demolition represents a failure to conserve, and runs directly counter to the current provincial policy and regulatory framework for significant cultural resources in Ontario.

- (l) The ERA report proposes a commemorative program for the Glen Abbey Golf Course, once the demolition of the cultural heritage landscape has taken place. However, it is conservation, not commemoration, that underlies the principles and procedures set out in the OHA and the PPS. The commemorative efforts proposed do not compensate for the irretrievable loss of cultural heritage value.

C. COMMEMORATION VIS-À-VIS CONSERVATION

(i) The commemorative tradition in Canada and Ontario

- 22. The commemorative tradition in the heritage field goes back many centuries in Europe and elsewhere. However, it was formalized in Canada in 1919, with the creation of the Historic Sites and Monuments Board (HSMBC). The HSMBC designated its first National Historic Site in October 1919 – the Cliff Point site in Port Dover, Ontario – and erected a plaque at the site in 1920. In the intervening years, the HSMBC has designated almost 1,000 National Historic Sites commemorating people, places and events of importance to the nation.
- 23. This commemorative program involves a written record of HSMBC’s decision, plus a plaque erected on or near a property relevant to the designation, and in some cases the preservation of relevant vestiges. The location of the on-site commemorative activity is subject to the owner’s agreement, and there are no legal, financial or other restrictions that accompany the designation. Many markers are at places where the original buildings, structures or landscapes have disappeared over the years.

24. The Province of Ontario began its own commemorative program in 1956, and has since erected about 1,300 commemorative plaques and markers across the province. As with the HSMBC program, there are no restrictions on the properties associated with these sites of interest, and many markers commemorate events or places that do not survive or that are marked only by vestiges or archaeological remains.

(ii) *The conservation tradition in Canada and Ontario*

25. The conservation tradition in relation to government legislation is once again more recent in Canada than in many European or Asian countries. Canada has no national conservation program for properties of heritage value, other than those acquired and managed directly by the government. .

26. The demolition of a number of historic districts in the 1960s and 70s, as part of urban renewal programs, raised public concerns. These concerns were then galvanized by some high-profile demolitions of culturally-significant properties in the early 1970s, including the Rideau Convent Chapel in Ottawa in 1972, and the Van Horne Mansion on Sherbrooke Street in Montreal in 1973. Heritage Montreal and Heritage Ottawa, two of the earliest non-governmental organizations in the heritage field, emerged in this period, as did Heritage Canada, and these organizations helped channel public pressure for conservation legislation.

27. The impulse for this legislation was to protect heritage assets that are important to a community's identity, sense of place, and viability. For example, the City of Kingston's heritage advocates, who were instrumental in drafting the original Ontario Heritage Act in 1975, had pointed to the key role of heritage assets in the City's identity, quality of life, and economic prosperity.

28. The implications of heritage legislation for conservation were different from those envisioned by commemoration programs. The requirements for designation now included exact legal descriptions of the property or properties in question, as well

as clear description of the property's assets and their heritage value. These were seen as key to providing a framework for ongoing conservation. In addition, the legislation required that designated properties be evaluated whenever significant interventions were to take place that might impact cultural heritage value.

29. Because of the focus on conservation, related standards and guidelines were published to clarify best practices and to provide guidance on specific activities. Initially, the Ontario Heritage Trust - a branch of the Ontario Ministry of Culture established under the Ontario Heritage Act that focuses on heritage conservation activity - published its own guidelines in a 1988 book authored by Mark Fram, entitled *Well Preserved: Manual of Principles and Practice for Architectural Conservation*. This was eventually superseded by the joint provincial / territorial / federal effort to produce a pan-Canadian guide to conservation practice, entitled *Standards and Guidelines for the Conservation of Historic Places in Canada* (first edition 2003; second edition 2010) (*Standards and Guidelines*).
29. It should be noted that the *Standards and Guidelines* do not contain a single reference to 'commemoration' or the erecting of plaques or memorials or any of the related activities that form the core of the commemoration tradition in Canada. The focus is on conservation.
30. One of the ways of distinguishing the conservation tradition from the commemoration tradition is the emphasis in conservation on 'heritage attributes'. The *Standards and Guidelines*, in conjunction with provincial legislative frameworks including the OHA and PPS, provide for the description of cultural heritage value to be supplemented with a list of 'character-defining elements' or 'heritage attributes' that support the cultural heritage value. These two terms are used interchangeably in the heritage conservation field in Canada, for example in the *Canadian Register of Historic Places*, which brings together descriptions of heritage value and related elements or attributes from each of the provincial and territorial registers. The reason for identifying these attributes is to make it easier for property owners and managers and design professionals to understand which

physical aspects of a property should be sustained to ensure conservation of both tangible and intangible values.

31. The concept of heritage attributes was first introduced into the heritage conservation field in Canada as part of the development of the Federal Heritage Building program (FHBRO) in the mid-1980s. FHBRO was established, in part under my direction, to provide a framework for the conservation of significant federally-owned heritage properties. The identification of heritage attributes was part of a global movement to clarify what is generally known as a 'values-based approach' to conservation. The use of attributes was subsequently adopted by a number of provinces, including Ontario in its 2005 revisions to the Ontario Heritage Act.
32. As Chair of the Interdepartmental Committee that established the Federal Heritage Building program's conservation principles, I developed the format for Statements of Significance, now used by both the federal government and the province of Ontario. The format begins with a description of the property in question, followed by a statement of its cultural heritage value, and followed in turn by a list of its character-defining elements or heritage attributes. I wrote the first four FHBRO Statements of Significance using specific heritage properties to illustrate how the format was to be applied.
33. The importance of these 'character-defining elements' or 'heritage attributes' is evident in the three phases of conservation activity set out in the *Standards and Guidelines*.
34. The Understanding Phase begins with the identification and description of the heritage attributes, and their relationship to the overall statement of heritage value, as an essential first step.
35. The Planning Phase sets out a framework for ensuring conservation of this heritage value and its supporting attributes. It begins with discussion of an appropriate and sustainable use. As with the PPS definition of 'conserved',

patterns of use are one of the key aspects of conservation. As the *Standards* point out, the use of a place can be an integral part of its heritage value, and in such cases should be retained. If not, a compatible use must be found that will ensure “a stable context for ongoing conservation”.

36. The full definition of ‘heritage value’ in the *Standards and Guidelines* is as follows:

The aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Use is one of the attributes that embody the heritage value.

37. The Intervention Phase involves adopting and implementing the primary treatment chosen during the Planning Phase. The question of “primary treatment” is fundamental to developing a successful overall conservation approach and protecting heritage value. Although various attributes may be dealt with in different manners, there has to be an overall framework within which decisions regarding management and change are made. The definitions of the three categories of primary treatment in the *Standards and Guidelines* – ‘preservation’, ‘restoration’, and ‘rehabilitation’ – are based on a 1985 document entitled ‘Categories of Intervention’ authored by me when I was Chief Architect for the National Historic Sites program of Parks Canada.
38. **Preservation** as a primary treatment involves “protecting, maintaining and stabilizing the existing material, form and integrity of an historic place”. Of the three primary treatments, preservation has the least external evidence of change, but sometimes involves relatively intrusive measures to ensure the long-term survival of the historic place. For example, the conservation of Canada’s Vimy Memorial in France by the government of Canada, which I was retained to lead, involved significant dismantling and rebuilding of the monument and interventions

in the landscape to achieve the desired long-term conservation, even though it was clearly a 'preservation' project.

39. **Rehabilitation** as a primary treatment is “the sensitive adaptation of an historic place for a continuing or compatible contemporary use, while protecting its heritage value”. It implies a balance between preserving the identified components and relationships while inserting contemporary interventions to ensure ongoing viability. New interventions may be evident, but the overall cultural heritage value is maintained by keeping the primary heritage attributes intact. This approach has been implemented a number of times at Frederick Law Olmsted’s Central Park in New York City, where changes over the years have respected the integrity of Olmsted’s design while introducing more accessible pathways and new amenities such as an open-air theatre and a skating rink.
40. **Restoration** as a primary treatment is the “revealing, recovering or representing of an historic place as it appeared at a particular period in its history”. It takes place when the original resource has been so degraded that its cultural heritage value and/or its commemorative potential are at risk. An example is the restoration in the 1930s of many of the severely degraded buildings, structures and landscapes at Fort York in Toronto to create the historic site we know today.
41. Although the choice of primary treatment is not part of the designation process under the OHA, the statement of cultural heritage value and the listing of heritage attributes set the parameters for choosing and implementing the appropriate conservation treatment.
42. In commemorative activity, by contrast, the question of heritage attributes does not arise because the primary goal is to sustain the memory of the place, not the tangible resources themselves.

D. CULTURAL HERITAGE LANDSCAPE CONSERVATION FRAMEWORK

(i) *Broadening of focus from buildings to landscapes*

43. In its early stages, the conservation stream within the heritage conservation field focused on the preservation of 'buildings'. The field was dominated by architectural historians and architects, and most properties designated under early heritage conservation legislation both in Canada and the U.S. were buildings.
44. The Historic American Buildings Survey or HABS, was established in 1933 and has since created over half a million measured drawings of buildings.³
45. The first broad inventory of heritage resources in Canada was the *Canadian Inventory of Historic Building* established in 1970. The development of inventories of properties of interest has often been the first step towards designation.
46. The most widely used reference for designation in these early stages was H.Kalman's *The Evaluation of Historic Buildings* published by Parks Canada in 1979 and distributed nation-wide. It provided the model used by several provinces, many municipalities, and a number of American cities to create inventories and designations under the newly-enacted legislative frameworks. To the same effect, the first federal program for government-owned properties, established in the 1980s, was the *Federal Heritage Buildings* program.
47. The concept of 'buildings' was expanded to include 'engineering structures' in many jurisdictions in the latter part of the 20th Century, reflecting a growing interest in engineering history as well as architectural history.
48. The Historic American Engineering Record (HAER) was established in 1969, 35 years after the creation of HABS. A similar initiative, the Canadian Heritage Engineering Record, was launched in Canada 6 years later. The purpose of

³ <https://www.nps.gov/hdp/habs/index.htm>

HAER was "to document historic sites and structures related to engineering and industry".⁴

49. 'Cultural landscapes' became a central component of the heritage conservation system in the 1990s. This new category emerged out of an interest in exploring the connections between man-made objects and their natural environment. There was a shift in focus from buildings and structures as isolated objects, to a more ecological approach to relationships between these objects and their natural and human settings. The setting became a starting point rather than an afterthought.
50. To take the Rideau Canal as an example, Canada's Historic Sites and Monuments Board recommended in 1967 that "the entire lock system of the Rideau Canal including locks, blockhouses, dams, weirs and original lockmasters' houses be declared of national historical significance", whereas today Parks Canada states that "the heritage value of the Rideau Canal lies in the health and wholeness of its cultural landscape, as a witness of the early 19th-century forms, materials and technologies of the waterway, and as a dynamic reflection of the longstanding human and ecological inter-relationships between the canal and its corridor."
51. The Historic American Landscape Survey (HALS) was established 31 years after HAER, and 66 years after HABS, in 2000. Its mission was "to record historic landscapes... through measured drawings and interpretive drawings, written histories, and large-format black-and-white and color photographs". Its mission statement goes on to point out that "historic landscapes are special places. They are important touchstones of national, regional, and local identity. They foster a sense of community and place. Historic landscapes are also fragile places. They are affected by the forces of nature, and by commercial and residential development, vandalism and neglect." (<https://www.nps.gov/hdp/hals/index.htm>).

⁴ HAER mission statement: <https://www.nps.gov/hdp/haer/index.htm>

52. As discussed below, the 'cultural landscape' category was introduced by UNESCO in 1992, along with a framework for distinguishing between 'designed', 'evolved' and 'associative' landscapes. Since that time, cultural heritage landscapes have been an established part of the heritage field internationally as well as in Canada and more specifically in Ontario.

(ii) International Context

53. In the 1990s, Canada took a prominent role in developing the cultural landscape field at the international level, through UNESCO, ICOMOS, ICCROM (the International Centre for Conservation in Rome), and other institutions. The interest in cultural landscapes reflected a broader view of cultural heritage informed by anthropologists and cultural geographers.

54. In 1992, international interest in cultural landscapes culminated in the adoption by UNESCO of a new 'cultural landscape' category for the World Heritage Convention. Several significant rural areas in Europe had been submitted for potential designation on the World Heritage List. As these did not fit the existing framework focused on buildings and structures, a working committee, including Canadian Susan Buggey, developed and defined a new cultural landscape typology. The committee's recommendations were adopted at the 16th Session of UNESCO's World Heritage Committee in 1992.

55. UNESCO, in its operational guidelines for UNESCO World Heritage sites, defines 'cultural landscapes' as 'combined works of nature and of man'. This emphasis on the overlap between natural and human dimensions is significant in differentiating cultural landscapes from buildings.

56. In 1992, UNESCO also defined three types of cultural landscapes. These definitions have since become globally accepted as a way to distinguish between the broad range of cultural landscape variations. The three landscape types are *designed*, *evolved* and *associative* (<http://whc.unesco.org/en/culturallandscape>). Cultural heritage professionals use the distinction in landscape types to assess, designate, and manage culturally significant landscapes.

(iii) Canadian Context

57. Beginning in 2001, the federal government worked collaboratively with the provinces and the territories to produce the *Standards and Guidelines*. I was asked to develop the initial framework for this document, and then to provide advice on specific sections. This document has become a common reference for heritage professionals across Canada.
58. The *Standards and Guidelines* document contains a section on cultural landscapes. This section, in its introduction, references the international context and the importance of recognizing the common language and approach developed by international partners. It makes specific reference to the UNESCO categories of *designed*, *evolved* and *associative* cultural landscapes.
59. The *Standards and Guidelines* document also contains an important listing of the categories of key attributes often exhibited by cultural landscapes. These categories are
- (i) evidence of land use
 - (ii) evidence of traditional practices
 - (iii) land patterns
 - (iv) spatial organization
 - (v) visual relationships
 - (vi) circulation
 - (vii) ecological features
 - (viii) vegetation
 - (ix) landforms
 - (x) water features
 - (xi) built features

These categories of attributes are useful not only in assessing landscapes of potential cultural heritage value, but also for differentiating landscapes from built structures.

(iv) Provincial Context

60. Reflecting the evolution of the heritage conservation field at the international and national levels, the Province of Ontario has moved in its legislative and regulatory framework from an emphasis on buildings to a shared emphasis on built heritage resources and cultural heritage landscapes.
61. The Province has explicitly recognized the three landscape types – designed, evolved, and associative - developed by UNESCO and referenced above. They are discussed in several publications, including (1) *Heritage Resources in the Land Use Planning Process*, part of the Tool Kit published in 2006 by the Ministry of Culture; and (2) *Cultural Heritage Landscapes: An Introduction*, published in 2012 by the Ontario Heritage Trust, established by the Province under the *Ontario Heritage Act*. The Town of Oakville also recognizes these three landscape types in its 2014 publication, *Cultural Heritage Landscapes Strategy*.
62. The original Ontario Heritage Act, in 1974, used the heading 'Conservation of **Buildings** of Historic or Architectural Value' for Part IV designations. In 2002 this heading was replaced by 'Conservation of **Property** of Cultural Heritage Value or Interest' (emphasis mine). This is a direct corollary to the shift in emphasis towards a broader context for identifying cultural heritage resources, including cultural heritage landscapes, within the field of heritage conservation.
63. The Provincial Policy Statement, discussed below, distinguishes between 'built heritage resources' and 'cultural heritage landscapes'. Built heritage resources are defined as "parts" or "remnants" of a property, whereas cultural heritage landscapes are defined as places where the parts – both human and natural - "are valued together, for their interrelationship, meaning or association". This emphasis on being valued together is part of a more ecological approach that is now central to heritage conservation methodologies for identifying and protecting cultural heritage value.

64. The mandate for both built heritage resources and cultural heritage landscapes is the same. As stated in Section 2.6 of the 2014 Provincial Policy Statement (PPS), on Cultural Heritage and Archaeology: 2.6.1 "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Similarly, Section 4.2.7 (1) of the Growth Plan requires that cultural heritage resources, which are defined to include cultural heritage landscapes, will be conserved.
65. The situation in Ontario is today very much consistent with the international and Canadian context. Cultural landscapes are an accepted typology within the heritage conservation field, and earlier approaches to identification, protection, management and use that were originally developed in relation to buildings and structures are being modified to deal with their unique and important cultural characteristics.

(iv.1) The Ontario Heritage Act

66. The primary legislative instrument for the conservation of cultural heritage resources in Ontario is the Ontario Heritage Act (OHA).
67. The meaning of "conserved" is not specifically defined in the OHA but is fundamental to the framework of the Act. As stated in the opening preamble, the Minister is responsible for ensuring "the conservation, protection and preservation of the heritage of Ontario".
68. The OHA then sets out what is known as a 'values-based approach' to conservation. As part of the designation of a property, a municipality is required to issue "a statement explaining the cultural heritage value or interest of the property". From this value is determined a set of "heritage attributes", which are defined in the OHA as those attributes that contribute to this cultural heritage value or interest. Any alteration of a designated property that would affect its heritage attributes requires approval under the OHA.

(iv.2) The Provincial Policy Statement

69. All decisions made by municipalities in Ontario that affect a land use planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS clearly identifies cultural heritage landscapes as a category of heritage resource, within which those of significant heritage value or interest shall be conserved. A cultural heritage landscape is defined as:

a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an indigenous community. The area may involve features such as buildings, structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. *Cultural heritage landscapes* may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

70. I note that the term, 'cultural heritage landscape', used in the Ontario framework is a specific use of the more general term 'cultural landscape'. The inclusion of the term 'heritage' is because these are landscapes that have recognized cultural heritage value.

71. The PPS definition, as noted above, puts the emphasis on the interrelationship between the human and natural aspects of an area. This is an important reflection of the evolution in heritage conservation theory and practice towards a more holistic and integrated approach to cultural heritage resources generally, and to cultural heritage landscapes in particular.

72. The PPS definition also notes that cultural heritage landscapes may be identified through designation under the OHA, through federal registers [such as the *Canadian Register of Historic Places*], through international registers [such as UNESCO's *World Heritage List*], or protected through official plan, zoning by-law, or other land use planning mechanisms.

73. As noted in the opening Policy section in the current PPS (1.7.1(e)), the conservation of built heritage resources and cultural heritage landscapes encourages a sense of place by retaining those features that help define a community's character, which in turn supports long-term economic prosperity and the development of strong, healthy communities.
74. As with the OHA, the PPS implements a values-based approach to conservation. It says that significant cultural heritage landscapes shall be conserved (2.1), and defines the term 'conserved' as "the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained".
75. This PPS definition of 'conserved' also identifies approved conservation plans, archaeological assessments, and heritage impact assessments as instruments for achieving conservation goals. It notes that mitigative measures and/or alternative development approaches can be included in these plans and assessments. It is important to note that the overarching conservation goal for these instruments is the retention of cultural heritage value.
76. There is also a correspondence between the OHA and the PPS with respect to heritage attributes. As defined in the OHA, heritage attributes are:

in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

In the more expansive definition in the PPS, heritage attributes are:

the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a *protected heritage property*).

77. The OHA definition emphasizes the importance of considering the property as a whole, and not just the buildings and structures that may be present, and the PPS definition demonstrates the commitment to conserving places that share human and natural attributes.
78. The PPS sets out a broader range of measures that may be used to conserve cultural heritage landscapes than the OHA. In the OHA, approval is required for the alteration of property that would affect its heritage attributes, and for the removal of buildings or structures. The PPS provides that the retention of cultural heritage value or interest is to be achieved through the full range of appropriate identification, protection, management and use. Identification and protection can be achieved more directly within the framework of the OHA; appropriate management and use can often best be achieved through additional or alternative measures including conservation plans as well as official plans, zoning by-laws, and other planning mechanisms.

(iv.3) The Ontario Heritage Tool Kit

79. The Government of Ontario has prepared a multi-volume Ontario Heritage Tool Kit, which was released to coincide with the 2005 PPS, and around the time of the 2005 OHA amendments, to provide further clarification and direction with respect to the OHA and the PPS.
80. As set out in the Tool Kit, the purpose of the OHA is to enable municipalities to “identify, list and protect properties with cultural heritage value or interest”. The emphasis is on protection. The only mention of commemoration is in a subsection on *Heritage Places of Worship*, and even here a clear distinction is drawn between commemoration, through plaquing, and protection, through the OHA.
81. The Tool Kit reviews cultural heritage policies of the PPS, and, in relation to cultural heritage landscapes, sets out various planning measures that may be used to help achieve the goals of protecting properties of cultural heritage value

or interest, including secondary plans, zoning bylaws, and other measures as outlined above.

(iv.4) Growth Plan

82. In its preamble, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* points out that unmanaged growth can degrade the region's cultural heritage resources, which help provide people with a sense of place. One of its guiding principles is to "conserve and promote *cultural heritage resources* to support the social, economic, and cultural well-being of all communities". It points out that the Plan is to be read in conjunction with the PPS.
83. In its section on *Protecting What is Valuable*, the Growth Plan says that irreplaceable cultural heritage resources are among the components essential for the long-term quality of life, economic prosperity, environmental health, and ecological integrity of the region. It notes their ability to contribute to a sense of identity, support tourism and attract investment.
84. The Growth Plan also notes that municipalities will be required to develop official plan policies and strategies for the identification, wise use, and management of cultural heritage resources. As with the PPS, this indicates a broad scope of initiatives to provide protection to places of significant cultural value.
85. The Growth Plan also provides that:

Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Many of the policies of the Growth Plan speak to the importance of intensification. However, this sentence emphasizing that cultural heritage resources will be conserved "particularly in strategic growth areas" is an important caveat. The need for intensification does not override the need to conserve cultural heritage, and in fact it increases the importance of appropriate conservation measures.

(iv.5) Region of Halton

86. The Region of Halton has identified landscape heritage as a key element of the Region's identity and an important focus in planning for its future. As stated in Section 26 of its Official Plan:
- (a) In this regard, Halton will undertake the necessary steps to ensure that growth will be accommodated in a fashion that is orderly, manageable, yet sensitive to its natural environment, heritage and culture. To maintain Halton as a desirable and identifiable place for this and future generations, certain landscapes within Halton must be preserved permanently. This concept of "landscape permanence" represents Halton's fundamental value in land use planning and will guide its decisions and actions on proposed land use changes accordingly.
87. The Official Plan goes on to emphasize the need to identify and preserve those rural and urban landscapes that are "unique, historically significant and representative of Halton's heritage". This focus on landscapes in the Official Plan reflects a wider shift in Ontario and nationally, away from identifying historical and natural resources in isolation to considering them together.
88. This landscape emphasis is also reflected in Halton's definition of 'cultural heritage resources':
- (a) CULTURAL HERITAGE RESOURCES means elements of the Regional landscape which, by themselves, or together with the associated environment, are unique or representative of past human activities or events. Such elements may include built heritage resources, cultural heritage landscapes, and archaeological resources.

(iv.6) Town of Oakville

89. The Town of Oakville reflects this Regional emphasis in its municipal policies. In its Strategic Plan for 2007 to 2010, it put a priority on identifying cultural heritage resources. A *Cultural Heritage Landscapes Strategy* was produced in 2014. In its Strategic Plan for 2015 to 2018, it included as a Key Action the initiation of cultural heritage landscape assessments.

90. The Town of Oakville's *Vision 2057* document points to the need for ongoing studies and initiatives to continue a "culture of conservation".
91. The Town of Oakville's 2009 Official Plan, *Livable Oakville*, sets out policies for the use of lands and management of the Town's growth through to 2031.
92. *Livable Oakville* identifies preserving, enhancing and protecting cultural heritage as a key part of making Oakville a livable community. More specifically, it commits the Town to the identification, evaluation and conservation of cultural heritage landscapes in accordance with the 2014 *Cultural Heritage Landscapes Strategy*.

(iv.7) Town of Oakville Cultural Heritage Landscapes Strategy

93. The Town of Oakville's *Cultural Heritage Landscapes Strategy* reflects current provincial, national and international best practice in the identification, protection, management and use of cultural heritage landscapes.
94. It begins by discussing the definition and identification of these landscapes. Fundamental to this process is the distinction between 'designed', 'evolved' and 'associative' landscapes. These definitions are set out in Ontario's Heritage Tool Kit, which provides the tools to be used in implementing the OHA, the PPS, and other provincial policies related to cultural heritage resources. The three categories are also described in the Ontario Heritage Trust's 2012 *Introduction to Cultural Heritage Landscapes* and the *Standards and Guidelines for the Conservation of Historic Places in Canada*. The distinctions between these three cultural heritage landscape types are drawn from the definitions established by UNESCO referred to above.
95. **'Designed' cultural heritage landscapes** are defined by UNESCO as being intentionally designed and clearly defined. They are described by the Ontario Heritage Trust as places generally created at a specific time by a specific

person.⁵ North American examples of designed landscapes can be found in the large database established by the Cultural Landscape Foundation. Their ‘designed landscape’ category includes public and private urban parks (Central Park, NY; Aga Khan Park, Toronto), golf courses (Augusta National Golf Club, Georgia; National Golf Links of America, NY), cemeteries (Arlington National Cemetery, Virginia; Mount Pleasant Cemetery, Toronto), and urban pathways (Commonwealth Avenue, Boston; University Avenue, Toronto).

96. **‘Evolved’ cultural heritage landscapes**, by contrast, are not associated with any one designer or time period. What exists today is the result of the actions of many property owners over an extended period of time, working independently but within shared cultural goals. Examples of ‘evolved’ cultural heritage landscapes include urban neighbourhoods, villages, and rural districts in Ontario designated under Part V of the OHA. Part V is specifically framed to allow designations involving multiple property owners. Examples from the Ontario Heritage Tool Kit include downtown Galt, in the City of Cambridge; the Cabbagetown neighbourhood in Toronto; and the Byward Market district and the village of Rockcliffe Park in Ottawa.
97. **‘Associative’ cultural heritage landscapes** are places with powerful religious, artistic or cultural associations, often involving natural elements with or without material cultural evidence. Examples in Canada include Head-Smashed-In Buffalo Jump in Alberta and Fall Caribou Crossing National Historic Site in Nunavut.
98. Oakville’s *Cultural Heritage Landscapes Strategy* goes on to define a process for evaluating these landscapes, based on Regulation 9/06 under the Ontario Heritage Act. The Regulation sets out criteria that must be applied in deciding whether a property can be designated, which are grouped under the headings of design or physical value; historical or associative value; and contextual value.

⁵ Ontario Heritage Trust, *Cultural Heritage Landscapes – An Introduction*, November 2012

99. The *Strategy* identifies means of protection, including Part IV and Part V designations under the Ontario Heritage Act. Part IV is used for designating an individual property, and Part V for designating a collection of properties making up a heritage conservation district. ‘Designed’ cultural landscapes are normally designated under Part IV (“Conservation of Property of Cultural Heritage Value”), since the design activity has usually been applied to a single public or private property holding. ‘Evolved’ cultural heritage landscapes are more typically designated under Part V (“Heritage Conservation Districts”), which is set up to deal with multiple properties, complex ownership patterns, and ongoing evolution.
100. The *Strategy* also recognizes that protection may be achieved through provisions under the Planning Act.

E. THE GLEN ABBEY CONTEXT

101. Glen Abbey Golf Course is a property of approximately 229 acres. The property is located in Oakville, Ontario, north of Dorval Drive and east of Upper Middle Road. Sixteen Mile Creek is located within and along the north side of the property.
102. The property consists primarily of an 18-hole championship golf course, designed by legendary golfer Jack Nicklaus and opened in 1976. The clubhouse was designed and built at the same time, to complement the design of the course. Other buildings on the property included the stables from a former private rural estate (called RayDor), adapted as the golf course maintenance compound, and the estate house itself, adapted for use as an office building and currently the home of Golf Canada. There are other ancillary support buildings and vestiges of earlier occupations.
103. The golf course occupies both the tablelands (holes 1 to 10 and 16 to 18) and the Sixteen Mile Creek valley (holes 11 to 15). The actual sequence of play for the

first ten holes has shown some variations from time to time for championship play, while the sequence of the valley holes and the closing four holes has remained constant. The course has undergone a number of minor modifications and expansions over the years, generally overseen by Jack Nicklaus and his design company.

104. Prior to the opening of the Glen Abbey Golf Course, the Canadian Open moved from course to course. However, Glen Abbey was specifically designed to be a spectator-oriented golf course for the Canada Open, under the umbrella of the Royal Canadian Golf Association (currently Golf Canada).⁶ Golf Canada leased the estate house on the property as its headquarters and museum, and was part of the agreement to hire Jack Nicklaus as the designer of the course⁷. This combination of hiring one of the world's most prestigious golfers to create a home for Canada's most prestigious golf tournament was an auspicious beginning, and created the framework for a unique golf course design.
105. Jack Nicklaus used the opportunity of designing Glen Abbey to put into practice his desire to radically change the spectator experience for championship events. As the all-time leader in major tournament wins, Nicklaus was a golfer who was intimately familiar with many of the world's most important and influential golf courses. And yet he understood the frustration for spectators of having limited ability to view the action on the course. As he neared the end of his playing career, he began to turn his hand to golf course design. He described Glen Abbey as one of his more creative golf courses, because it put the spectator experience on par with the golf experience.⁸
106. The impact of Nicklaus' design for Glen Abbey was immediate, as people around the world became aware of its unique features. Although he had explored this

⁶ Letourneau, *Phase II: Cultural Heritage Evaluation Report, 1333 Dorval Drive*, 2017, p.47

⁷ Ibid, p.47

⁸ Jack Nicklaus, email to Marcus Letourneau, 2017.

new design approach a few years earlier in conjunction with Peter Dye at his own Muirhead course in Ohio, the concept was fully developed for the first time at Glen Abbey. TPC Sawgrass, one of the more famous settings for tournament golf in the U.S., was opened in 1982 and was recognized as being directly influenced by Jack Nicklaus' pioneering work at Glen Abbey⁹. It in turn influenced the design of other notable spectator-oriented courses such as TPC Scottsdale.

107. The Glen Abbey course combines a stadium approach with the use of spectator mounds integrated into the topography of each hole, together with a hub-and-spoke design that groups the holes around the central clubhouse.
108. To date the Glen Abbey has hosted the Canadian Open, Canada's premier golfing event, a total of 30 times, most recently in 2018 and more than any other golf course. The Canadian Open is one of the world's longest-running tournaments and has been considered part of the 'Triple Crown' in golf, together with the British Open and the U.S. Open. The most recent 2018 event was watched by more than 2 million viewers on its CBS feed alone.
109. Not only is Glen Abbey recognized as one of Canada's most famous golf courses, but it is arguably the only course in the country with a significant international reputation because of its place in the PGA tour.
110. Glen Abbey has hosted most of the world's best golfers multiple times over the last forty years, and has been witness to some of the great competitive battles of this era. The valley holes are well known for both their scenic beauty and their challenging play, and the last three holes, on the tableland, have been noted for their role in stimulating close finishes. Tiger Woods, the best known golfer of the

⁹ Golf.com, *'Birth of the Stadium: TPC Sawgrass allowed fans to see golf in a whole new way'*, 2013. See also Lorne Rubenstein, *'Canada's Glen Abbey inspires Stadium course'*, The Globe and Mail, 2011.

current generation, hit what is regarded as one of his most memorable shots on the 18th Hole to win the 2000 Canadian Open by a single stroke¹⁰.

111. The golf course was integral to the planning of the surrounding residential neighbourhood, which took its name from the course.
112. For the Town of Oakville, Glen Abbey has been a central part of its identity, and a distinguishing feature of this community within the greater urban landscape of metropolitan Toronto. Since its opening, it has featured prominently in the historical and cultural timeline of the Town.

F. GLEN ABBEY PROPERTY AS A SIGNIFICANT CULTURAL HERITAGE RESOURCE

113. The PPS defines “significant” cultural heritage resources as those that have been determined to have cultural heritage value or interest. It goes on to say that processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the OHA.

(i) Ontario Regulation 9/06

114. In the case of Glen Abbey, the relevant criteria are set out in Ontario Regulation 9/06, established under the authority of the OHA.
115. The purpose of Ontario Regulation 9/06 is to provide municipal heritage advisory committees and councils in Ontario with a consistent and objective framework for evaluating properties of potential cultural heritage value or interest. As stated in clause 29(1)(a) of the OHA, “The council of a municipality may, by by-law,

¹⁰ Peter Robinson, 'Glen Abbey Home to Great Canadian Open Moments', CBC Sports, 2013. See also Jeff Brooke, 'The Canadian Open', Globe and Mail, 2013.

designate a property within the municipality to be of cultural heritage value or interest if, (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed by regulation, the property meets the prescribed criteria; and (b) the designation is made in accordance with the process set out in this section.”

116. In applying Regulation 9/06, properties are to be assessed in terms of their intrinsic uniqueness and/or merit, and also in relation to the particular community in which they are located.
117. It should be noted that the criteria under Regulation 9/06 apply equally to built heritage resources and cultural heritage landscapes. In keeping with the PPS definition of cultural heritage landscapes, the value of Glen Abbey needs to be assessed not only in terms of its component parts, but in terms of the way these parts function together – their interrelationships, meanings and associations.
118. Properties may be designated by a municipal council if they meet at least one of the criteria in one of the categories set out in Regulation 9/06. Glen Abbey Golf Course meets many of the criteria, and across all three categories - namely design value, historical value, and contextual value.
119. In a report for the Town of Oakville dated August 10, 2017 and entitled *Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property*, I assessed the application of the criteria to the Glen Abbey property. This report relied on specific information related to Glen Abbey, including my own research plus the reports by Marcus Letourneau and Ken Moodie and their 3 volumes of archival material.¹¹ I also used my own experience in identifying character-defining elements and heritage attributes for a range of properties including buildings, structures, landscapes.

¹¹ See details of sources consulted at end of document

(i.1) design value

120. Regulation 9/06 provides the following design value criteria:
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, or
 - iii. demonstrates a high degree of technical or scientific achievement.
121. In terms of whether this is a rare, unique, representative or early example of a style or type, Glen Abbey is one of the world's earliest and most significant examples of a stadium-style golf course design, combined with the first known use of a hub-and-spoke layout¹². The course is credited with ushering in a new era for tournament golf course design both in Canada and internationally, where the golf experience and the spectator experience are given equal consideration.
122. In terms of whether the property displays a high degree of craftsmanship or artistic merit, the design and construction of the course was personally overseen by Jack Nicklaus to meet his objectives of establishing a landmark facility. The design of both the tableland and valley holes reflects the coming together of craftsmanship and artistic merit to create a competitive and compelling golfing experience for both world-class golfers and tens of thousands of spectators. In his 1992 book *Golf in Canada: A History*, James A. Barclay summarizes his description of Glen Abbey as follows: "Jack Nicklaus did what he set out to do: he gave Canada one of the finest spectator courses in the world."
123. In terms of whether the property demonstrates a high degree of technical or scientific achievement, Glen Abbey has certainly proved itself to be a technical success. This could be included as one of the criteria marking the significance of

¹² Jack Nicklaus, in email to Marcus Letourneau, 2016, see Letourneau, p.47.

the design, but in discussions during the designation process it was felt that it was not unusual enough to be reflected in the heritage attributes of the property.

(i.2) historical value

124. Regulation 9/06 provides the following historic value criteria:

2. The property has historical 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.

125. In terms of whether the property has direct associations with an event, person, activity, or institution that is significant to the community, there is no question of the highly significant and direct connections of the golf course with the Royal Canadian Golf Association, the Canadian Open, Jack Nicklaus, and many famous individual golfers, including Tiger Woods and his dramatic shot on the 18th hole. Hall of Fame winners of the Canadian Open at Glen Abbey include Lee Trevino, Curtis Strange, Greg Norman, Nick Price, Mark O'Meara and Vijay Singh – a who's who of some of golf's most famous names. For Oakville, these associations are integral to the exceptional pride of place that the course gives to the community, and why it has been featured in the town's narratives of its history and identity in the years since the course opened.

126. In terms of whether the property has the potential to yield important information for understanding a community or a culture, this is an iconic course within the golfing culture of Canada, bearing the imprint of some of the game's most legendary figures and welcoming millions of visitors over its 40-year history. It also plays a central role in defining the identity of Oakville in general, and the Glen Abbey neighbourhood more particularly. Every major championship event

at Glen Abbey has drawn attention to the role of Canada, and Oakville more specifically, within the international golfing community.

127. In terms of whether it demonstrates the work or ideas of a significant architect or designer, there is no question that Jack Nicklaus is one of the most important figures in the history of golf, and that this course is considered one of his most pioneering and influential designs.

(i.3) contextual value

128. Regulation 9/06 provides the following contextual value criteria:

1. The property has historical or associative 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.

129. In terms of whether the property is important in defining, maintaining or supporting the character of the area, the course is in some ways the most significant and recognizable asset not only of the immediate Glen Abbey neighbourhood, but of the entire Town of Oakville. There is a mural at the Town Hall, designed to highlight the history of the community. It has four images related to the Town's four defining events – the founding of Oakville in 1857, the Canadian Centennial in 1967, the opening of Glen Abbey Golf Course in 1976, and the 150th anniversary celebrations in 2017.

130. In terms of whether it is functionally, visually or historically linked to its surroundings, the creation of the golf course spurred the development of the neighbourhood around it, and these subdivisions carry the Glen Abbey namesake. This connection has been enhanced by the views over the course from the Smith Triller Viaduct, constructed in 1993 and designed with special viewing platforms.

131. In terms of whether the property is a landmark, its place in the cultural imagination of Canadians is reflected in its wide acceptance as one of Canada's most famous golf courses. Some landmarks derive their importance from visual prominence, while others are important because they are so widely known as to become familiar points of reference. Glen Abbey is the most widely known feature of the Town of Oakville, both in the immediate area and more broadly – provincially, nationally and internationally.

(ii) Other criteria

132. At the national level in Canada, there is no formal designation process for non-federal properties other than recognition by the Historic Sites and Monuments Board as a National Historic Site. This is not a designation that confers any protection.

133. Against the National Historic Site criteria, Glen Abbey could be considered to “illustrate an exceptional creative achievement in concept and design” – as a pioneering golf course design that defined a new approach for championship courses both in Canada and abroad. It could also be considered to be “most explicitly and meaningfully associated or identified with events that are deemed of national historic importance” – as the recognized home of the Canadian Open, a traditional part of the ‘Triple Crown’ with the U.S. Open and the British Open.

134. At the international level, English Heritage produced a 2007 publication entitled *Golf Courses as Designed Landscapes of Historic Interest*. It identifies seven key criteria for evaluating golf course significance – representing a key era, influential in aesthetic and playing strategy, representative of a style of layout, representative of a type of site, representative of a significant designer or architect, associated with significant persons or events, and having strong group value.

135. Glen Abbey scores strongly against almost all of these criteria.

(iii) Glen Abbey as a designed cultural heritage landscape

136. As noted above, the various criteria for assessing cultural heritage value under Regulation 9/06 apply equally to built heritage resources and cultural heritage landscapes.
137. However, the way the criteria are applied must take into consideration the type of property being considered. Many criteria were developed initially for historic buildings, and must be used carefully to address the key features of landscapes.
138. It is here that the PPS definition of cultural heritage landscapes is important:

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. *Cultural heritage landscapes* may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

139. As opposed to buildings, landscapes are “a defined geographical area”, which means they are land based. A landscape is inseparable from the property or properties on which it rests.
140. The definition goes on to say that this geographical area may have been “modified by human activity”. On the one hand, this distinguishes a cultural heritage landscape from what the PPS defines as an area of purely “natural or scientific interest”. On the other hand, the word ‘modified’ emphasizes the essential interaction in a cultural heritage landscape between natural and human activity – an interaction that may not be present in a building or structure.

141. The definition goes on to list features that may be present in a cultural heritage landscape – both natural and man-made – but then goes on to say these features are valued together, for their interrelationship, meaning or association. This integrated approach to understanding cultural heritage landscapes relates directly back to the larger movement within the heritage conservation field to approach the evaluation of heritage resources in an ecological and holistic context.
142. Glen Abbey Golf Course meets all the features of a cultural heritage landscape. It is a defined geographical area, it is an area modified by human activity to create the golf course, it can be shown to have cultural heritage value, and it includes buildings, structures, spaces, views, and natural elements that are valued together for their interrelationship, meaning and association. The cultural heritage landscape encompasses virtually the entire property, including the modified topography and natural features of both the tablelands and the Sixteen Mile Creek valley; the golf holes themselves, with their various tees, hazards, plantings and greens; the clubhouse and various significant pre-existing buildings adapted for golf course and related uses; and the unfolding views into, within, and out of the property.
143. The *Standards and Guidelines for the Conservation of Historic Places in Canada* provide a framework to understand cultural landscapes as distinct from built heritage resources. As noted above, in the document's conservation guidelines, it addresses cultural landscapes using the following categories of elements that may contribute to their cultural heritage value: evidence of land use, evidence of traditional practices, land patterns, spatial organization, visual relationships, circulation, ecological features, vegetation, landforms, water features and built features. At Glen Abbey, these are in fact the primary components that give the site its character and its value, and they do so in a fully interrelated way.
144. Glen Abbey Golf Course is more specifically a 'designed' cultural heritage landscape. This is because it meets the definition of being "clearly defined" and

“intentionally designed”. As noted in the Ontario Heritage Trust explanation, it was created at a specific time (in this case the 1970s) by a specific person (in this case Jack Nicklaus). Nicklaus continues to refer to Glen Abbey as his design.

145. Because of their association with a single designer, these designed landscapes are almost always single properties, whose owner is able to hire the designer and carry out the transformation of the property.
146. Golf courses are classic examples of designed cultural landscapes. English Heritage, in their evaluation of the cultural heritage values of golf courses in England, published their findings in 2007 with the title *Golf Courses as Designed Landscapes of Historic Interest*. The Cultural Landscape Foundation, which inventories significant cultural landscapes in North America, classifies golf courses as designed landscapes. And within these inventories, there is every effort to identify the date of their creation and the designer involved.
147. Golf course architecture is generally viewed as a branch of landscape architecture, and it is landscape architects within their various specialties who are generally credited with creating designed landscapes. The English Heritage publication was prepared by EIGCA, the European Institute of Golf Course Architects.
148. Although the May 2017 report prepared for the Town by a consulting team led by Letourneau Heritage Consulting to assess whether Glen Abbey had cultural heritage value or interest talks about the site having both evolved and designed characteristics, it states that “in its present form, it must be understood primarily as a **designed landscape**” [emphasis in original report].¹³
149. ‘Evolved’ cultural landscapes, by definition, do not have an identifiable designer. They are the product over time – hence the word ‘evolved’ – of many individual

¹³ Marcus Letourneau, *Cultural Heritage Evaluation Report, 1333 Dorval Drive, May 2017*, p.74

actors and designers, usually working within some shared cultural assumptions. They change slowly and incrementally over time. Rural farmland and urban historic districts are the classic and most-often cited examples of evolved cultural landscapes. The official UNESCO terminology is ‘Organically Evolved Cultural Landscapes’, to emphasize the difference from the works of individual designers.

150. Every designed cultural landscape replaces something that was there previously, which may have been an evolved cultural landscape. But at the point when the designed landscape comes into being, the ‘organic’ evolution stops and a ‘designed’ landscape emerges. Versailles, for example, replaced an evolved landscape of small agricultural villages and related farmland, but this does not define its present character and value or make it an ‘evolved’ cultural landscape today. On the contrary, it is held up as a prime example of a ‘designed’ cultural landscape, along with the identity of its designer – landscape architect André le Nôtre. Glen Abbey Golf Course fits the same model.
151. ‘Associative’ cultural landscapes are even further from the reality of Glen Abbey, since they often involve almost no material evidence of their cultural significance, but rather are natural areas that have acquired cultural significance through strong religious, artistic, or cultural associations.
152. It is often easier to apply the criteria in Regulation 9/06 to a designed cultural heritage landscape than to an evolved or associative landscape. This is because they tend to be under single ownership, with well-defined boundaries; they often have known designers; they are usually created at a specific time; and they generally reflect a single overarching vision. In these ways, they are not so different from buildings and structures that are designated under Part IV of the OHA.

G. HERITAGE ATTRIBUTES AND STATEMENT OF CULTURAL HERITAGE VALUE

153. The OHA requires, before designation, a statement explaining the cultural heritage value of the property, and a description of the heritage attributes of the property.

154. In my August 10, 2017 Report for the Town I proposed a draft statement of cultural heritage value and draft descriptions of heritage attributes for the property, which were used as a reference by the Town when developing the statement and attributes set out in the Designation By-law.

(i) Statement of cultural heritage value or interest

155. The full text of the Statement of Cultural Heritage Value or Interest adopted by the Town of Oakville at the time of designation is set out in Attachment C, along with the related heritage attributes.

156. A statement of cultural heritage value or interest is developed on the basis of the criteria prescribed in Regulation 9/06. As noted in the Ontario Heritage Tool Kit:

The Statement of Cultural Heritage Value or Interest should convey why the property is important and merits designation, explaining cultural meanings, associations and connections the property holds for the community. This statement should reflect one or more of the standard designation criteria prescribed in the designation criteria regulation under the Ontario Heritage Act (Ontario Regulation 9/06).

157. In the case of Glen Abbey, the statement is organized to conform to the sequence of criteria, beginning with design or physical value, and continuing to historical or associative value and then to contextual value. The content is a summary of the findings under Regulation 9/06, as outlined above – the extraordinary and innovative design accomplishment; the historical associations with Nicklaus, the Canadian Open, and a host of legendary golfers; and its local,

national and international significance. The statement also notes the golf course's high level of authenticity and integrity.

158. The Statement of Cultural Heritage Value and the related list of Heritage Attributes are both, in my opinion, fully representative of best practice in conservation.

(ii) Heritage attributes

159. As defined in both the OHA and the PPS, heritage attributes are those features that contribute to the cultural heritage value set out in the statement.

160. The reason for describing the heritage attributes is to provide a framework for making decisions regarding the ongoing protection, management and use of a property with heritage value, including decisions regarding alteration and land use, to ensure the property is 'conserved' , as required by the PPS.

161. Any property will have many attributes. As noted in the Ontario Heritage Tool Kit:

The Description of Heritage Attributes lists the key attributes of the property. It is not an exhaustive account of the property's heritage attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included.

162. The OHA recognizes the central importance of heritage attributes to its mandate to conserve the heritage of Ontario, in that it is alterations that affect a property's heritage attributes that trigger the application of required municipal reviews.

163. While heritage attributes are physical, they are often identified because they are critical in sustaining the more intangible qualities of the property – the interrelationships, meanings and associations that create cultural heritage value, as defined by the PPS.

164. It is important to note that there are elements of the Glen Abbey Golf Course, such as the later irrigation pond, the various parking lots, many of the more

utilitarian buildings, and some of the interstitial spaces, that are not identified as heritage attributes. This is intentional, and leaves open the possibility of significant change in these areas as long as there is not a negative impact on the cultural heritage value of the property.

165. Even within those areas that do have core significance – such as the tees, fairways, bunkers and greens – the designation stays away from an exhaustive account of each individual element and focuses instead on their collective role in defining cultural heritage value.
166. The listing of attributes in the Designation By-law moves from those associated with its history, to those associated with its design, to those associated with its context. There is a final summary attribute to emphasize the interrelationship of all the attributes, which reflects the PPS definition of cultural heritage landscapes' emphasis on the importance of considering interrelationship rather than simply elements in isolation.

(ii.1) Heritage attributes contributing to historical and associative value:

167. Four attributes are identified in the Designation By-law supporting the historical and associative value of the property:
 - The historic use and ongoing ability of the property to be used for championship, tournament and recreational golf;
 - The historic use and ongoing ability to host championship and other major tournaments, such as the Canadian Open;
 - The close and ongoing association of the course design with Jack Nicklaus/Nicklaus Design;
 - The elements of the property constructed during the RayDor Estate Era and with Andre Dorfman, a nationally significant figure in the development of the mining industry in Canada.
168. **The first two attributes** – the historic use and ongoing ability of the property to be used for golf, and to host major tournaments - reflect the fact that the past use

of the property for both recreational and tournament golf is a defining feature of its history, and the ongoing ability to physically sustain this use is a defining feature of its current cultural heritage value.

169. The concept of historic use and ongoing ability – or ‘past and continuing use’, to use their phrase – is taken from the *Standards and Guidelines for the Conservation of Historic Places in Canada*, Section 4.1.1. This section, specifically devoted to the conservation of cultural landscapes, states:

These guidelines provide direction when the evidence of a land use has been identified as a character-defining element of an historic place. They apply specifically to the features **that express or support a past or continuing land use** when these features have been identified in a Statement of Significance.

In the context of these guidelines, land use refers to the human use of the natural environment. It includes activities that significantly modify aspects of the natural environment into a built environment, such as fields, pastures and settlements, but also includes land uses that have a lighter impact, such as hunting and trapping, maple syrup harvesting, or fishing.

Land use can evolve over time. When a required change in land use demands changes to the physical form of the landscape, it is important to carefully assess the viability of the proposed changes to avoid consecutive land use changes that might gradually erode the heritage value of the historic place. For example, changing from an industrial use to a residential use in a heritage district may require changing the landscape character or increasing the built density of the historic place.

These guidelines provide general recommendations for the conservation of the features of a cultural landscape that express or support a past or continuing land use. While other guidelines focus on specific evidence of land use, such as built features or circulation, these guidelines address land use as a general consideration. Other relevant guidelines, such as Land Patterns or Evidence of Traditional Practices, should be consulted when appropriate.¹⁴

¹⁴ *Standards and Guidelines*, pg. 51

170. In the context of Glen Abbey, the first two attributes do exactly this – they address land use as a specific consideration, while the other attributes – landforms, water features, built features and so on - address the more disparate elements that reflect this land use over time.
171. Further, the use of the term ‘ongoing ability’ - as in the ‘ongoing ability’ to use the property in a certain way (attribute 1), or to host certain events (attribute 2) – is deliberate. This term indicates that what is being addressed is not the use itself, but the physical capacity or ‘ability’ of the site to support that use.
172. The use of the site for golf in general, and tournament golf in particular, is what framed every decision made by Jack Nicklaus when he created Glen Abbey in the first place. The past and ongoing use of the property for championship golf is central to the property’s association with the Canadian Open. The term ‘ongoing’ is used in the *Standards and Guidelines*, and more specifically in the case of Glen Abbey, to call attention to the fact that the designed cultural landscape is currently intact, and maintains its integrity.
173. The situation where cultural heritage value and use are interrelated is not limited to landscapes. In the case of buildings, the importance of past and ongoing use is often the reason for the designation of interiors, such as in theatres or religious buildings. If the related physical features are lost, there is a loss of both the tangible and intangible dimensions of historical and associative value.
174. The ERA Addendum comments on each of the heritage attributes set out in the Designation By-law. The ERA Addendum comments that these first two attributes contain problematic references to the future use of the property. However, these attributes make no direct reference to future use. The ability of the site to support its historic use is a present attribute, one that contributes in a tangible way to the cultural heritage value of the property. It helps define the framework for future conservation measures, including future use.

175. ERA also says that the attributes “fail to recognize that the property has a much longer history of being used for purposes other than a golf course, including residential, recreational, educational, religious and agricultural uses”. Indeed, these earlier uses are of historical interest. However, they no longer exist. They have not been the focus of the community in relation to present cultural heritage value.
176. In my opinion, part of this confusion about past and present uses arises from the assumption by ERA that the Glen Abbey Golf Course is an evolved and evolving cultural landscape. As previously indicated, this is not the case. The present golf course is about as pure an example of a designed cultural landscape as one can find. Yes, it replaced earlier landscapes, but every designed cultural landscape replaces something that was there previously.
177. If Glen Abbey was an important ‘evolved’ cultural landscape, all the land uses mentioned by ERA would still coexist as part of an organic and complex property, with multiple owners continuing to represent this diversity of uses. This complexity is what gives evolved cultural landscapes their distinct character. But when a ‘designed’ cultural landscape emerges, with a single use, it is the physical reality of that use that becomes the defining attribute.
178. **The third attribute**, noting the ongoing association with Jack Nicklaus and his associates, reflects the culturally important connection of this course with this legendary figure in the golfing world. This connection with Nicklaus not only occurred at the outset of Glen Abbey’s design and development, but has continued relatively uninterrupted ever since. A virtually intact example of the designs of a master – whether a building, a structure, or a landscape – is considered to have unusually high cultural heritage value and interest. It is more complicated to assign value to a golf course that has had several phases designed by different golf course architects at different times, overlaid on each other. This is not the case at Glen Abbey.

179. The ERA Addendum states that this attribute is factually inaccurate because Nicklaus is not currently under contract with ClubLink. However, he remains the only golf course designer associated with the course. Nicklaus' role at Glen Abbey is embedded in the physical forms of the course, which is the reason for calling attention to this attribute.
180. This attribute relates to a past and present reality. The question of future design activity is a separate issue, although this attribute provides a framework within which future design decisions can be evaluated. If Jack Nicklaus remains involved, this would directly sustain this attribute. If another designer proceeds in a way that respects the intentions of Nicklaus' design and sustains the integrity of his concepts, this will conserve this attribute, and thus contribute to the conservation of the cultural heritage value.
181. The ERA Addendum further states that this is an associative value and not an attribute. However, there is no reason for the two not to overlap. The values of Nicklaus' achievement are both physical and associative, and there are various attributes to address these values. When something is listed as an attribute, it means that conserving that attribute – in this case the physical imprint of Nicklaus' past and ongoing role as the designer – will conserve the underlying cultural heritage value.
182. **The fourth attribute** identifies those elements from the Dorfman estate that were integrated by Jack Nicklaus into his designed cultural landscape. These elements are the estate house, the stables building, and adjacent sheds. They have become physical attributes that add to the cultural heritage value.
183. Since the Dorfman estate landscape has mostly disappeared, the surviving buildings are 'built heritage resources' within the 'cultural heritage landscape' of Glen Abbey, to use the distinction set out in the PPS. The conservation of their exteriors, visible elements within the cultural landscape, helps sustain the integrity of the overall golf course design.

(ii.2) Attributes contributing to design and physical value

184. Twelve attributes are identified in relation to the property's Design and Physical Value. These attributes relate to the organization of attributes recommended by the *Standards and Guidelines* for use when conserving cultural heritage landscapes. The first two categories are evidence of land use and evidence of traditional practices, which are dealt with above under historic and associative value. The categories recommended in the *Standards and Guidelines* relating to design and physical value are: land patterns, spatial organization, visual relationships, circulation, ecological features, vegetation, landforms, water features and built features.
185. **The first three attributes** relate to the *Standards and Guidelines* categories of 'land patterns' and 'spatial organization':
- The pioneering stadium-style golf course design with its unique hub and spoke layout;
 - The organization of the various open parkland holes, water holes and valley holes to provide a dramatic championship sequence;
 - The spatial organization of each tee, hazard, plantings, fairway and green as evidence of Nicklaus's design philosophy of strategy and risk/reward;
186. One normally begins design attributes with a description of the overall style. A Stadium-style course is something recognizable to golf course architects in the same way that the Gothic Revival or the Neoclassical are recognizable styles for a building architect. The Stadium style is created by a particular relationship of elements – in this case, naturalistic but carefully-designed landforms that allow excellent spectator views of the key playing areas at each hole, reinforced by appropriate plantings and pathways. As with any style, it is interpreted differently by individual designers in various settings, but has these intentional and recognizable interconnections. Special importance attaches to examples that are early and influential examples of a style, and Glen Abbey has been recognized nationally and internationally as a pioneering work in defining and developing the

concept of stadium-style courses. The expression of the Stadium style varies from one hole to the next, but the underlying features are the same throughout, and recognizable to a golf course architect.

187. The ERA Addendum states that the stadium-style feature cannot be an attribute because it applies to the entire course, and that the attribute should be a listing of specific elements. A specific listing of features would not accurately describe the attributes that are being addressed. A broader scope is essential in any stylistic attribute, whether for a building, structure or landscape. The importance of the Stadium design at Glen Abbey as a stylistic attribute is reflected in the following two quotes:

The Players Championship begins Thursday at the Stadium course in Ponte Vedra Beach, Fla. The course is one of the most famous in the game, but what's not as well known is that Glen Abbey Golf Club in Oakville, Ont., had a lot to do with why that is. Maybe that will change now that Adam Schupak's new book *Deane Beman: Golf's Driving Force* is out. . . The story of the Stadium course at TPC Sawgrass is central to the book. The reader learns that it's possible the course wouldn't have been built had Jack Nicklaus not designed Glen Abbey for the Royal Canadian Golf Association¹⁵

Deane Beman had the initial vision for Stadium golf . . . and he ultimately chose Pete Dye to execute that vision. Pete and his wife Alice traveled up to Toronto to see Glen Abbey, site of the Canadian Open. Jack Nicklaus, Dye's design consultant at Harbour Town, created Glen Abbey in 1976 and it was the first course to have specially constructed spectator mounds. The TPC Sawgrass Stadium course took the concept into the stratosphere.¹⁶

When these other golf course architects copied the style of Glen Abbey, they were copying the overall approach and adapting it to the specifics of their sites.

¹⁵ Lorne Rubenstein, *The Globe and Mail*, 2011

¹⁶ Golf.com, *'Birth of the Stadium: TPC Sawgrass allowed fans to see golf in a whole new way'*, 2013

188. The hub-and-spoke layout was also significant for Nicklaus at Glen Abbey, as a framework for organizing the circulation patterns, particularly for spectators. Although not as stylistically significant nor as influential in the subsequent history of golf course design as the Stadium style, it has nevertheless been a distinguishing feature of Glen Abbey.
189. The second attribute referring to the organization of the various holes to create a dramatic championship sequence intends to describe how the entire course creates a sequence and a set of relationships that provides drama and excitement for both players and spectators. Nicklaus organized the tableland and valley holes to create such a sequence, building on his personal experience of competing in, and winning, championships on many of the world's greatest golf courses. The success of his effort is reflected in comments by golf legends such as 1991 and 1994 Canadian Open champion Nick Price:

I really loved the golf course. The two nines being so different, with the front nine being pretty open, and the back nine going down in the valley and Sixteen Mile Creek running through the four holes — I thought that was terrific. Those holes are wonderful.¹⁷

Greg Norman described Glen Abbey as “a fabulous course”¹⁸ and Tom Weiskopf has stated that “the last three holes at Glen Abbey are the finest closing holes in golf”¹⁹ – an opinion echoed by golf writer Lorne Rubinstein when he said “its final three holes offer the best chance of high drama of any Canadian course”.²⁰ As with many golf courses, there have been localized modifications to the sequence, but never to the overall progression from the tableland down into the dramatic valley landscape and back up to the three closing holes.

¹⁷ Scoregolf.com, *An Oral History of Glen Abbey GC*, 2020

¹⁸ Rick Fraser, *Toronto Star*, 1986

¹⁹ Golf Museum Archives. *Glen Abbey Golf Club*, p.30

²⁰ Lorne Rubinstein, *Glen Abbey is Perfect Spot for Tournament's Permanent Home*, *Globe & Mail*, 2008

190. Within this overall framework of the style and the championship sequence, Nicklaus designed each hole to provide a specific and varied set of challenges and rewards. That is what is intended to be captured by the fourth attribute: the spatial organization of the tees, hazard, plantings, fairways and greens as evidence of Nicklaus's design philosophy of strategy and risk/reward. As Nicklaus himself pointed out:

Glen Abbey expresses my belief that golf is basically a game of precision, not power. It places stress on strategic rather than punitive design. The former rewards a golfer in proportion to the precision he uses in his shot while the latter punishes his wayward shot, often too severely . . . Many people assume my golf courses will be long monsters, because I'm regarded as a long driver. Actually, I regard the emphasis on length and on huge greens as the two worst faults of modern golf course design. I consider golf to be a game of precision, not strength. It's a thinking man's game.²¹

These subtleties reflected a lifetime of analysing and reacting to the courses he was playing²². He also understood the aesthetics of golf course design. As he said, "all outstanding golf holes have one thing in common to the golfer's eye – they look absolutely natural, as if the terrain had always been that way, waiting to be discovered for golf".

191. The result is that each golf hole, with its unique tee, hazard, plantings, fairway and green arrangement, takes advantage of its setting and provides a specific risk/reward environment. Both individually and collectively, these components are what sustain the legacy of their designer. This is exactly what happens in the case of buildings, where both the overall massing, layout, materials and pattern of solids and voids, as well as the detailing of each element within this framework, carry the imprint of the designer. And when the designer is a prominent figure, the cultural heritage value is that much more significant.

²¹ *Nicklaus Builds a Canadian Open Home*, Toronto Star, 1974.

²² For detailed accounts of the design strategy, see Ken Moodie, *Heritage Review*, and also *Documents Reviewed & Referenced by Moodie, Vols. 1, 2 and 3*.

192. Although the exact geometry of each hole is not set out in the attributes, the design and relationships of these various elements are what is being referred to. Over time, some of these details have been modified, and there have been modest changes as plantings have matured. The unique horseshoe-shaped green on the 17th hole, for example, was relocated and reversed as part of modifications to the course overseen by Nicklaus and his associates in the early 1990s. However, the design intent was retained. It is in relation to a proposed alteration that more detailed recording would be undertaken, focused on the particular issues in question. This is the same process used for evaluating proposed alterations to buildings by a significant architect.
193. The ERA Addendum states that these two attributes require greater definition and, at the same time, do not acknowledge that a golf course may evolve over time. What is being described by these attributes would not be captured by listing individual, isolated design elements of the golf course. The value of the design is not reflected in individual greens, bunkers, ponds, fairways, plantings or tees considered in isolation.
194. It is both the overall organization to create a dramatic sequence, as well as the more specific organization of each hole to create more localized risk/reward, that are specific attributes recognizable to golfers and spectators as evidence of Nicklaus' design skills. As with the stadium-style attribute, the design approach is reflected in the experience of the course as a whole. Although sometimes highlighted by championship play, they can be experienced by any golfer playing a round.
195. The ERA request for greater definition is problematic because the details need to be considered in context. References by some of the game's best known players to the drama of the final three holes, for example, are not based on one specific bunker shape or a particular slope on the green, but rather on the overall combination of elements that reflect Nicklaus' design philosophy and that have proven themselves over time. And even these three holes are not being

recognized as an isolated feature, but rather as the culmination of a round that starts on the tablelands, proceeds through the valley, and returns to the tablelands for a finish through these three holes to the final green by the clubhouse.

196. **The fourth and fifth attributes** relate to category of ‘visual relationships’:

- The carefully-designed visual unfolding of each hole as part of the golfing experience, both aesthetic and functional;
- The integrated spectator experience, including the hub and spoke layout, central clubhouse and spectator mounds;

197. The visual unfolding of each hole is an important aspect of any golf course, and at Glen Abbey it takes on specific qualities valued by Nicklaus. He used the landforms, the water features, and the plantings to achieve certain visual clues and challenges for the playing of each hole by the golfer – in first hiding, then revealing, the green, for example. The visual unfolding was part of his risk/reward strategy. He also used inherent characteristics of the site to create dramatic visual spectacles such as the 11th hole, which has been recognized by the PGA as “one of the most beautiful holes in all of golf.”²³ The framing and unfolding of views is an integral part of the physical art of landscape design in general, as well as golf course architecture in particular. It is one of the noticeable differences, for example, between the Parkland and Links styles in golf course design – the presence or absence of trees in framing and controlling viewsheds. Or to use an example from architecture, it is recognized as a defining attribute of the Beaux-Arts tradition in architecture – the visual unfolding as one moves through these buildings.

²³ PGATour.com, *'Inside the course: Glen Abbey Golf Club'*, 2017

198. The visual experience is also part of the way spectators encounter the site. Their experience is shaped by the hub-and-spoke layout, with the central clubhouse as a defining focus, as well as the unique circulation patterns connecting the spectator mounds and shaping the experience of both the tablelands and the valley, as well as the water features and the plantings. It is at the intersection of the golfer and spectator experiences that Nicklaus focused his attention during the design process, and that remains a defining feature of the course.
199. ERA claims that the fourth and fifth attributes are ‘overreaching’, and although not clearly defined it appears that the concern is the applicability of these attributes to the course as a whole, and in relation to its use for golf. It is not possible in the case of a designed landscape (or a designed building or structure) to ignore the design principles that underly the design as a whole, as well as those that may be specific to a particular element. Glen Abbey Golf Course has physical attributes such as these two that are fundamental to understanding the achievements of Nicklaus as a golf course architect.
200. **The sixth attribute** relates to category of ‘circulation’:
- The circulation patterns during championship, tournament and recreational play, for golfers, spectators and visitors;
201. What was innovative at Glen Abbey was that the circulation patterns were designed by Nicklaus to simultaneously enhance the golfing experience, for example in the relationship between the tableland and valley holes, while also allowing spectators to move easily both to and from the clubhouse and around the course to watch a tournament in progress. This attribute further reinforces the unique value of Glen Abbey in the history of golf course design.
202. The circulation patterns are significant because they provide inherent flexibility, by combining radial and circumferential movement. It is this combination that defines the hub and spoke philosophy. To quote Nicklaus, “to reiterate our design philosophy, we went out from clubhouse sort of like the spokes of a

wheel. You can view the golf course and the tournament from the clubhouse. You have a second row from which you can view it. You then have an outer circle from which you can view. You can follow the round, you can watch it from the top of the hill, down into the valley. There are many ways you can view an event at Glen Abbey". This attribute of multiple ways to encourage engagement with championship golf, by synchronizing the circulation patterns of both the golfers and the spectators, has been sustained even where there have been localized changes to the pathways themselves.

203. ERA states that the circulation patterns are not an attribute, while also suggesting more clarity and definition. The reason specific pathways are not listed is that the key attribute is the overall organization, with its inherent flexibility. The pathways for golfers and spectators are different for championship and recreational golf, but the network is the same. Even though some individual elements in the network of paths may have been altered over time, Nicklaus' description of his original design intent remains intact. As he himself has stated, the circulation pattern was a significant design departure from standard golf course architecture at the time, and it remains an important historical feature.

204. **The seventh attribute** relates to the category of 'ecological features':

- The ecology of the river valley as a delicate balance between natural features and the landscape of golf;

205. Nicklaus himself commented on the challenge of addressing the ecological sensitivity of the Sixteen Mile Creek valley, and it remains as one of the most important points of intersection between human activity and the natural environment. The choice of having the golf course sequence move up the valley was a result of examining water, flood-plain, and sun and shade issues, as well as the nature of the experience for golfers and spectators.²⁴

²⁴ Jack Nicklaus quoted in Letourneau, p.54

206. The ERA Addendum says that the ‘balance’ in this attribute needs to be defined, but Nicklaus himself has described the process as introducing golf into the river valley in ways that respected the ecological features he had noted.²⁵ Adjusting a design to preserve ecological features is the definition of the term ‘balance’ as used to describe this attribute.

207. **The eighth attribute** relates to the category of ‘landforms’:

- The landforms and their role in shaping a new era in golf course design;

208. Landforms are the topographical contours that result from natural and human shaping of the land. As noted in the *Standards and Guidelines*, “throughout history . . . human beings have manipulated natural topography for functional and aesthetic reasons”. The landforms that resulted from Nicklaus’ shaping of the golf course have been instrumental in defining its cultural heritage value, in particular the spectator mounds and their relationship with the shaping of the fairways and greens. The pioneering approach to landforms gave the course immediate fame and spawned a new approach to championship courses, most famously at TPC Sawgrass in Florida, permanent home of The Players Championship.

209. ERA states that the term ‘landforms’ is not clear in this context. However, the shaping of the land by Nicklaus and his design team – including moving more than 900,000 tons of fill – appears to reflect exactly the meaning of ‘landform’ as set out in the *Standards and Guidelines*. And in the Glen Abbey context, this was an important way he established a new physical and visual relationship between golfers and spectators.

210. **The ninth attribute** relates to ‘water features’:

²⁵ *ibid*, p.52

- The subtle use of water features to achieve both aesthetic pleasure and challenging hazards;
211. There are two significant uses of water features – first, as part of the shaping of the tableland holes, such as hole 9, where there is a remarkable use of water to achieve a special landscape quality; and second, as part of the shaping of the valley holes and the river itself to create a notable risk/reward situation that has been recognized as an important part of the value of Glen Abbey. The use of water features at Glen Abbey is more subtle than at some of the golf courses in dramatic oceanfront or lakeside locations, but the impact of these features on both the visual landscape and the golf course experience is just as important. An example is one of the most famous shots in modern golf history, when Tiger Woods drove a ball with a six iron from the bunker on the 18th hole over the water feature to a tucked-in pin on the green.
212. ERA states that the word ‘subtle’ needs definition. The term is used here to indicate Nicklaus’ use of water to simultaneously address and balance various interrelated objectives – for example, providing visual pleasure while also providing specific risk/reward opportunities. Nicklaus used both still and running water to achieve his goals.
213. **The final three attributes** under physical design relate to specific ‘built features’:
- The clubhouse designed by Crang and Boake Inc., and its relationship to both the landscape of the 18th hole and the overall hub-and-spoke layout;
 - The RayDor Estate house exterior designed by architects Marani, Lawson & Morris, including the carved stone exterior, red clay tile roof, leaded casement windows, main entrance with ornamental surround and solid oak door, hipped dormers and stone chimneys with clay pots;
 - The outbuildings associated with the RayDor Estate, including the stable buildings, designed by architects Marani, Lawson & Morris.
214. The clubhouse has a special relationship to the golf course, as an integral part of its design and in particular the final hole. It is a well-known feature of the course.

215. The RayDor Estate house is recognized on its own merits quite apart from its ongoing association with Glen Abbey. The exterior of the house has an existing Part IV designation under the OHA.. It is a compatible feature within the golf course landscape.
216. The stable building was incorporated into the golf course design as part of the maintenance function for the property. As with the estate house, it is a compatible feature within this landscape.
217. ERA expresses concern about the Clubhouse as an attribute, in part because of the changes created by Glenn Piotrowski in his 1995 addition. However, the original Clubhouse set the important architectural vocabulary – a large sloped roof to minimize the visual impact on the golf course, but punctured with viewing galleries to further Nicklaus’ aim of allowing spectators to fully appreciate the activity at the 18th hole. The design took cues from the clubhouse at Nicklaus’ just-completed course at Muirfield Village in Ohio. The Piotrowski additions simply copied the form, materials and detailing of the original building, and is not included in the attribute because it is not particularly innovative or noteworthy. Its omission as an attribute provides more flexibility for future development.

(ii.3) Attributes related to contextual value

218. There are nine attributes related to contextual value.
219. **The first seven attributes** deal with views:
- The key views that represent the designed cultural heritage landscape as experienced from the public realm and within the course:
 - The visual overview from the Smith Triller Viaduct;
 - The view from the 11th hole with a long shot into the valleylands;
 - The spectator’s view of the green of the 18th hole;
 - The golfer’s view of the green of the 18th hole from the bunkers (the Tiger Woods shot);

- The long view up the valleylands from the 14th hole;
- The water vistas and picturesque landscape of the 9th hole;

220. Unlike the discussion of visual relationships under design value - which are about the dynamic experience of unfolding views within the course – the views identified under contextual value are more static, and involve views to and from the course, as well as within. These key views show how the course is connected to the neighbourhood around it, as well as how it is appreciated from those within the course. Many of these views have become iconic images of Glen Abbey, familiar to a much wider audience than just those who experience the course first-hand.

- (a) The overview from the Viaduct highlights the extraordinary valley landscape. It is easily accessed by the public and is used extensively in promotion.
- (b) The 11th hole view is the most compelling, not only for a golfer facing the long drop into the valley with a river flowing across the fairway, but also for the spectator on the edge of the dramatic valley topography.
- (c) The spectators' view of the 18th hole has become appreciated because of the ability created by Nicklaus, unsurpassed at the time, to watch the closing plays of intense competitive golf rounds.
- (d) The golfers' view of the 18th hole owes its fame to one of the most famous shots in Tiger Woods career, a vista from the bunker to the green now appreciated by amateurs and professionals alike.
- (e) The long view up the valleylands from the 14th hole is the reverse experience of (a) above – a view looking north rather than south through the dramatic valley lands.

- (f) Finally, the water vistas on the 9th hole reflect the magic of disappearing views so loved by North America's greatest landscape architect – Frederick Law Olmsted – and fully appreciated by Nicklaus.

These views, which have been reproduced in still images and also seen live in various ways on TV coverage, have contributed directly to a much wider appreciation of the course, and in turn to its cultural heritage value and interest, both for the people of Oakville and for the golfing community in Canada and abroad.

221. ERA states that the listing of these views is problematic because many of them are appreciated by golfers and spectators, and are specific to Glen Abbey as a golf course. However, this was the original design intent. It is entirely appropriate to assess the cultural heritage value of views into and from within a property, and from the perspective of those who have experienced them as they were intended. As the PPS notes in its definition, views are one of the defining features of cultural heritage landscapes.
222. ERA also says that views change with the seasons and evolve over time. This is true, but the attributes do not dispute this reality. They simply identify those views that have become iconic over the last 45 years, whatever the season, whoever the viewer, and whatever the minor changes as vegetation matures or small changes are made in pathways.
223. **The eighth and ninth attributes** address the golf course in its neighbourhood context:
- The nature of the open space within the surrounding residential neighbourhoods related to a distinct sporting culture with a unique type of parkland setting;
 - The visual and historical connections to the surrounding residential neighbourhood.

224. The importance of this contextual relationship is evident right from the initial stages of planning for the Glen Abbey neighbourhood. As stated in the 1976 *Glen Abbey Community Secondary Plan*, “the 18-hole Glen Abbey Golf Course will provide a unique recreation setting for the proposed Glen Abbey community”.²⁶ The ‘Parkland’-style course chosen by Nicklaus ensured its ongoing heavily planted and verdant character, an asset to the community, unlike the generally open, windier and drier ‘Links’-style courses.
225. The significance of this attribute is related to the nature of the property itself, as an internationally-renowned golf course – a ‘distinct sporting culture’ – and not simply to its existence as open space within a residential neighbourhood. As expressed by a local resident, “while it was a golf course before, its current incarnation as a Jack Nicklaus designed course has been a significant boon to the community, raising the profile of Oakville worldwide, serving as the setting for moments of drama seen by millions, and providing a spectacular amenity for the residents of the community, who regardless of whether they use it themselves, benefit from it in seen and unseen ways”.²⁷
226. As indicated by the response of the community, the cultural heritage value moves well beyond an appreciation of the visual amenity, and focuses on its historical and present significance as a designed cultural landscape.
227. Throughout the course of community engagement, the focus has never been on ‘commemorating’ this history. It has been on conserving this history by protecting the asset itself, within which that history is embedded. Designation under the OHA has been accepted as the logical first step in this process.
228. The ERA Addendum expresses concerns that these attributes are vague and unclear. In my view, these attributes are appropriately clear as an attribute relating to contextual value. They describe the physical reality of the property as

²⁶ De Leuw Cather, *Glen Abbey Community Secondary Plan*, 1976.

²⁷ Chris Stoate

it exists today, and reflect the importance of the landscape to the surrounding neighbourhood in a manner clearly expressed by the community. The ERA Addendum also states that the reference to Parkland setting may be misleading, as it does not provide 'parkland' for the surrounding neighbourhood. The attribute does not suggest the property functions as a park and is not related to the use of the property by residents of the surrounding neighbourhood, but rather its existence as a very unique type of open space within the neighbourhood. ERA's own Heritage Assessment recognizes the Parkland style of Glen Abbey as a distinguishing characteristic²⁸. It is also interesting to note that the Parkland style owes its 18th Century origins to private estates, not public parks.

229. The ERA Addendum also notes that the ClubLink's redevelopment proposal would result in large portions of the property being conveyed to a public authority for park uses. The alternative use of the property proposed by ClubLink is not relevant to determining the current heritage attributes of the property as it currently exists.

(ii.4) Attributes related to overall cultural heritage value

230. **A final attribute** is one that addresses the integrated nature of all the various physical components and attributes that make up the Glen Abbey cultural heritage landscape:
- Jack Nicklaus's unique integration of land use, traditional practices, land patterns, spatial organization, visual relationships, circulation, ecological features, vegetation, landforms, water features, and built features.
231. This attribute emphasizes the point made by the PPS definition of cultural heritage landscape – namely, that the elements of a cultural heritage landscape are valued together, not in isolation. It is clear that Jack Nicklaus had a single unified vision for this project. As an accomplished golf course architect, he was

²⁸ References to parkland style of Glen Abbey, ERA, *Cultural Heritage Landscape Assessment*, pp.63, 88.

able to modify the geographical terrain to create a coherent, and in this case, unique setting for tournament golf. He was able to merge natural and artificial elements. He was able to simultaneously address the experience of golfers and spectators. And the result is a cultural heritage landscape that is known and appreciated not only in Oakville, or in Ontario, but across the country and around the world. This designed landscape is what has cultural heritage value and interest, and it is the property's particular combination of attributes that sustains this value.

232. There have been modifications to the golf course over the last 45 years, but the basic integrity of Nicklaus' original design has remained intact. This is in part because he or members of this firm returned to design and oversee any significant changes. As with the original design, these changes have been done in relationship to the whole, not as purely localized decisions. This is why the course has such a high level of authenticity and integrity.
233. ERA says that this attribute is overreaching and lacks specificity. However, the intent of this attribute is to draw attention to the whole being greater than the sum of the parts, a fundamental feature of cultural heritage landscapes. The specificity is provided in the preceding attributes.
234. Throughout their comments on the heritage attributes, ERA points out that the attributes are problematic because they imply that an operating golf course must be maintained in perpetuity. However, the attributes do not refer to future use. The term 'ongoing ability' in the attributes is a description of a present reality, not a future reality, and is focused on the 'ability' of the course to be used for golf, not on the use itself. This use of the word 'ongoing' is consistent with the discussion of land use in the *Standards and Guidelines* Section 4.1 on Cultural Landscapes, as discussed in detail above. To return to the example of the designated interiors of a theatre, for example, its 'ongoing ability' to be used for theatrical events is not in and of itself a requirement that such events take place.

235. In the case of Glen Abbey, its ongoing ability to be used for golf, because of the existence today of the physical features of the property that support that historic use, is a current reality. And it is also very much connected to its cultural heritage value, as set out in the historical research, the community input, the application of Regulation 9/06, and the development of the statement of cultural heritage value.
236. The description of heritage attributes cannot require a particular use to be operated on a property, although they may heavily influence the range of uses that will ensure its heritage value is conserved. As with any designated building or landscape, a continuing or compatible future use is the first step in developing an appropriate plan for conservation, as set out the *Standards and Guidelines*. Defining what constitutes a continuing or compatible use depends on the statement of cultural heritage value and the description of attributes. There are some basic principles. Just as a designated building cannot reasonably be replaced with a landscape – it was the replacement of the Rideau Street Convent building with a parking lot landscape that started the whole push for heritage legislation in Ontario – so a designated landscape cannot reasonably be replaced with a building.
237. Examples of private designed landscapes being adapted for new but compatible uses include some of the famous 18th Century ‘Parkland-style’ estate landscapes in England designed by Capability Brown, Humphry Repton and other notable designers. Many of these designated cultural heritage landscapes no longer serve their intended use, which was as purely private pleasure grounds for their owners. Instead they have been converted to a new use as destination venues, with public access and a variety of public uses on private land that respect and in fact celebrate the original heritage attributes, but with entirely different patterns of access and revenue streams.
238. Within the landscape options available at Glen Abbey, use for golf is logical, and would help ensure the heritage value of the property is retained. If other uses are

defined that maintain the key attributes and therefore sustain its cultural heritage value, these can be considered.

239. A related problem with the ERA comments on the heritage attributes described in the Designation By-law is that there is a constant reference to ClubLink's proposed redevelopment of the site. For example, in reference to attribute 4, ERA says that "in any event, the associated main Stables building and two adjacent sheds and their immediate vicinity are proposed to be retained in ClubLink's redevelopment proposal" or, in reference to attribute 11, that it must be balanced with "a recognition that the entire valleyland portion of the property is proposed to be re-naturalized and conveyed to a public authority", or, in reference to attribute 14, that its retention would only be appropriate if a "viable and suitable use" can be found within the context of ClubLink's redevelopment proposal²⁹.
240. The purpose of evaluating a property of potential cultural heritage significance is to determine its intrinsic historical, physical and contextual values. The statement of cultural heritage value and the related attributes are based on this information. It is not appropriate to accept or reject attributes based on whether they are compatible with a particular redevelopment proposal, unrelated to whether or not they capture the key components of present-day value. The Ontario Heritage Act operates in the present tense – "the property **meets** the prescribed criteria", etc. [emphasis mine] – not in the future tense. How the identified values and attributes may be affected by a proposed redevelopment is a legitimate question, but one that needs to be explored after the key existing value and attributes have been determined.
241. It is once present value has been established that the heritage attributes can be defined, and it is once the heritage attributes have been defined that the impact of proposed developments can be assessed. Appropriate land use becomes one

²⁹ ERA, *Cultural Heritage Landscape Assessment – Addendum*, pp. 6, 8.

of the ways to meet the requirement to protect the attributes, and thus the heritage value.

H. TOWN OF OAKVILLE OPA 24 AND BY-LAW 2018-016

(i) Provisions of the OPA and the By-law

242. The Town of Oakville has adopted OPA 24, an amendment to the Livable Oakville Official Plan, as a framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes protected under the OHA.
243. Within this framework, OPA 24 also sets out specific land use designations and policies to support “the protection, management and use of the Glen Abbey Golf Course cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained”. Specifically, it permits, on the tableland portion of the property, a golf course use in the open areas, related uses in existing buildings, office uses within the RayDor estate building, and a hotel/conference centre subject to future heritage approvals; and, in the valley, golf course use and related conservation activity.
244. The Town of Oakville has also adopted By-law 2018-16, specific to the Glen Abbey Golf Course, to permit the existing golf course and other uses contemplated by OPA 24, and to apply a Holding Provision to a portion of the lands to ensure that certain new uses and structures will not undermine the cultural heritage value of the property.
245. Both OPA 24 and By-law 2018-16 are consistent with the mandate, set out in the PPS, that significant cultural heritage landscapes shall be conserved. As noted previously, the word ‘conserve’ is defined in the PPS, in relation to cultural

heritage landscapes, as their identification, protection, management and use in a manner that ensures their cultural heritage value or interest is retained.

246. In terms of ‘identification’, the process of identifying Glen Abbey Golf Course as a significant cultural heritage landscape was carried out under the framework of the Town’s *Cultural Heritage Landscapes Strategy*, adopted in 2014. This included understanding and articulating its cultural heritage value, and then identifying those heritage attributes that contribute to this value.
247. In terms of ‘protection’, the Town decided to protect the cultural heritage landscape of Glen Abbey through designation under Part IV of the Ontario Heritage Act.
248. The decision was also made to extend the scope of ‘protection’ through the use of official plan and zoning by-laws, as contemplated by the PPS and Ontario Heritage Tool Kit.
249. Both decisions are entirely consistent with the PPS, including with respect to its definition of cultural heritage landscapes and with respect to the application of the criteria in O. Reg. 9/06 to assess significance.
250. The definition of *built heritage resources* in the PPS identifies designation under the OHA, or inclusion on various heritage registers, as the approach to protection for most of these resources. By contrast, the definition of *cultural heritage landscapes* in the PPS extends the idea of protection beyond designation under the OHA, and inclusion on various registers, to include protection under “official plan, zoning bylaw, or other land use planning mechanisms”.
251. It is therefore entirely consistent with the PPS for the Town of Oakville to use both designation under the OHA, and related OPAs and By-laws, to achieve its conservation mandate. It facilitates the Town’s ability to fulfill its duties under ‘conservation’ to include ‘management’ and ‘use’ by prohibiting or regulating land uses and structures that may impact the cultural heritage value of the property.

252. It is important to distinguish between ‘commemoration’ and ‘conservation’, and note that every step of the process leading to designation of the Glen Abbey Golf Course under the OHA has been directed towards ‘conservation’, as an activity mandated by the OHA and PPS.
253. I have also reviewed the Town of Oakville’s 2021 proposed amendments to the OPAs and related By-Laws, and find them entirely consistent with the broader conservation goals related to the cultural heritage landscape. These amendments provide more flexibility for buildings and structures within the property that may be required for continued operation of the golf course. There are suitable provisions for review should alterations or new construction impinge on the existing heritage attributes.

(ii) Response to concerns expressed about the OPA and the By-law

(ii.1) Regulation of use

254. ClubLink has raised a concern that OPA 24 and Zoning By-law 2018-016 protect the Town’s identified heritage attributes of the Glen Abbey property in a manner that is inconsistent with the PPS, contrary to the Growth Plan, and “contrary to and/or duplicative of the protections available under the *Ontario Heritage Act*.” In my view they do not.
255. I note that while land use is not regulated under the OHA, it is very much an intended aspect of official plans and zoning by-laws. And in the case of Glen Abbey, the land use regulations have been designed to conform with appropriate conservation policy and guidelines as set out in the Provincial Policy Statement and the *Standards and Guidelines for the Conservation of Historic Places in Canada*.
256. The *Standards and Guidelines* identify appropriate use as one of the basic Standards that apply to every conservation project, whether preservation, rehabilitation, or restoration. This document has hundreds of guidelines, but only 9 basic Standards, of which ‘use’ is one:

Standard 5: Find a use for an *historic place* that requires minimal or no change to its *character-defining elements*.

257. Finding such a use is the very first factor to consider in the planning process for conserving cultural value. The opening paragraph in the ‘Planning’ section of the *Standards and Guidelines* reads as follows:

If the use of an historic place is part of its heritage value, every effort should be made to retain that use. Otherwise, a use compatible with its heritage value should be found. It is important to find the right fit between the use and the historic place to ensure this use will last and provide a stable context for ongoing conservation.

258. For cultural landscapes in particular, the *Standards and Guidelines* provide additional detail. Where evidence of land use is a defined attribute, the *Standards and Guidelines* specifically recommend against:

- allowing features that support a land use to be altered or lost by incompatible development;
- adding a new feature that alters or obscures a continuing land use; or
- introducing a new feature that is incompatible in function with past or continuing land use.³⁰

259. Management and use are the two key aspects of conservation, once designation has occurred, according to the PPS definition of ‘conserve’.

260. Limitations on land use through official plans and zoning by-laws are an appropriate tool for a municipality to ensure that a designated property is managed and used in a way that retains its heritage value. As long as the limitations on use correspond to the mandate to retain cultural heritage value, this type of limitation is a normal and accepted part of official plans and zoning by-laws for designated properties. For a golf course that has been designated as a designed cultural heritage landscape of significant cultural heritage value and interest, use for golf – or for some open space use that retains the heritage

³⁰ section 4.1.1, pp. 51-52

attributes of the golf course - is a natural limitation. At the same time, additional land uses compatible with the primary use may be permitted.

261. In this case the Town considered how land use and the construction of new buildings might impact the heritage attributes identified for the property in the Designation By-law, which are the principal features that contribute to the property's heritage value. The Town quite rightly concluded that certain proposed changes in land use would result in the wholesale removal of the heritage attributes of the property and would not result in the heritage value of the property being retained as required by the PPS and Growth Plan.
262. In making any decision on land use a municipality is required to take into account various policy objectives and weigh public and private interests.
263. It is important to note that Glen Abbey is not a typical golf course. Many golf courses have limited cultural heritage interest or value, but Glen Abbey is exceptional. It is the only course in Canada that is so intimately connected with such a legendary figure in the game; it is the only course specifically designed for Canada's most historic and important championship tournament; it is the only course that can claim to have influenced the approach to tournament golf course design; it is the only course that has witnessed so many intense competitions between the world's best players. Its original design remains essentially intact. It is Canada's most widely known golf course, and it is this exceptional quality that Ontario's cultural heritage framework was set up to protect.
264. Moreover, the Town is not limiting this property to a use which is unrealistic or unreasonable. The uses permitted by OPA 24 and By-law 2018-016 reflect the primary commercial use undertaken on the property for decades, in a sport that has seen a recent resurgence of interest and activity.
265. The zoning of the property to primarily permit a golf course does not foreclose the introduction of new uses on the property, subject to careful and sensitive design that would be assessed through further approvals. For example, a portion of the

property that currently contains parking lot is zoned to permit a hotel, and By-law 2018-016 continues that permission, subject to necessary OHA approvals. In my view the redevelopment of the parking lot, the irrigation pond at the north end of the property, or other interstitial spaces for compatible uses could be accommodated without significant impact on the cultural heritage value of the property, subject to appropriate design and future planning approvals.

(ii.2) Retention of heritage attributes

266. ClubLink has objected to a sentence in OPA 24 stating that the intention of the amendment is “to support the protection, management and use of the Glen Abbey Golf Course cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained” on the basis that a requirement to “retain” Glen Abbey’s “heritage attributes” is inconsistent with the PPS, and contrary to the Growth Plan and OHA.
267. I strongly disagree. There is nothing in these documents suggesting that heritage attributes should not be retained as a means to conserving heritage resources. Quite the opposite – the importance of heritage attributes to conserving heritage value is such that it is the potential impact on heritage attributes that triggers a review of proposed interventions under the OHA. This reflects the reason heritage attributes are required to be identified at the time of designation – to clarify what is and what is not of consequence in protecting the cultural heritage value and interest of a property.
268. As noted in paragraphs 32 and 33 above, I was closely involved in introducing to the heritage conservation field in Canada a values-based framework for conservation, which occurred first at the federal level. The approach was then adopted in the 2005 revisions to the Ontario Heritage Act. This framework depends on the protection of attributes as the means for protecting the identified values.

269. The very reason heritage attributes are listed is to guide conservation activity. Before the concept of heritage attributes was introduced, it was very hard for property owners and municipalities to agree on what alterations could take place on a designated property. With the listing of heritage attributes, a framework was established for deciding what alterations should be reviewed. This is the rationale for Section 33 of the Ontario Heritage Act.
270. Heritage attributes are the principal features of a property that contribute to cultural heritage value. The difference between heritage attributes and cultural heritage value is that the attributes are tangible, part of the present physical reality of a place, while the cultural heritage value may be both tangible and intangible, an appreciation by a community built up over time. This is particularly important in the case of cultural heritage landscapes, which – as the PPS definition states – may have tangible elements that are valued for their intangible qualities - interrelationships, meanings and associations. Protecting heritage attributes is fundamental to protecting cultural heritage value.
271. I would note that the Ontario Heritage Tool Kit describes heritage attributes as: “...those attributes (i.e. materials, forms, location and spatial configurations) of the property, buildings and structures that contribute to the property’s cultural heritage value or interest, **and which should be retained to conserve that value.**”³¹ (emphasis mine) Policy 2.6.3 of the PPS states that:
- Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except 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.
272. Likewise, the *Standards and Guidelines for the Conservation of Historic Places in Canada* provide that the ‘character-defining elements’ of a property of heritage

³¹ Ontario Heritage Toolkit, *Designating Heritage Properties – A Guide to Municipal Designation of Individual Properties under the Ontario Heritage Act.*

value, namely the attributes [materials, forms, location, etc.] “that contribute to the heritage value of an historic place” - “**must be retained to preserve its heritage value**” [emphasis mine].

273. If heritage attributes are eliminated, commemoration of the now-disappeared heritage resource is likely the best that can be hoped for. This is a serious issue. Commemorative activities can be a way of remembering sites of historical significance, but they are separate from discussions of appropriate conservation. In commemorative activities, a property may retain none of its intrinsic cultural heritage value or interest – it may be commemorated simply through cairns or plaques or other testimonials, perhaps combined with physical vestiges. It does not require any sort of legislative framework limiting physical changes to the property. In conservation activities, the question is whether the physical reality of the place – embodied in the heritage attributes – is retained and the cultural heritage value at the time of designation is retained for future generations. Commemoration does not require designation under the OHA or protection through official plan and zoning provisions and the Planning Act.
274. The serious implications of removing a heritage attribute is why the Town of Oakville’s *Cultural Heritage Landscapes Strategy* indicates that such removal can only be contemplated when retention in situ or relocation “is not possible”, and that such removal, accompanied by careful documentation, is a last resort, only to be used “**when all other options have been exhausted**” [emphasis mine].
275. Some changes to heritage attributes can be accommodated on designated properties, but only where that development would not result in the loss of cultural heritage value. The question is first, to understand the impact on the identified heritage attributes, and, by extension, the impact on cultural heritage value or interest. There is nothing in the policies of the PPS or Growth Plan, or in the Ontario Heritage Tool Kit or the *Standards and Guidelines*, to suggest that the loss of heritage value through the removal of heritage attributes to accommodate development is somehow a peripheral issue and not central to the

conservation mandate. The essential point is that the heritage attributes are the least flexible elements of a designated property. That is why they are listed.

276. There are cases where heritage attributes have been altered or even removed, in conformance with procedures outlined in the OHA. But approval of extensive alterations, and especially removal, is the exception. Where it becomes extreme, then the property must be delisted and the conservation effort has failed.

I. PEER REVIEW OF ERA CULTURAL HERITAGE LANDSCAPE ASSESSMENT AND HERITAGE IMPACT ASSESSMENT OF GLEN ABBEY

277. As noted previously, ClubLink's consultant, ERA, produced a *Cultural Heritage Landscape Assessment and Heritage Impact Assessment - Proposed Redevelopment of the Glen Abbey Golf Club*, dated November 9, 2016. At the request of the Town I prepared a peer review of this report, dated September 6, 2017.

(i) 'Designed' vs. 'evolved' landscapes

278. In my opinion, the ERA assessment is based on a fundamental error at the outset of the document, which then confuses the remainder of its arguments and recommendations. This error is in labelling the Glen Abbey property as an 'evolved' rather than 'designed' cultural heritage landscape.
279. There appear to be two reasons for this error. The first and more important reason is the failure to recognize the clear distinction in the heritage conservation field between the definitions of 'designed' landscapes and 'evolved' landscapes.
280. The second reason is that the discussion of the Glen Abbey landscape is heavily coloured in the document by a proposed future redevelopment plan for the site. This redevelopment proposal is introduced in some detail at the beginning of the document, and sets in motion the idea of a landscape that is evolving. The

proposed redevelopment is not relevant to an assessment of the property's value as a cultural heritage landscape. Good conservation practice deals first with what exists, to determine cultural heritage value or interest, and only then considers what this might imply for the future.

281. To address the first issue, it is useful to refer to one of the clearest statements of the difference between 'designed' and 'evolved' landscapes, which is found in the guidance provided by the Ontario Heritage Trust. In its document on cultural heritage landscapes, it says "a cultural landscape may be designed at a specific time by a specific person or it may have evolved organically over a long period of time (and may still be slowly evolving)."³² The former is a 'designed' cultural landscape, the latter is 'evolved'. In the case of Glen Abbey, the present cultural heritage landscape is as clear an example as one is likely to find of a landscape designed at a specific time (the mid-1970s) by a specific person (Jack Nicklaus). It did not evolve organically into its present form.
282. A discussion is provided above, about the classification of golf courses as a 'designed' landscape category by authorities in the field. These include the Cultural Landscape Foundation and English Heritage, whose publication on the subject is in fact entitled *Golf Courses as **Designed Landscapes** of Historic Interest* [emphasis mine].
283. An evolved landscape is not, as suggested by the ERA Heritage Assessment, a landscape where there were previous patterns of land use. There is no designed landscape anywhere in the world that does not occupy a geographical terrain that once had a different form and use. But in an evolved landscape, the present land use has not replaced an earlier land use – it is a continuation of the same use over time, with multiple incremental changes. The present landscape is itself the evolutionary process embodied in physical form. These landscapes are not the work of a master designer or a controlling overall design vision, but rather an

³² *Cultural Heritage Landscapes – an Introduction*, Ontario Heritage Trust,

organic process of many owners and many designers working separately but with shared cultural assumptions. The process is a slow one, often over many decades or centuries, as noted in the parenthetical comment at the end of the Ontario Heritage Trust statement.

284. Many rural landscapes and older urban neighbourhoods have been recognized as culturally-significant evolved cultural landscapes. Their evaluation and conservation must respect this evolutionary character, whereas the evaluation and conservation of a designed cultural landscape focuses instead on conserving the integrity of the design.
285. It should be noted that the three categories of cultural landscape – designed, evolved, and associative – are nowhere fully defined in ERA’s report, in either the text or the appendices. The absence of any reference to the definition of a ‘designed’ cultural landscape is particularly problematic when the object of study is a golf course.
286. The report does quote a portion of the Town of Oakville’s description of an ‘evolved’ cultural landscape, which says that such a landscape “retains an active social role in contemporary society closely associated with the traditional way of life, and which the evolutionary process is still in progress.”³³ They then rely on ClubLink’s redevelopment proposal as support for the evolutionary character of the site.
287. This approach has three serious faults. First of all, the active social role of Glen Abbey Golf Course in contemporary society revolves entirely around its present reality. There is no continuation or extension of earlier site occupations, such as the agricultural, estate or religious uses. These have disappeared. Secondly, there is no evolutionary process in progress. The Glen Abbey landscape replaced what was there. Most remnants of previous uses were repurposed in the new design. And thirdly, it is inappropriate to use the proposed introduction

³³ ERA, *Cultural Heritage Landscape Assessment & Heritage Impact Assessment*, p.86

of yet another fully designed landscape – the proposed ClubLink urban development – to justify the ‘evolved’ label. Quite the opposite – the proposal if implemented would further contradict the use of the term ‘evolved’. In an evolved cultural landscape, the evolution is ongoing and incremental, and cannot start by demolishing what currently exists.

(ii) Assessment of Glen Abbey under Ontario Regulation 9/06

288. The Assessment of Cultural Heritage Value is a key section of the ERA report. However, it is based on an erroneous labelling, discussed above, of the asset as ‘evolved’ rather than ‘designed’.
289. The resulting problems are evident throughout this section. It begins by questioning the applicability of Ontario Heritage Act Regulation 9/06 to Glen Abbey. It uses the argument that these criteria are not useful in assessing the "broad geographic and temporal scale of cultural heritage landscapes and the imprint of varied patterns of use by different ethnic, religious, and cultural groups on these landscapes". ERA suggest that the criteria have been designed to assess discrete built heritage resources, but are problematic when applied to cultural heritage landscapes that “feature living systems that exist in a state of perpetual change and transition.”
290. In my opinion, these observations have no bearing on the Glen Abbey Golf Course, which does not have a broad geographic or temporal scale, and is not in a state of perpetual change and transition. It has clear, fixed boundaries and a design imposed in the 1970s which remains virtually unchanged. As a designed cultural heritage landscape, the application of Ontario Regulation 9/06 is straightforward.
291. The ERA Heritage Assessment also says the criteria are difficult to use when applied to only a portion of the property. This is where the second error mentioned above becomes most obvious, and problematic. The report assumes a focus on remnants of various phases of the site’s history, rather than a focus on

the property as a whole. It then attempts to apply Regulation 9/06 to those remnants. This is not how the evaluation should be undertaken. Ontario Regulation 9/06 is designed to be applied to the entire property, and in the case of Glen Abbey it is not difficult to do so.

292. ERA provides no rationale for discounting an initial assessment of the entirety of the golf course as an integrated approach with multiple carefully-designed interrelationships.
293. The failure to address the Glen Abbey landscape as an integrated design is evident in the lack of even a single sentence on its present condition. The initial ERA Heritage Assessment contained 14 pages on building conditions, and the subsequent Addendum added another 190 pages, but neither report makes any reference at all to the condition of the designed landscape – the Glen Abbey Golf Course. There is also no assessment of the extent to which the original Nicklaus design remains intact.
294. As a result, in my opinion, the application in the ERA Heritage Assessment of Ontario Regulation 9/06 is inappropriate. The Regulation is applied by ERA in equal measure to the Glen Abbey Golf Course, the Country Club and Ski Hill landscape, the Jesuit Seminary landscape, the Estate era landscape, the agricultural landscape, and so on. Other than Glen Abbey, these landscapes no longer exist. The remnants that do survive have become an integral part of the present designed landscape, and must be evaluated in that context.
295. ERA substitutes the Regulation's focus on the property as a whole with a focus on what they describe as 'component parts or zones'. This runs directly counter to a basic quality of cultural heritage landscapes, set out in the PPS definition – namely, that these landscapes are composed of elements which are valued **together** [emphasis mine] for their interrelationship, meanings and associations. It is not appropriate to assess the heritage value of a cultural heritage landscape, particularly a designed landscape, by first breaking it up into component parts or zones and omitting the bulk of the designed landscape entirely.

(iii) Statement of Significance

296. The ERA report defines the Cultural Heritage Value of the property as “the layered use of its lands, with built and landscape remnants that reflect these historic patterns of use”. It goes on to say that “various components of these layers have physical, historical and associative, and contextual value”.
297. As suggested above, in my opinion this approach leads to a fragmented rather than holistic assessment of the property, counter to the PPS definition of a cultural heritage landscape. And more importantly, it fails to address the present designed cultural heritage landscape in any way – either positive or negative.
298. The ERA report gives as much attention to the outbuildings associated with the Dorfman estate – a designed landscape that no longer exists – as it does to the Glen Abbey Golf Course. This does not correspond to either the current physical reality of the site or its cultural heritage value or interest for the community.

(iv) Heritage attributes

299. ERA’s list of heritage attributes for the Glen Abbey property continue to focus on previous layers on the site rather than the designed golf course landscape that currently exists. This focus can be seen in the first two attributes:
- The layered and evolving character of the landscape, reflecting different patterns of use by numerous social and cultural groups over time; uses have included cultivation of land for agricultural purposes, habitation, recreation, and public gathering
 - The varied uses of the land and the physical remnants of these uses, including the RayDor Estate and its approach drive, the stables & shed buildings as well as the evolving adaptive reuse of these buildings by successive inhabitants and users of the landscape
300. The rest of the attributes continue in this vein. Not a single mention is made of the design, character, influence, or significance of the golf course. The most

prominent and valued aspect of the present property is largely ignored with no explanation.

301. The focus on the valley, the valley's edge, and the Dorfman buildings, is not given a rationale or a context.
302. Overall, the ERA Cultural Heritage Landscape Assessment appears to arrive at conclusions generated not by the current property, and its design qualities, but by a view backwards in time after one assumes redevelopment of the property where only remnants of the golf course remain, along side remnants of every other layer.
303. By contrast, if one examines the Glen Abbey Golf Course property as it exists, and attempts to understand its significance both to the community of Oakville and the golfing community, there is every reason to apply Regulation 9/06 to the whole of the property, and come to a decision about cultural heritage value and related attributes, in terms of the course as a whole. Such an assessment may raise questions of how to articulate that value, or how to best describe its relevant attributes, but at least the discussion would have an appropriate focus in relation to best practices for heritage conservation.

(v) *Heritage Impact Assessment*

304. ERA's Heritage Impact Assessment for the Glen Abbey Golf Course is set within the context of ClubLink's redevelopment proposal for the property. It is important to understand the proposed conservation measures in this report. They illuminate the assumptions that seem to underlie the whole ERA approach.
305. The Mitigation and Conservation section of the report is organized around six 'Big Ideas', although it is probably more accurate to describe the approach as eight, rather than six, 'Big Ideas'. Besides the six Big Ideas which form the headings of this section, there is an initial Idea – namely the demolition and removal of the existing golf course – and a concluding Idea labeled in the report as "Heritage Interpretation Strategies". These ideas can be set out as follows:

- Initial Idea: Demolition and removal of the existing golf course
- Big Idea 1: Greenway Park
- Big Idea 2: Valley's Edge Open Space: The RayDor Estate Approach and Rolling Fairways
- Big Idea 3: Great Belvedere
- Big Idea 4: Village Market
- Big Idea 5: Social Hub & Central Park
- Big Idea 6: Oakville's Valley Open Space
- Concluding Idea: Heritage Interpretation Strategies

306. The **Initial Idea** is the demolition and removal of the golf course. The scope of this idea is set out very clearly in the demolition application under section 34 of the OHA submitted by ClubLink. It calls for the removal of "all existing tees, greens, hazards, fairways, cart paths, etc., together with all related infrastructure . . .", plus a list of 16 buildings that includes the clubhouse and a variety of structures that support the operational and maintenance functions of the golf course. There can be no clearer indication that the present designed landscape, which is the subject of the Town's Designation By-law, and the resource identified by the community to be of cultural heritage value and interest, will not be conserved.

307. It is not possible to conserve cultural heritage value or interest when virtually all the supporting heritage attributes are lost. The intimate connection between attributes and value is at the heart of the OHA's review process under Section 33, and the guidance from the Ontario Heritage Trust, the Ontario Heritage Tool Kit and the *Standards and Guidelines*.

308. Glen Abbey is understood today as a designed cultural heritage landscape, and more specifically as a historically significant golf course of local, national and international significance.
309. This is the significant cultural heritage resource one would expect to be protected and conserved.
310. **Big Idea 1** is a new 'Greenway Park', to be located in the proposed residential and commercial subdivision in what is currently the tablelands section of the golf course. This Big Idea, and the five that follow it, can most accurately be described as commemorative activities, not conservation activities. This distinction is critical.
311. As previously discussed, commemorative activity is a separate tradition within the heritage field, and does not concern itself primarily with protecting and conserving important built heritage resources or cultural heritage landscapes. Rather, it uses a variety of commemorative devices – monuments, plaques, vestiges, as well as more elaborate interpretive devices and strategies – to recall people, places and events of historical interest.
312. Block 169 of the proposed 'Greenway Park' is intended to recall and commemorate the 'dog-leg' motifs (curved landscapes where the side plantings obscure the distant features until one begins to move through the open space) as used by Nicklaus in some of his memorable holes at Glen Abbey. The existing Hole #9 on the tablelands is in fact a very fine example of a 'dog-leg' golf hole. To demolish it and substitute a much smaller scale park of related design is exactly the difference between conservation and commemoration. Conservation would keep the original Nicklaus design intact for future generations. The park would be a poor and distant imitation, even if one accepted a certain commemorative role.
313. The proposed 'Greenway Park' is said by ERA to be inspired by Olmsted's landscape designs, particularly at Prospect Park in New York City. Although the

proposed new park might in some conceptual way reflect this influence, Jack Nicklaus himself was himself adept at interpreting Olmsted, having spent years experiencing his work at Augusta National Golf Course and elsewhere. His particular skill at understanding Olmsted is reflected in his recent appointment to design a golf course within Olmsted's famous park landscape in Buffalo. The collaboration between old and new is described by the City of Buffalo as follows:

Nicklaus, legendary champion, and the world's leading golf course designer, in collaboration with Olmsted, creator of Buffalo's parks system, and the world's finest landscape architect.³⁴

314. For a redevelopment plan to demolish a full size and iconic dog-leg golf hole, with its unfolding views and beautiful water feature, and replace it with an urban park that attempts to remind the community of what it has lost, is a process unrelated to conservation. In my opinion, this is not consistent with the intention of Ontario heritage legislation and planning policy that moves beyond commemoration to a requirement for conservation.
315. **Big Idea 2** is the Valley's Edge Open Space. It has two components. The first proposes redevelopment of the RayDor entrance drive and the RayDor estate house to specifically link the redevelopment to the Estate Era – a designed landscape that no longer exists but has remnant vestiges. The other component proposes developing playing fields, passive recreation areas, and viewing areas in the location of the one of the tableland golf holes adjacent to the valley edge. The rolling terrain would reflect the “gently rolling topography” of the demolished Glen Abbey Golf Course.
316. Once again the intent here is focused on commemoration, not conservation. The equal if not predominant emphasis given to the long-gone designed landscape of André Dorfman's estate reflects the decision not to conserve the golf course but to create a site that commemorates the property's historical themes. And the use

³⁴ Better Parks Buffalo, *betterparksbuffalo.org*, 2021

of the 'rolling topography' as a design feature is an effort presumably to commemorate the golf course after making the decision not to conserve it.

317. **Big Idea 3** is the 'Great Belvedere', a proposed contemporary structure with no historical basis, to be located in the vicinity of the current 11th tee. This tee is the starting point for what has been recognized as "one of the most beautiful holes in all of golf."³⁵ Whether the design of the proposed belvedere were to turn out well or not, the idea of demolishing a dramatic viewing and driving opportunity associated with the world's best golfers of the last half-century, and replacing it with a new viewing opportunity having no direct cultural associations with anyone or anything, is definitely not within the language of conservation. In this case, the argument for commemorative value is also weak – the report simply says it will allow an interpretation of the natural features of the valley lands.
318. **Big Idea 4** is a proposed 'Village Market', which is unrelated to the existing golf course landscape, but is rather another indirect commemoration of the defunct André Dorfman estate. It suggests an adaptive reuse of Dorfman's stable building for commercial and retail activity.
319. **Big Idea 5** is a proposed 'Social Hub and Central Park'. It would redevelop the current area around the clubhouse and the 18th green, replacing the golf course landscape with a new park pavilion and recreational playing fields. Once again, neither the physical logic of the existing space nor its direct evidence of years of dramatic championship finishes would be preserved – indeed, ClubLink has already submitted their proposal to demolish all 18 holes of the golf course, including the tees, fairways, bunkers, and greens. The emphasis throughout Big Idea 5 is on the 'commemorative' potential of the scheme. A new architectural landmark would "interpret and give new form to the existing clubhouse". The naming of the space as the 'Social Hub' would "refer to the hub

³⁵ PGATour.com, *'Inside the course: Glen Abbey Golf Club'*, 2017

aspect of Glen Abbey Golf Club's 'hub-and-spoke' design". A new 'Entry Plaza' and 'Formal Promenade' would guide visitors by a wall of champions "displaying plaques commemorating past Canadian Open Golf Champions". This is what commemorative activity does – it honors the past, but does not conserve it.

320. **Big Idea 6** is called 'Oakville's Valley Open Space'. This idea relates to the proposal to adapt the valley to public park use. It is interesting to note that the description talks of the 'recent' alterations of this area as being the 1960s ski resort and the two golf courses. This conflation of Glen Abbey Golf Course with all other preceding landscapes is common throughout the Mitigation and Conservation proposals in the ERA Heritage Assessment. No specific recommendations are made for the redevelopment of this area, but in the proposed scheme it would follow demolition of "all existing tees, greens, hazards, fairways, and cart paths".
321. **The Concluding Idea** is the development of an ambitious 'Interpretation Strategy'. This strategy has multiple components, including an interpretive landscape, an interpretive circuit, measurements along a trail, a recreational circuit, community orchards, and opportunities and stewardship. The themes to be interpreted are not related to what exists today, but rather to what may have existed throughout the history of the site. In some ways this section is a blueprint for a commemorative program.
322. This emphasis on the commemoration of a collection of remnant landscapes is only possible if the present landscape is demolished so that only a few vestiges remain, at which point it joins all the previous landscapes as part of a continuity of remnants. And once again, this is unrelated to the idea of conservation as envisioned in Ontario's legislative and planning policy framework.
323. This skewed emphasis is clearly set out in the 'Conservation Overview' at the beginning of this section. The cultural heritage value of the property is said to be rooted in "the layered historical uses" and "the architectural and landscape remnants of these former and continuing uses". There is no way to translate this

comment other than by saying that the present Glen Abbey Golf Course is simply one among many “architectural and landscape remnants” on the property. As defined by Merriam-Webster, a “remnant” is a “small part, member, or trace remaining”. For the Glen Abbey Golf Course, such a characterization is only possible if one assumes demolition of the existing designed landscape – the opposite of conservation, even if it is a possible prelude to commemoration.

324. An Interpretation Strategy is neither preservation, nor restoration, nor rehabilitation. It commemorates but does not conserve.
325. These issues are further compounded in the following section of the report, dealing with Heritage Policy. In this section, ERA points to the “adaptive reuse” of certain buildings, and the “adaptive reuse” of elements of the existing landscape, as evidence of compliance with various heritage policy initiatives. It is true that the term “adaptive reuse”, although not defined in the *Standards and Guidelines* or the various policy documents, is sometimes considered a form of rehabilitation when it involves a new rather than continuing use.
326. The issue, however, is that ‘adaptive reuse’ as a conservation approach must first be considered in terms of the overall property, before applying the concept to remnants. And at the level of the property as a whole, it takes as a starting point the retention of overall cultural heritage value. It does this by retaining the key heritage attributes, and making sure that any modifications do not undermine their ability to work together to sustain this value.
327. In the case of Glen Abbey, one might choose to explore the possibility of adaptive reuse, but only if the cultural heritage value of the golf course as a whole, expressed in its heritage attributes, was being retained. This is what conservation is about, and why heritage policy frameworks exist. And the options for adaptive reuse within this framework would be limited given the fact that the overall design of Glen Abbey is so central to its value.

328. It is also important to note that whether a cultural heritage landscape is designed, evolved, or associative, its conservation will retain the fundamental characteristics it had before the intervention. An assessment of heritage impact begins with the whole and moves to the particular.

J. PEER REVIEW OF ADDENDUM - ERA CULTURAL HERITAGE LANDSCAPE ASSESSMENT AND HERITAGE IMPACT ASSESSMENT OF GLEN ABBEY

329. The Addendum by ERA to the original *Cultural Heritage Landscape Assessment and Heritage Impact Assessment Of Glen Abbey* focuses on a critique of the Town of Oakville's Statement of Cultural Heritage Value and listing of Heritage Attributes for Glen Abbey, in the Notice of Intention to Designate. The response to this critique is contained within the discussion of the Statement and the Heritage Attributes above [see Section F, para.152-240 above].

330. This Addendum was also intended to accompany the application by ClubLink to demolish and remove the existing golf course. This aspect of the Addendum is addressed in the following Section K.

K. CLUBLINK'S PROPOSED DEVELOPMENT IN THE CONTEXT OF CONTEMPORARY HERITAGE POLICY AND LEGISLATION IN ONTARIO

331. In my opinion, ClubLink's proposed demolition of the golf course on the Glen Abbey property, and redevelopment for a subdivision, would result in the effective removal of virtually all heritage attributes of the property associated with the significant designed cultural heritage landscape described in the Designation By-law. The heritage value of the property would not be retained, because it would no longer exist. The cultural heritage landscape would not be conserved, as required by the PPS.

332. The Ontario Heritage Act allows municipalities to designate properties of cultural heritage value, and to require approval for significant alterations and/or demolition. When approval is not granted, the process for appealing these rulings has evolved over time, but remains an effort to find an appropriate balance between public and private interest.

333. There are a number of factors that have played a role in the decisions related to these appeals. These include

- the nature and significance of the property's cultural heritage value;
- the importance, for sustaining that cultural heritage value, of those attributes that might be altered or lost; and
- the appropriateness of the proposed conservation approach.

334. It is useful to assess the ClubLink proposal for the redevelopment of the Glen Abbey property within these three frames of reference.

(i) the property's cultural heritage value

335. In terms of the property's **cultural heritage value**, the first step is identifying the nature of the property in question. For the Glen Abbey property, the championship Glen Abbey Golf Course is its defining feature. Whatever earlier uses and resources may have existed on the site, it is the value of the present-day championship golf course that is relevant, and has been the focus of community engagement and the deliberations of the municipal government.

336. In terms of designation, a cultural heritage landscape, and more specifically a designed cultural heritage landscape, is a recognized heritage category in Ontario and the category that applies directly and, in my opinion, unequivocally to the Glen Abbey Golf Course.

337. In judging the significance of a property's cultural heritage value, whether that property meets the criteria under Regulation 9/06 in a limited or tangential way

may be relevant. For example, criterium 1.ii - “displays a high degree of craftsmanship or artistic merit” – might apply to many golf courses in Canada, and might reflect an aesthetic appreciation that can change over time, but on its own may not be sufficient to warrant protection as a significant cultural heritage landscape.

338. Glen Abbey Golf Course has not been designated purely for its aesthetic or design value, although this has often been commented on. It has been designated for a combination of its historical significance, its design qualities, and its contextual importance. Its extraordinary importance comes from the intersection of these three values, which make it unlike any other golf course in Canada.
339. From a **historical** perspective, it is the work of who many consider to be golf’s greatest championship player of all time, who has moved on to become one of the world’s more celebrated golf course architects. And this is one of his most important and influential designs, because of how it transformed the spectator experience. This historical importance is further enhanced by the fact that almost all of the world’s greatest golfers of the last three or four generations have experienced Glen Abbey and contributed to the lore of the course. Further, generations of Canadians have associated Glen Abbey over the last four decades with one of the few significant international sporting events held annually in Canada.
340. From a **design** perspective, there are many other well-designed golf courses reflecting the adaptation of parkland-style, links-style or desert-style aesthetics to local environments. What marks Glen Abbey, in addition to the parkland setting and the dramatic valley holes, is the use of land and water features to chart a new direction in golf course design, by bringing the spectator into a new and intimate connection with championship play. The seamless quality of Nicklaus’ pioneering Stadium design is remarkable.

341. From a **contextual** perspective, the importance of Glen Abbey to the Town of Oakville is so central that it would be hard to find a parallel example in Canada. There are golf courses with important histories and design qualities in Toronto, for example, but none would be mentioned as part of the municipality's identity. Stanley Thompson's 1925 golf course at Jasper Park Lodge is a significant chapter in golf course design in Canada, but it is not central to the identity of Jasper National Park. By contrast, Glen Abbey is the Town of Oakville's most recognized cultural asset.

(ii) impact of loss of attributes on cultural heritage value

342. The second consideration is **the value of those attributes that might be altered or lost**. The attributes that have been identified for the Glen Abbey Golf Course, as a designed cultural heritage landscape, are those that directly sustain its historical, physical and contextual values. This is why they have been identified and why they are expressed the way they are. There are many more attributes that could be identified, both more general and more specific, but they have been omitted because their ongoing survival is not seen as being as critical to protecting the fundamental cultural heritage value – such as vestiges of cultural landscapes that no longer exist, or areas that are surplus to the golf course itself, or the exact dimensions of individual golf course elements such as bunkers and greens.

343. Those attributes that have been listed – using the framework set out in Section 5 of the *Standards and Guidelines* – are those that support the statement of cultural heritage value, that shape the designation, and that are critical to any discussion of how to achieve the mandate to 'conserve'. It is these attributes that carry the historical imprint of Jack Nicklaus and the cumulative interactions with his course by multiple generations of golfers and spectators. They showcase the design ingenuity and success of the course in relation to its setting. And they support the contextual significance of the course to the Town of Oakville.

(iii) appropriateness of proposed conservation approach

344. The third consideration is the **appropriateness of the proposed conservation approach**. The stark reality is that the very first step in the proposed conservation strategy is the demolition of the entire golf course, including "all existing tees, greens, hazards, fairways, cart paths, etc., together with all related infrastructure", plus a list of 16 buildings that includes the clubhouse and a variety of structures that support the operational and maintenance functions of the golf course.
345. This approach removes virtually every heritage attribute, and essentially removes the entire cultural heritage value of the golf course for current and future generations.
346. As noted above, conservation is a broad term that contains many activities, generally grouped under three headings - preservation, restoration and rehabilitation. **Preservation** suggests maintaining a place in its existing form, **restoration** suggests returning it to a previous phase in its history, and **rehabilitation** suggests adapting it to a new and contemporary phase while retaining its heritage attributes. These terms are clearly defined in the *Standards and Guidelines*.
347. Before the introduction of a values-based approach to conservation, conservation practitioners debated the relative merits of these various approaches. However, the great advantage of a values-based approach is that it does not give preference to one treatment over another, but rather matches the appropriate treatment to the cultural heritage value and interest of the property. The clearest indication of which treatment to choose is the degree to which there is a positive impact on the heritage attributes.
348. In applying a values-based approach to cultural heritage landscapes, it is often true that 'designed' cultural heritage landscapes are more restricted in their options than 'evolved' cultural heritage landscapes. 'Designed' landscapes, like

'high style' buildings, often involve a noted work by a noted designer. A Cornelia Oberlander landscape and an Arthur Erickson building can both exhibit outstanding creative talent. As such, their design characteristics and detailing become an essential part of their legacy, and help sustain their cultural heritage value and interest. On the other hand, a vernacular industrial building may see substantial alterations and major adaptive reuse initiatives. So it is with an evolved cultural landscape – a historic district such as the Byward Market or a rural landscape such as the Rideau Canal corridor – which may have more flexibility than a designed cultural landscape. Despite these restrictions, or perhaps because of them, designed cultural landscapes are often the places most treasured by a community.

349. In none of these cases – preservation, restoration, or rehabilitation – is the loss of heritage attributes accepted as a normal part of the conservation activity. It is the heritage attributes that help shape the appropriate conservation activity from the start, and that become the indicators of success. Enhancing the attributes strengthens the heritage value.
350. In the case of Glen Abbey, as required by the OHA the Town has employed a values-based approach that sets a framework for conservation based on the cultural heritage value of the property and its key heritage attributes. In this case, because of the significance of the original design, options for changes in physical form or use are limited, but there are options in how the place is managed over the near and long-term. The situation would be almost exactly the same in the case of a prominent building by a noted architect.
351. In my opinion, both 'preservation' and 'rehabilitation' are possible forms of conservation activity at Glen Abbey. The changes overseen by Jack Nicklaus in 2004 amounted to a modest 'rehabilitation' of the course to create a longer course in response to new technologies. The overall design integrity, including all the attributes listed in the designation, were conserved. Going forward, it will be necessary to make decisions within the same framework. It is clear that these

decisions are most easily made within an ongoing use of the site for golf. Other uses that retain the golf course and its features could be explored, but it would seem that redevelopment would be limited to some of the residual spaces not identified as attributes. A hotel is permitted within the existing parking lot, and the location of the irrigation pond could represent an opportunity for redevelopment if the function of the pond can be addressed.

352. The approach proposed by ClubLink, however, involves first, the complete demolition of the golf course, and then, the installation of certain commemorative markers within a brand new urban environment of residential, commercial and retail buildings and associated open spaces. The commemoration activity, a tiny part of the overall development, would focus on the layered uses of the site over time.
353. Commemoration activity has its own principles and practices, developed both provincially by the Ontario Heritage Trust and federally by Parks Canada. But these activities are not forms of conservation. They are never mentioned in the *Standards and Guidelines*, which is the primary reference for conservation activity. They are outside the scope of the debate about whether the Glen Abbey Golf Course is a significant cultural heritage landscape and whether it should be conserved.
354. Glen Abbey Golf Course is a very well-known property. It has a strong and important place in the cultural imagination of Canadians, which is one of the important measures of cultural heritage value and interest. That cultural heritage value and interest resides in the designed landscape of Glen Abbey, the golf course that Nicklaus designed and that has contributed to the history of golfing and golf course design. That golf course remains intact and in excellent condition, with all its attributes in place. Its demolition would directly and irreversibly remove its cultural heritage value. Heritage policy and legislation in Ontario was developed to prevent this from happening, particularly in cases where the value is so significant.

Sources consulted:

Regulatory, policy and guidance documents:

- *Ontario Heritage Act* R.S.O. 1990, c. O.18
- *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest under Ontario Heritage Act*, R.S.O. 1990, c. O.18
- *Provincial Policy Statement*, 2020
- *A Place to Grow: Growth plan for the Greater Golden Horseshoe*, 2020
- *Halton Region Official Plan*, 2009
- *Livable Oakville, Town of Oakville Official Plan 2009*
- *Ontario Heritage Tool Kit*, 2017
- *Cultural Heritage Landscapes – An Introduction*. Ontario Heritage Trust, 2012
- *Town of Oakville Cultural Heritage Landscapes Strategy*, 2014
- *The Standards and Guidelines for the Conservation of Historic Places in Canada*. 2nd Edition
- *Operational Guidelines for the Implementation of the UNESCO World Heritage Convention*

Reports:

- Letourneau Heritage Consulting, *Cultural Heritage Landscape Strategy Implementation - Phase II: Cultural Heritage Evaluation Report: 1333 Dorval Drive (Glen Abbey Golf Course) Oakville, Ontario*
- Ken Moodie, *Glen Abbey Golf Course: Heritage Review*, 2017
- Ken Moodie, *Documents Reviewed & Referenced (3 volumes)*, 2017
- European Institute of Golf Course Architects (EIGCA), *Golf Courses as Designed Landscapes of Historic Interest*. 2007
- ERA, *Cultural Heritage Landscape Assessment & Heritage Impact Assessment: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*. 2016
- ERA, *Addendum - Cultural Heritage Landscape Assessment & Heritage Impact Assessment*. 2017

Other:

- A Guide to Working with the Federal Heritage Buildings Review Office (FHBRO): <https://www.pc.gc.ca/en/culture/beefp-fhbro/ManRefrnce>

- Cultural Landscape Foundation, <https://tclf.org/places/learn-what-are-cultural-landscapes/created-landscapes>
- UNESCO <http://whc.unesco.org/en/culturallandscape>

Attachment A: Curriculum Vitae

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EDUCATION

1977	Certificate	Cornell University	Ithaca, N.Y.
		Preservation planning.	
1975	M. Arch.	M.I.T.	Cambridge, Mass.
		AIA School Medal / Top student in graduating class Rotch Travelling Fellowship	
1969	B.A.	Oberlin College	Oberlin, Ohio.
		Magna Cum Laude / Phi Beta Kappa	

EXPERIENCE

1987-	Principal, Julian Smith & Associates, Architects	Ottawa, Ontario
	Private practice combining international standards of preservation practice with full services in contemporary planning and design.	
	Conservation, restoration and adaptive reuse of designated historic properties:	
	- Vimy Monument, Arras, France	
	- New Canadian Embassy, Paris, France (with Jean-Paul Viguier)	
	- Halifax Armoury, Halifax (with WMT Architects)	
	- Lister Block, Hamilton (with TCA Architects)	
	- Southwest Tower, East Block, Parliament Hill, Ottawa	
	- Aberdeen Pavilion National Historic Site, Ottawa	
	- Horticulture Building, Lansdowne Park, Ottawa	
	- Old Protestant Hospital loft condominiums, Ottawa	
	- Victoria Woollen Mill mixed use conversion, Almonte	
	Preparation and implementation of master plans:	
	- Canadian Embassy in Beijing Master Plan (with PFS and Perkins+Will)	
	- Campus plan for the new Canadian Embassy, Villa Grazioli, Rome, Italy	
	- Campus plan, Satellite Campus, Madurai Kamaraj University, India	
	- Central Experimental Farm Master Plan, Ottawa (with Contentworks, PFS)	
	- Ontario Parliament Buildings and Grounds Master Plan, Queen's Park, Toronto	
	- Landscape Master Plan for Parliament Hill, Ottawa (with PFS)	
	- Landscape Master Plan for Rideau Hall, Ottawa (with PFS)	
	- Queens University Master Plan (with Urban Strategies)	

The preparation of policy and guideline documents:

- 2015 UNESCO North American report on Culture & Heritage for Habitat III (lead author)
- 2011 UNESCO Recommendation on the Historic Urban Landscape (co-author)
- Vision and Guiding Principles for the Centre Block, Parliament Hill
- Cultural Resource Management Policy, Ontario Realty Corporation (with Contentworks)
- Commemorations Policy for the National Capital Commission, Ottawa
- Identification and Evaluation of Heritage Districts, Ministry of Culture, Ontario

Urban planning and design:

- Confederation Square & Plaza Bridge Redevelopment (with McNeely & PFS)
- Byward Market Heritage District Study, Ottawa
- Village of Rockcliffe Park Heritage District Study, Rockcliffe Park
- Peacham National Register District, Peacham, Vermont

Contemporary institutional design:

- Tisarana Buddhist Monastery complex, Perth, Ontario
- Lanark Community Health Centre, Lanark
- Visitor Centre, Baxter Conservation Area, Ottawa

RECENT PROFESSIONAL AND ACADEMIC PRESENTATIONS:

- 2019:** Toronto, Ontario / ACO Mainstreet Conference
Keynote address: 'Mainstreets as layered cultural landscapes'
- 2018:** Montreal, Quebec / Université de Montréal Table Ronde
'Associative cultural landscapes'
- 2016:** Newcastle, U.K. / Cheriscape Landscape and Heritage Conference
Keynote address: 'Cultural landscape theory and practice'
Madurai, India / Madurai Kamaraj University
Community College Graduation Address
CBC / Feature guest on 'Ideas', hosted by Paul Kennedy
'Re-imagining Ecology'
- 2015:** Hangzhou, China / UNESCO Conference on Culture for Sustainable Cities
'North American Regional Report: Culture, Heritage and Sustainability'
Bangalore, India / ICOMOS Theory & Philosophy International Scientific Comm.
'Living Urban Heritage: Convergence of Heritage and Sustainability'
Adelaide, Australia / Australia ICOMOS Annual Conference
Keynote address: 'Everyday Use: Fabric and the Threads of Conservation'
- 2014:** Paris, France / Viguier et assoc.
'130, rue du Faubourg Saint-Honoré et l'identité canadienne'
Winnipeg, Manitoba / HRH Prince Charles and the Prince's Foundation
'Sustainable Urbanism'
Providence RI, USA / Heritage New England New Directions Conference
Keynote Address: 'An Ecological Framework for Historic Preservation'

- 2013: Hong Kong, China / International Conference on Heritage Conservation
 'Heritage Conservation and the Contemporary City'
 Montreal, Canada / Sommet du Mont Royal 2013
 'Vues, paysages et présence emblématique'
 Eastport, Maine, USA / Tides Institute
 'Re-imagining | Re-crafting a Sense of Place'
 Shanghai, China / Tongji University & WHITRAP
 'Cultural Landscape Theory and Practice: Implementing HUL'
 St. John's, Canada / Memorial University
 'Cultural Landscape Theory and Practice'

RECENT PUBLICATIONS:

- 2021 'Cultural landscape theory and practice', chapter in Cameron, Christina, *Reflections on Heritage Conservation Practice in the 21st Century*. McGill-Queen's Univ. Press.
- 2016 'Marrying the old with the new in historic urban landscapes', chapter in *Valuing World Heritage Cities*, UNESCO
- 2014 'Applying a cultural landscape approach to the urban context', chapter in Taylor, Ken; Archer St. Clair and Nora Mitchell, eds., *Conserving Cultural Landscapes: Challenges and New Directions*. Routledge Studies in Heritage
- 'Civic Engagement Tools for Urban Conservation', chapter in Bandarin, Francesco and Ron van Oers, eds., *Reconnecting the City: the Historic Urban Landscape Approach*. Wiley Blackwell
- 2013 'Cultural Landscape Theory and Practice: Moving from Observation to Experience', chapter in Alber, Marie-Theres, Roland Bernecker and Britta Rudolff, eds., *Understanding Heritage: Perspectives in Heritage Studies*. DeGruyter

2007- **DIRECTOR/DIRECTOR EMERITUS, WILLOWBANK** Queenston, Ontario

School of Restoration Arts:

- Development of internationally-recognized nonprofit educational institution
- Pioneering integration of academic and apprenticeship learning
- Establishment of national and international partnerships
- Curriculum development and faculty recruitment
- Teaching, student mentoring and career development

Centre for Cultural Landscape:

- Founding Director
 - Development of Centre activities and partnerships
 - Institutional affiliation with UNESCO World Heritage Centre, Paris
 - Memorandum of Understanding, World Heritage Institute, Shanghai
 - Representation of the Centre at national and international events/conferences
-

1988-2003 **PROFESSOR, CARLETON UNIVERSITY** Ottawa,
Ontario

Associate Professor (retired), School of Canadian Studies
Adjunct Professor, School of Architecture

Program founder and coordinator, graduate program in Heritage Conservation

- Director, Organized Research Unit in Heritage Conservation
- Steering Committee, design and launch of new joint Carleton-Trent Ph.D. program
- Teacher of the Year Award, Graduate Student Association, Carleton

Graduate supervisions

- Doctoral Supervisory committee 1
- Masters Primary supervisor 21; Co-supervisor 2; Supervisory committee 3

External reviewer: Canada Council, Canada Research Chairs, FCAR (Québec),

1992 **Visiting Professor, University of Victoria** Victoria, B.C.

1980-87 **CHIEF ARCHITECT** Ottawa, Ontario
NATIONAL HISTORIC SITES PROGRAM, PARKS CANADA

- Architect & coordinator for National Historic Site design & development projects.
- Design & implementation of the Federal Heritage Buildings Program.
- Advisor to National Gallery, NCC, Public Works Canada and other agencies.
- Functional direction of architectural and landscape conservation activity.
- General editorship of technical publications and training in conservation.
- Representation of Parks Canada nationally and internationally

1976-80	Architect	Restoration Services Division	Ottawa, Ontario
1976	Architect	Klein & Sears, Architects	Toronto, Ontario
1975	Architect Intern	MLTW / Lyndon Associates	Cambridge, MA
1973	Architect Intern	Historic American Building Survey U.S. Park Service	Guthrie, OK
1971-72	Architect Intern	Peter Eisenman Institute for Architecture & Urban Studies	New York, NY
1969-71	Oberlin Shansi	Teaching & Research Fellow	Madurai, India

PROFESSIONAL ORGANIZATIONS

1997- ICOMOS Canada

- Founding Member (1977)
- Immediate Past President
- Speaker and representative of ICOMOS Canada at international meetings

- 1977- ICOMOS International
 - Member, Organizing Committee, 2014 Florence General Assembly
 - Member, International Scientific Committee on Cons. Theory and Philosophy
 - International missions: Kazakhstan, China
- 1980- Heritage Canada / National Trust for Canada
 - Keynote speaker and speaker at various Annual Conferences
- 1982- Association for Preservation Technology International
 - Speaker at various Annual Conferences
- 1990-95 Almonte-Ramsay Municipal Heritage Committee
 - Chair
 - Ontario Historic Society Annual Award 1995
- 1995 Vernacular Architecture Forum
 - Annual Conference Planning Committee and Guidebook Editor

AWARDS, APPOINTMENTS

2020	Honorary Member, ICOMOS International	ICOMOS General Assembly, Paris
2016	Member, Order of Canada	Governor-General of Canada
2014	Advisory Committee on Design (ACPDR)	National Capital Commission
2013	Honorary protector, Giant Buddha of Leshan	Government of China
2012	Honorary Member	Canadian Society of Landscape Architects
2012	Queen Elizabeth II Diamond Jubilee Medal	Government of Canada
2011	Eric Arthur Lifetime Achievement Award	Architectural Conservancy of Ontario
2008	Gabrielle Léger Lifetime Achievement Award	Heritage Canada
2005	Architectural and Planning Advisor Board of Trustees, Queen's University	Kingston, Ontario
2003	Minister's Advisory Committee for Parks Canada	Government of Canada
2002	Queen Elizabeth II Golden Jubilee Medal	Government of Canada
2002	Award of Excellence / Almonte LACAC	Mississippi Valley Textile Museum
2000	Award of Excellence / City of Ottawa	Plaza Bridge/Confederation Square
1998	Award of Excellence / City of Ottawa	Wallis House Restoration
1997	Noreen Young Award in Arts and Culture	Lanark County
1995	Charlotte Whitton Award in Arts and Culture	City of Ottawa
1990	Heritage Ottawa Award	Byward Market District Study
1985	First Prize / International Design Competition	Music Pavilion - Oberlin College

Attachment B: Acknowledgement of Expert's Duty



Ontario
 Local Planning Appeal Tribunal
 Tribunal d'appel de l'aménagement local
ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL171084 PL180158 PL180580 MM180022 MM170004	Regional Municipality of Halton, Town of Oakville

1. My name is.....**Julian Smith**.....(name)
 I live at the **village of Westport**.....(municipality)
 in the.....**county of Leeds & Grenville**.....(county or region)
 in the **province of Ontario**.....(province)
2. I have been engaged by or on behalf of.....**the Town of Oakville**.....(name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date.....2021.05.14.....

.....Signature

Attachment C: text of Notice of Intention to Designate

NOTICE OF INTENTION TO DESIGNATE

Take notice that Oakville Town Council intends to designate the property, including all lands and premises known as 'Glen Abbey Golf Course', located at 1333 Dorval Drive, Oakville, Ontario (the Property), under s.29, Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended.

Description of the Property

In the Town of Oakville in the Regional Municipality of Halton, the full legal description of the Property is as follows:

Part of Lots 17, 18, 19 and 20, Concession 2 South of Dundas Street (Trafalgar) designated as Parts 1, 3, 4 and 5 on Plan 20R-5211, except Parts 1, 2 and 3 on Plan 20R-12459, Oakville, being the lands in PIN 24872-0765;

Part of Lot 19, Concession 2 South of Dundas Street (Trafalgar), designated as Part 5 on Plan 20R-12459, Oakville, being the lands in PIN 24872-0766;

Part of Lot 18, Concession 2 South of Dundas Street (Trafalgar) designated as Parts 2 and 3 on Plan 20R-10207, Oakville, being the lands in PIN 24872-0767;

Part of Lot 20, Concession 2 South of Dundas Street (Trafalgar), designated as Parts 1 to 7 on Plan 20R-13074, except Parts 2 to 8 on Plan 20R-14125, Oakville, being the lands in PIN 24872-0792;

Part of Lots 18 and 19, Concession 2 South of Dundas Street (Trafalgar), designated as Parts 1 and 2 on Plan 20R-5071, Oakville, being the lands in PIN 24872-0062;

Part of Lots 18 and 19, Concession 2 South of Dundas Street (Trafalgar), designated as Part 3 on Plan 20R-5071, Oakville, being the lands in PIN 24872-0063;

*Part of Lots 18 and 19, Concession 2 South of Dundas Street (Trafalgar), designated as Part 4 on Plan 20R-5071, Oakville, being the lands in PIN 24872-0064; and
Block 102, Plan 20M-382, Oakville, being the lands in PIN 24872-0441.*

The Property consists of approximately 229 acres and is physically comprised of tablelands and valley lands alongside the Sixteen Mile Creek. In the past, this property has been occupied by Indigenous peoples, has contained a farm and sawmill, the private RayDor estate, a Jesuit religious retreat and a country club. In the 1970s, this property was transformed by professional golfer and golf course designer, Jack Nicklaus, into a designed cultural heritage landscape known as the Glen Abbey Golf Course. All of these references to earlier layers exist within the present form as set out by Jack Nicklaus.

Statement of Cultural Heritage Value or Interest

Design/Physical Value

Glen Abbey is one of Canada's most famous golf courses. It was the first course in the world to significantly enhance the spectator experience by combining stadium design with a hub-and-spoke layout. The success of the design influenced later golf course design both in Canada and internationally.

The golf course is notable for its high degree of craftsmanship and artistic merit. The sequence of valley holes are considered among the most beautiful and challenging in the sport. The 17th and 18th holes have been recognized as among the most successful finishing holes in international championship play. The spectator mounds not only provide for intimate and unobstructed viewing, but also frame the fairways and greens. The design of the clubhouse reinforces the spectator experience and successfully integrates architecture and landscape.

The golf course is a very good representative of the emphasis on finesse rather than pure strength, in the 'strategic' tradition of golf design. This success stemmed from the designer's intimate knowledge of Augusta National and other outstanding courses around the world, in his role as the world's best championship golfer of all time. The course also reflects his strong commitment to combining the functional and the aesthetic.

The clubhouse building, both in its original form and with its matching wings, demonstrated a new relationship between architecture and landforms in heightening the drama of finishing play for spectators.

The RayDor estate house, in the relatively rare French eclectic style, is a high quality and early example of 20th Century estate homes in Oakville. The stable building is a rare example of estate outbuildings from that era.

Historic/Associative Value

The direct historic association of Glen Abbey Golf Course with the Canadian Open, Canada's pre-eminent golf event, has given the course a significant place within the history of the Town of Oakville, as well as an enhanced awareness across Canada and within the international golfing community. The course has become directly associated with Hall of Fame winners of the Canadian Open at Glen Abbey, including Lee Trevino, Curtis Strange, Greg Norman, Nick Price, Mark O'Meara and Vijay Singh. It is also famous for specific golf shots, including Tiger Woods' dramatic shot on the final hole of the 2000 Canadian Open.

Jack Nicklaus, the designer of Glen Abbey, is one of the greatest golfers in golf history, possibly the best tournament player of all time. His record of 18 majors has never been equaled. He has also become a highly recognized and admired golf course architect. Jack Nicklaus has noted that he regards Glen Abbey as one of his most creative and important designs. It is one of the most significant works by one of golf's most significant figures.

The clubhouse demonstrates the work of Crang and Boake Ltd., a firm founded in 1952, which grew to become one of Canada's largest architectural firms in the late 20th Century. The design of the clubhouse and its sympathetic additions are fully integrated within the golf course landscape.

In addition to the golf course, the Property contains remnants of earlier layers in the cultural heritage landscape that were intentionally included within the Nicklaus designed landscape. The RayDor estate house and its associated outbuildings, especially the unique stables, are remnants from the property's early 20th Century estate era and directly connect the property to André Dorfman, a nationally significant figure in the development of the mining industry in Canada.

The dramatic valley area sustains many of the natural features that connect this property to its long occupation by, and association with, various First Nations communities, including Haudenosaunee and Mississauga.

The direct association of Glen Abbey with the Royal Canadian Golf Association, now Golf Canada, connects it to the larger amateur and professional golfing community across the country and around the world.

Contextual Value

The Property is a landmark within the Town of Oakville. The quality of the golf course, and its connection to the Canadian Open, have been important in defining the character of this community and giving it a distinct place within the larger Toronto metropolitan area, and beyond. The course is also a central defining feature of its immediate neighbourhoods, which were created in response to the construction of the course.

The Property retains a high level of authenticity and integrity, continuing to host tournament, championship and recreational golf and still exhibiting the combination of land forms, water features, built features, plantings and circulation patterns that reflect Nicklaus's original vision.

Description of Heritage Attributes

Attributes supporting historical and associative value of the Property:

- The historic use and ongoing ability of the property to be used for championship, tournament and recreational golf;
- The historic use and ongoing ability to host championship and other major tournaments, such as the Canadian Open;
- The close and ongoing association of the course design with Jack Nicklaus/Nicklaus Design;
- The elements of the property constructed during the RayDor Estate Era and with Andre Dorfman, a nationally significant figure in the development of the mining industry in Canada.

Attributes supporting design and physical value of the Property:

- The pioneering stadium-style golf course design with its unique hub and spoke layout;
- The organization of the various open parkland holes, water holes and valley holes to provide a dramatic championship sequence;
- The spatial organization of each tee, hazard, plantings, fairway and green as evidence of Nicklaus's design philosophy of strategy and risk/reward;
- The carefully-designed visual unfolding of each hole as part of the golfing experience, both aesthetic and functional;
- The integrated spectator experience, including the hub and spoke layout, central clubhouse and spectator mounds;
- The circulation patterns during championship, tournament and recreational play, for golfers, spectators and visitors;
- The ecology of the river valley as a delicate balance between natural features and the landscape of golf;
- The landforms and their role in shaping a new era in golf course design;
- The subtle use of water features to achieve both aesthetic pleasure and challenging hazards;
- The clubhouse designed by Crang and Boake Inc., and its relationship to both the landscape of the 18th hole and the overall hub-and-spoke layout;

- The RayDor Estate house exterior designed by architects Marani, Lawson & Morris, including the carved stone exterior, red clay tile roof, leaded casement windows, main entrance with ornamental surround and solid oak door, hipped dormers and stone chimneys with clay pots;
- The outbuildings associated with the RayDor Estate, including the stable buildings, designed by architects Marani, Lawson & Morris.

Attributes supporting contextual value of the Property:

- The key views that represent that designed cultural heritage landscape as experienced from the public realm and within the course:
 - The visual overview from the Smith Triller Viaduct;
 - The view from the 11th hole with a long shot into the valleylands;
 - The spectator's view of the green of the 18th hole;
 - The golfer's view of the green of the 18th hole from the bunkers (the Tiger Woods shot);
 - The long view up the valleylands from the 14th hole;
 - The water vistas and picturesque landscape of the 9th hole.
- The nature of the open space within the surrounding residential neighbourhoods related to a distinct sporting culture with a unique type of parkland setting;
- The visual and historical connections to the surrounding residential neighbourhood.

Attributes supporting the overall cultural heritage value or interest of the Property:

- Jack Nicklaus's unique integration of land use, traditional practices, land patterns, spatial organization, visual relationships, circulation, ecological features, vegetation, landforms, water features, and built features.

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