



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 20, 2022

Report No: DS-056-22

Subject: Update to Proposed Heritage Designation of 111 Mary Street

Recommendation: THAT Staff Report DS-056-22: Update to Proposed Heritage Designation of 111 Mary Street be received;

THAT Milton Council recognizes the Edwin Earl house at 111 Mary Street in the Town of Milton, as being of heritage significance;

AND THAT Milton Council designate the property under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.0.18 for the reasons outlined in the Reasons for Designation attached as Appendix 1 to this Report;

AND FURTHER THAT the Town Clerk provides the Notice of Intention to Designate as outlined in Section 29 (4) of the Ontario Heritage Act;

AND FURTHER THAT once the thirty-day objection period has expired and if there are no objections, a designation by-law be brought forward for Council adoption.

EXECUTIVE SUMMARY

- On August 23, 2021, Council deferred consideration of a staff recommendation (Report DS-69-21) to designate 111 Mary Street under the Ontario Heritage Act., so that Staff could work with the owner on his proposal.
- On October 25, 2021. Council further granted deferral of the designation report to Q2 of 2022 to allow an opportunity for the homeowner to update his Heritage Impact Assessment in order to evaluate the feasibility of their proposals.
- On April 20, 2022, the owner informed staff that they would prefer not to designate this property.



EXECUTIVE SUMMARY

- For the reasons set out in this Report, Staff is of the opinion that the Heritage Impact Assessment truly supports the importance of designating this listed heritage property.

REPORT

Background

Owner/Applicant

Douglas Clarence Kocher of 114 Main Street East, Milton ON, L9T 1N5

Location/ Legal Description

The subject property is municipally known as 111 Mary Street and is located on the north side of Mary Street close to its intersection with Brown Street and facing Victoria Park (see Location Plan in Appendix 1). It is legally described as Lot 3, Block 7 of Foster Survey (Plan No. 7), Town of Milton, Regional Municipality of Halton.

On August 23, 2021, Council considered Staff Report DS-069-21, which recommended the heritage designation of 111 Mary Street. At the meeting, Council received a delegation from the homeowner requesting a deferral of the report. Council deferred the report to allow an opportunity for the homeowner to discuss potential plans for the property with staff.

On October 2021, Staff brought an update status report DS-082-21 to Council. Council granted deferral to the designation report to Q2 of 2022 to allow an opportunity for the homeowner to update their Heritage Impact Assessment to evaluate the feasibility of their proposals.

Since then, Staff has been corresponding with the owner Mr. Andrew Kocher on the status of their property improvement plans. On April 20, 2022, the owner informed Staff that they would prefer the property not be designated. They informed Staff that the property has been rented out for the last three years and they have kept the house and property maintained so that it does not become an eyesore to the neighborhood. They have also expressed that due to health and financial issues their plans for future renovations to the property will have to be put on hold until the situation improves.

Our by-law enforcement staff has been diligently enforcing the Town's Property Standards By-law on this property. They have confirmed that the following works have been completed:

- The front porch has been reinforced to keep it from sagging;
- The roof has some shingles replaced in places of excessive wear and tear;

Background

- The eaves troughs have been cleaned to make sure that the downspouts are attached and free of obstructions; and
- The soffit on the west side of the house that had come loose has been repaired.

There are currently no outstanding violation orders.

Discussion

The Edwin Earl House at 111 Mary Street is currently a listed historical building in the Town's Heritage register. A Heritage Impact Assessment report prepared by Robinson Heritage consulting recommended that the Edwin Earl House is a significant heritage resource that has design or physical value and historical or associative value and should be "retained and maintained". Its heritage attributes mentioned that it:

- is a representative example of mid-Victorian domestic architecture;
- is of some provincial interest because of its association with Rev. Joseph H. Robinson, a circuit minister with the Methodist Church who is included in University of Toronto and Université of Laval's "Dictionary of Canadian Biography";
- is of historic significance as the home of Edwin Earl, a former mayor of Milton, Halton County Reeve and prominent community leader; and
- is of contextual significance as "one of the original buildings built to face onto Victoria Square" and that it "contributes to the cultural heritage value of the Mary Street streetscape, the Victoria Park area and this portion of Old Milton."

The Edwin Earl house is hence a significant heritage resource that complies with the criteria set out in Part IV of the Ontario Heritage Act (R.S.O. 1990), Ontario Regulation 9/06. As such, it is worthy of designation under the provisions of the Ontario Heritage Act

For reason stated above, Staff is of the opinion that the Heritage Impact Assessment truly supports the importance of designating this listed heritage property.

In accordance to the clause 29(5) of the Heritage Act, a person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts.

Should Council proceed with the designation by-law despite any notice of objection, Clause 29(11) of the Heritage Act states that any person who objects to the proposed designation by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality notice within 30 days after the date of publication. The Tribunal



Discussion

decision on the appeal will either support or override the Council decision on the proposed designation.

Financial Impact

There is no financial impact associated with this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact:
Anthony Wong, Senior Policy
Planner

Phone: Ext 2565

Attachments

- Appendix 1: Location Plan
- Appendix 2: Statement of Cultural Significance
- Appendix 3: Photograph of Edwin Earl House
- Appendix 4: Heritage Impact Assessment

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.