



TO: Development and Infrastructure Committee
FROM: Planning and Building Department
SUBJECT: Request for Removal of 514 Pearl Street (The Hughes Cleaver House) from Municipal Register for Demolition

Report Number: PB-36-16

Wards Affected: 2

File Numbers: 501-06-6

Date to Committee: March 22, 2016

Date to Council: April 11, 2016

Recommendation:

Refuse the owner's request for removal of the property at 514 Pearl Street from the Municipal Register (MR) and to demolish "The Hughes Cleaver House" on the subject property; and

State an intention to designate the property at 514 Pearl Street pursuant to Part IV of the *Ontario Heritage Act*, Section 29.(1.1), R.S.O.1990, Chapter O.18, as amended; and

Authorize the City Clerk to present the designation by-law to Council provided that there is no objection to the statement of intention to designate the property at 514 Pearl Street pursuant to Part IV of the *Ontario Heritage Act*, Section 29.(6), R.S.O.1990, c.O.18, as amended; and

Authorize the City Clerk to take necessary actions (indicated in Report No. PB-36-16, page 11) in the event of any objections to the statement of intention to designate the property at 514 Pearl Street pursuant to Part IV of the *Ontario Heritage Act*, Section 29.(7), R.S.O.1990, c.O.18, as amended.

Purpose:

The purpose of this report is to advise City Council that the Planning and Building Department has received a letter that indicates the intention of the owner to remove 514 Pearl Street from Municipal Register; and to request demolition of the heritage house that is locally known as “The Hughes Cleaver House” on the subject property. This request is being made in order to construct a new semi-detached dwelling (total 2 units) on the property. Further, this report outlines the cultural heritage value or interest of the house and property. Staff recommends that based on the cultural heritage value, Council state an intention to designate the property at 514 Pearl Street pursuant to Part IV of the *Ontario Heritage Act*, and refuse the request.

Background:

On January 25th, 2016, the Planning and Building Department received a written request from the owner to remove 514 Pearl Street from the Municipal Register to allow demolition of “The Hughes Cleaver House” in order to facilitate redevelopment of the subject property. In accordance with the *Ontario Heritage Act*, a 60-day review period applies once a letter of intention to demolish any structure on the Municipal Register property has been received. Therefore, January 25th, 2016, is considered “Day 1” of the 60-day review period; and Council must render a decision on or prior to March 24th, 2016.

If no Council decision is received within the 60-day review period, a demolition permit must be granted under the *Building Code Act*. A property cannot languish on the Municipal Register once an intention to demolish has been received. Council must make a decision as to whether to designate the property pursuant to the *Ontario Heritage Act* in order to protect from demolition or to remove the property from the Municipal Register to allow demolition.

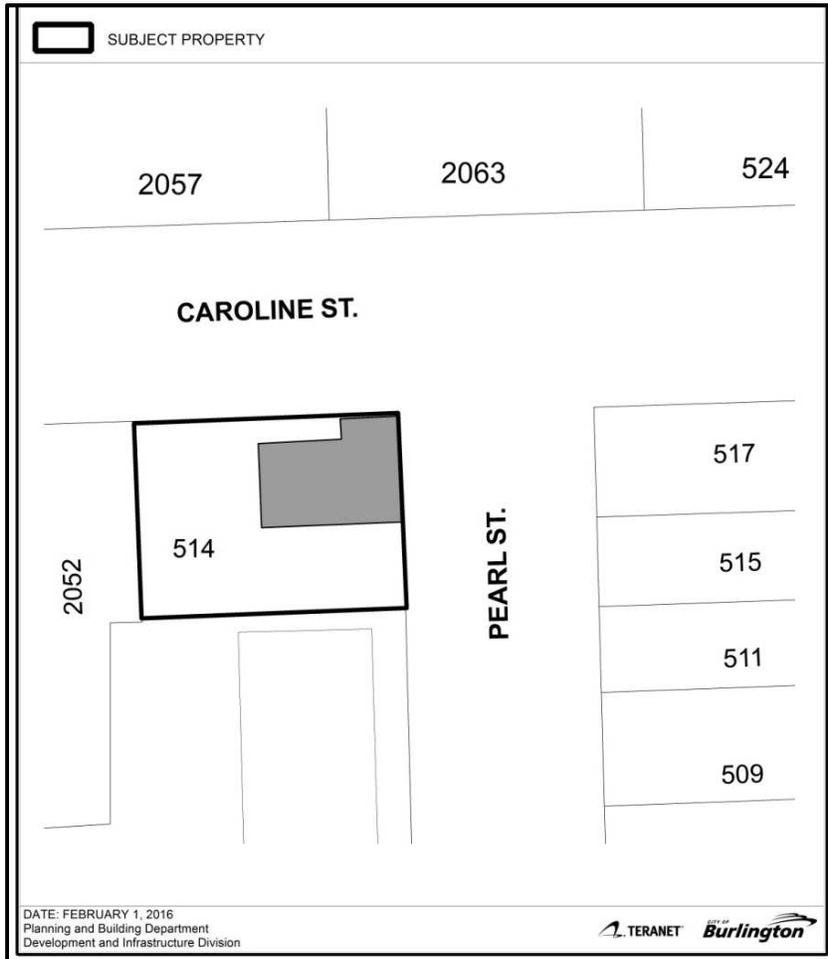
According to Burlington’s Heritage Resource Inventory, the subject property was given an “A” grade when it was evaluated by Heritage Burlington (formerly LACAC) in 1997. In

2014, Heritage Burlington retained a Heritage Consultant (ARA Ltd.) to conduct a review of all formerly graded “A” properties to determine if they still have the cultural heritage values and belong on the Municipal Register. This recent evaluation of 514 Pearl Street by the consultant has provided a grade of 80/100, based on Heritage Burlington’s newly created “Evaluation Criteria”; and it was recommended that the property should remain on the Municipal Register.

Discussion:

“The Hughes Cleaver House” on 514 Pearl Street is a good example of a Craftsman Style Bungalow. The house was built in 1917 for Ellis Hughes Cleaver Jr. by George Blair, who was one of the Burlington’s most eminent builders. It is located on the south-west intersection of Caroline Street and Pearl Street.

Location Map:



Currently, the property is designated as “Mixed Use Downtown Centre - Emerald Neighbourhood Precinct” in the Official Plan; and zoned as "DRL" – "Downtown Residential Low-Density Zone". The existing use is compatible with the current land use designations.

STATEMENT OF SIGNIFICANCE / CULTURAL HERITAGE VALUE OR INTEREST

“The Hughes Cleaver House” on 514 Pearl Street is associated with the Cleaver Family in Burlington. The cultural heritage value or interest of the house resides in its significant physical or design, historical or associative, and contextual values:

Physical / Design Value

“The Hughes Cleaver House” is a good example of Craftsman Style Bungalow. The house is a one and a half storey structure clad with stretcher-bond brick on a rubble stone foundation; and an end-gabled roof with low shed dormer that extends to cover the wrap around verandah. The verandah is supported by Tuscan Capital Posts grouped in four on stone-topped brick piers at three corners, and two single posts at the entrance. The original low balustrade around the verandah has unusually grouped posts. The lower level windows have stone sills; and both windows and door at the lower level have segmental arches with radiating voussoirs.

Historical / Associative Value

In 1915, the subject property was purchased by Hughes Cleaver Jr., who was the eldest son of Ellis H. Cleaver Sr. Hughes Cleaver Jr. was a prominent lawyer like his father; and worked alongside his father E. H. Cleaver Sr. at the law firm “Cleaver and Cleaver”. He was elected Reeve of Burlington in 1918-19; but he left the law practice and resigned as Reeve to enlist in the war effort overseas. He enlisted as private in a tank battalion of the Canadian Expeditionary Force. In 1920, H. Cleaver Jr. served as Mayor of Burlington. In 1929, stock market crash left H. Cleaver Jr. financially devastated; and he was disbarred by the Law Society for misuse of clients’ funds. Even after this occurrence, he was still nominated and elected as a Member of Parliament (MP) for Halton from 1935 to 1953. He repaid his creditors; and was reinstated by the Law

Society in 1952. Following his reinstatement, H. Cleaver Jr. relinquished his seat in Parliament to practice law. In Ottawa, he chaired the Banking and Commerce Committee, the War Expenditures Committee, and the Railroad and Trans-Canada Airways Committee.

In 1929, he partnered with English Inns Ltd. in the building of the Pig & Whistle Inn (5527 Lakeshore Road) that was considered to be one of Cleaver Jr.'s greatest ventures. Other business ventures by Cleaver Jr. included the formation and operation of Bluebird Bus Lines (2015 Lakeshore Road), a fox farm on Caroline Street, and a cure-all remedy called "radium water", which was said "to have ended for one patient's troubles altogether".

According to Stanley Blair, "The Hughes Cleaver House" on 514 Pearl Street was built in 1917 by George Blair, one of the most famous builders in Burlington. This house was built for Hughes Cleaver Jr. when he was first married to Ariel Shapland, who had designed Burlington's first coat-of-arms in 1913. The young couple first lived in a nearby house on 524 Pearl Street and then moved to this house. The couple again moved to a grand house on 2085 Caroline Street (designated in December, 2015) built in circa 1924. Hughes Cleaver Jr.'s development plan for this area (Plan 134, Crescent Survey, 1911) included Emerald Street and its wide boulevard which was the prototype of Rossmore Boulevard in his later Roseland Development.

Contextual Value

"The Hughes Cleaver" House is located on a prominent corner of Caroline Street and Pearl Street. The house has not been moved from its original location; and makes a strong contribution to the historic streetscape of Caroline Street.

Cultural Heritage Attributes

- Contextual relationship of the house to the neighbourhood of varied colonial revival buildings on Caroline Street;
- Historical relationship of the property and the house to the Cleaver Family;

- One and a half storey structure clad with stretcher-bond brick;
- End-gabled roof with low shed dormer;
- Rubble stone foundation;
- Verandah is supported by Tuscan Capital Posts grouped in four on stone-topped brick piers at three corners, and two single posts at the entrance;
- Architrave on top of the Tuscan Capital Posts features around the verandah;
- Verandah features with original low balustrade with grouped posts;
- Brick chimney at south side end;
- Entrance door has segmental arch with radiating voussoirs; and
- Lower level wooden-framed windows have segmental arches with radiating voussoirs and stone sills.

Strategy/Process

Ontario Heritage Act and Ontario Regulation 9/06 – Criteria for Determining Cultural Heritage Value or Interest

In assessing a property's relative cultural heritage value, staff refers to Ontario Regulation 9/06. The Regulation outlines three main criteria of cultural heritage value, further divided into nine sub-criteria:

1. Design or Physical Value

- 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.

2. Historical or Associative Value

- i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
- ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or

- iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. Contextual Value

- 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.

Under Ontario Regulation 9/06, should the property satisfy at least one of the above criteria, it can be considered eligible for designation under Part IV of the *Ontario Heritage Act*.

Staff’s Opinion: Staff is of the opinion that “The Hughes Cleaver House” satisfies Ontario Regulation 9/06 with regard to all three criteria – Design or Physical Value, Historical or Associative Value, and Contextual Value:

Criteria	Description	
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	X
	Displays a high degree of craftsmanship or artistic value	
	Displays a high degree of technical or scientific achievement	
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	X
	Yields or has the potential to yield information that contributes to the understanding of a community or culture	
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community	X

Contextual Value	Is important in defining, maintaining or supporting the character of an area	X
	Is physically, functionally, visually or historically linked to its surroundings	X
	Is a landmark	

Table 1: Evaluation of Cultural Heritage Value or Interest of “The Hughes Cleaver House” on 514 Pearl Street according to Ontario Regulation 9/06

With regard to physical and design value of “The Hughes Cleaver House”, staff is of the opinion that the house is a representative of an early style; and displays unique architectural characteristics in the neighbourhood. Based on staff’s assessment, no alterations have been identified that diminish the architectural style of the house. The property has significant associative or historical value as the house was built for Hughes Cleaver Jr., who had significant roles in Burlington society as lawyer, Reeve, Mayor, developer, business entrepreneur, and also, as an MP of Halton. Additionally, the house is said to be built by George Blair, who was a Master Builder, and constructed a number of residential homes in downtown Burlington.

The subject house is also contextually significant as it is defining, maintaining and supporting the character of a neighbourhood by its contribution to the varied heritage architectures of Caroline Street. Staff also believes that the subject house is physically, functionally, visually, and historically linked to its neighbourhood.

Official Plan Policies

Burlington’s Official Plan also contains a number of policies related to the conservation of cultural heritage resources. Part II, Section 8 of the Plan requires that,

The city shall protect, improve and manage its cultural heritage resources in a manner that furthers the heritage objectives of this Plan and sets an example of leadership for the community in the conservation of cultural heritage

resources. Cultural heritage conservation planning shall be an integral part of the land use planning process in the City of Burlington (8.1.1 a).

Further, the Official Plan requires that

The designation of individual cultural heritage properties and cultural heritage landscapes under the provisions of the *Ontario Heritage Act* shall be pursued to implement the cultural heritage conservation objectives and policies of this Plan (Section 8.3.4 a).

The above policies are consistent with the provincial policy directions related to heritage.

Options Considered

The subject property is included on the Municipal Register as a non-designated property. Council has two options in dealing with the demolition request:

- i. State an intention to designate the property pursuant to Part IV of the *Ontario Heritage Act*; or
- ii. Remove the property from the Municipal Register such that the heritage structure on the property can be demolished.

Staff is of the opinion that the subject property merits designation for the reasons outlined above based on the criteria in Ontario Regulation 9/06 under the *Ontario Heritage Act*. Therefore, staff recommends that the property should not be removed from the Municipal Register to facilitate demolition of “The Hughes Cleaver House”; and that Council states its intention to designate the property. The demolition of this house would mean a significant loss of the property’s cultural heritage values.

Staff respectfully submits that a third option would be to allow Heritage Burlington and staff to enter into discussion with the property owner and recommend that the request

for demolition be withdrawn until such time as a comprehensive review of options for potential preservation of the heritage house be explored.

Financial Matters:

There are no financial matters arising from staff's recommendation to state an intention to designate 514 Pearl Street. If, however, an objection to Council's statement of intention to designate is received, costs associated with the Conservation Review Board (CRB) hearing may ensue.

Other Resource Impacts

Should Council accept staff's recommendation to designate the property, Burlington's Heritage Property Tax Rebate program (HPTRP) would be available to the owners of the subject property. Currently, the program is only for residential properties in accordance with the recommendations of Heritage Burlington in its 2012 report – "A New Approach to Conserving Burlington's Heritage". In December, 2015, The Regional Municipality of Halton also passed its By-law to provide a matching reduction or refund of the regional portion of property taxes for eligible heritage properties in Burlington.

Additionally, the property owners would also be eligible to apply for Community Heritage Fund (CHF) for the preservation of the heritage house on 514 Pearl Street as an eligible restoration project. This would cover up to 25% of the eligible project costs to a maximum of \$15,000.

Environmental Matters:

There is no environmental matter associated with staff's recommendation. However, should Council wish to approve the owner's request, staff recommends that the owner be encouraged to make arrangements to salvage building materials to the greatest extent possible prior to the building's potential demolition. This would assist in diverting building debris from landfills.

Public Engagement Matters:

There was no public consultation concerning this report; however, Heritage Burlington was consulted; and the site was visited by staff on February 8th, 2016. This report was listed in the regular Development and Infrastructure Committee agenda. The property owners were notified of staff's recommendations ten days prior to the Development and Infrastructure Committee meeting according to the Act.

Should Council accept staff's recommendation to state its intention to designate 514 Pearl Street, the *Ontario Heritage Act*, and Section 29. (1.1) requires that notice of intention be given to City Clerk, and that notice be served on owner of the property, Ontario Heritage Trust, and be published in a local newspaper as per the requirements noted below. The "Notice of Intention" must contain:

- a) An adequate description of the property so that it may be readily ascertained;
- b) A statement explaining the cultural heritage value or interest of the property and a description of heritage attributes of the property; and
- c) A statement that notice of objection to the designation may be served on the Clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.

If, upon the completion of the 30-day appeal period, no appeals are received, staff will bring forward the designation by-law of the subject property to Council for ratification.

If a notice of objection to the designation by-law is served, Council, upon expiration of the 30-day appeal period, refers the matter to the Conservation Review Board for a hearing. The person who objects must file the appeal with City Clerk with the required fee and reasons for his/her objection. The Conservation Review Board then schedules a hearing. Following the hearing, the Conservation Review Board will prepare a report for City Council, and Council's decision will be the final decision.

Heritage Burlington

In accordance with the *Ontario Heritage Act*, Heritage Burlington has been notified about the application requesting the removal of 514 Pearl Street from Municipal Register to demolish “The Hughes Cleaver House” on the subject property. The following motion was carried forward in the Heritage Burlington’s monthly meeting on February 9th, 2016: “Direct the Chair (Jim Clemens), Vice Chair (Kate White), Councillor (Meed Ward), and one (Jeff Sutcliffe) of the members to coordinate a meeting with the owner of 514 Pearl Street to discuss possible preservation options for the house; and direct the Chair to report back at the March 8th, 2016 Heritage Burlington meeting”.

Conclusion:

Based on the cultural heritage value of 514 Pearl Street, the property’s inclusion on the Municipal Register is justified. Based on assessment of the property’s cultural heritage value relative to Ontario Regulation 9/06, the property is worthy of designation pursuant to the *Ontario Heritage Act*. The property satisfies more than one of the required criteria as established in Ontario Regulation 9/06, and is consistent with the provincial policy direction and the City’s Official Plan policies.

Staff is of the opinion that the loss of this property will have a significant impact on the neighbourhood; and its demolition would further deplete the rich heritage character of the City of Burlington. Each heritage property that is lost, incrementally undermines the City’s ability to understand and celebrate its past through tangible physical resources. Therefore, staff recommends that the owner’s request to remove the property from Municipal Register and to demolish the heritage house be denied; and that Council states its intention to designate the property.

Should Council wish to approve the demolition of the heritage house, staff recommends that prior to demolition, Heritage Burlington and staff be directed to work with the property owners to review options for historical records that include photographic records, measured drawings, or incorporation or partial conservation, or conservation,

or relocation of the house.

Respectfully submitted,
Banani Afsana, Planner II
905-335-7600, ext. 7365

Appendices:

- a. Aerial Photo of “The Hughes Cleaver House”
- b. Photographs of “The Hughes Cleaver House”

Notifications: (after Council decision)

Name:	Mailing or E-mail Address:
Morgan Wellens (Owner/Applicant)	514 Pearl Street Burlington, ON L7R 2N5
Heritage Burlington	Jim Clemens, C/O Amber LaPointe, Clerks Dept.
Ontario Heritage Trust	Chairman, 10 Adelaide Street East, Toronto, ON M5C 1J3

Approved by:

Mary Lou Tanner, Director of Planning and Building
Joan Ford, Director of Finance
Nancy Shea-Nicol, Director of Legal Services & City Solicitor
James Ridge, City Manager

Reviewed by: