

# STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



<b>Report to:</b>	Mayor and Council Members	<b>Priority:</b>	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
<b>Submitted by:</b>	Dave Johnson Planner II – Heritage Building and Planning Planning and Development <a href="mailto:djohnson@cobourg.ca">djohnson@cobourg.ca</a>	<b>Meeting Type:</b>	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
<b>Meeting Date:</b>	February 24, 2021		
<b>Report No.:</b>	HP-2021-003		
<a href="#">Submit comments to Council</a>			

**Subject/Title:** Notice of Demolition of a Listed Property – 205 Forth Street (DeJong)

## RECOMMENDATION:

THAT the requirement for a Cultural Heritage Impact Assessment (CHIA) be waived and that the property located at 205 Forth Street be removed from the Town of Cobourg Heritage Register (undesigned) given the extenuating circumstances whereby the building has been substantially altered over time and significantly damaged by fire;

## 1. STRATEGIC PLAN

Places: The Town protects, preserves and promotes its natural assets, heritage, arts, culture and tourism.

## 2. PUBLIC ENGAGEMENT

The Cobourg Heritage Advisory Committee (CHC) operates in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

In general, the CHC is comprised of seven (7) members: one (1) member of Council and six (6) citizen members which reflect the diverse interests of the community.

The agenda for a CHC meeting is prepared and distributed to all committee members and is posted on the Municipal Website at least forty-eight (48) hours in advance of the scheduled meeting date, in an electronic format where possible.

Existing heritage legislation does not prescribe public notification or meetings for approval of alterations to designated properties, however the Cobourg Heritage Master Plan and implementing Heritage Conservation District Plans and associated regulations/guidelines underwent extensive public consultation and engagement prior to their approval. Review and approval of Heritage Permits by the Town are undertaken within the context of these documents.

The CHC also receives public delegations and communications/correspondence from citizens in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

### **3. PURPOSE**

To assess the request for the demolition of a Listed (but not designated) heritage building and its removal from the Town of Cobourg Heritage Register (undesigned) and provide recommendations to the Cobourg Heritage Advisory Committee and Council.

### **4. ORIGIN AND LEGISLATION**

A Notice of Intent to Demolish was filed on January 29th, 2021 by the property owner of 205 Forth Street. The subject property is listed on the Register of Properties of Cultural Heritage Value and Interest as per Subsection 27 (1.2) of the Ontario Heritage Act. The property is not a Part IV individually designated property under the Heritage Act, nor is the property located within a Heritage Conservation District (Part V).

Pursuant to the Ontario Heritage Act, there is a demolition restriction on the subject property whereby the owner is required to give the municipality 60 days' notice of intent to demolish or remove a building from the property. The 60-day notice period allows the municipality to consider designation of the property or to remove the property from the Heritage Register and Consent to the demolition.

In accordance with the Ontario Heritage Act, the 60-day deadline for Council to consider the application begins once all of the information that the Town requires to form part of the Notice is submitted (including any plans and reports that may be required).

### **5. BACKGROUND**

The subject property is located on the west side of Forth Street, just south of King Street West. (Figure 1 – Geographic Context)





**Figure 2: 205 Forth St. Notice the fire damage on the boarded-up side window, sunlight and snow visible through holes in the roof west side**



Figure 3: 205 Forth Street – east elevation





**Figure 4: 205 Forth St. south elevation**

It is the understanding of Planning and Heritage Staff that the future plan is to re-build on the current foundation, if this is the case there would be no planning application requirements. The owners would have to submit a Building Permit with all associated requirements for the new build. Furthermore, as the property is proposed to be removed from the Town's Heritage Register, there would be no further Ontario Heritage Act requirements.

## **6. ANALYSIS**

### ***Ontario Heritage Act:***

The following is an excerpt from the Ontario Heritage Act Regulation 9/06, which outlines the criteria for determining cultural heritage value or interest.

**Regulation 9/06:**

1. (1) *The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act.*  
(2) *A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:*
  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.*
  2. *The property has historical value or associative value because it,*
    - i. *has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,*
    - ii. *Yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or*
    - iii. *Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.*
  3. *The property has contextual value because it,*
    - i. *is important in defining, maintaining or supporting the character of an area,*
    - ii. *is physically, functionally, visually or historically linked to its surroundings, or*
    - iii. *is a landmark.*

According to the original LACAC property description the structure features a medium pitched gable roof, a stretcher bond red brick chimney on the north side, aluminum siding, front façade four pane double hung sash windows on the first floor (the windows appear to no longer be four pane), a front central enclosed porch with a hip roof that is aluminum sided (since altered to an exposed front porch), a three-foot foundation, modern window.

The LACAC report also notes that the one storey cottage is topped by a near salt-box roof, which is probably evidence of a later addition to a smaller house. This structure has been renovated extensively and very little visible exterior evidence remains to suggest an older home of the late 1800's. Since this report of the 1980s, signs of alterations are present, notably the windows appear to be aluminum and are no longer four pane and the porch is no longer enclosed. Thus, even less remains to suggest this is an older home.

Based on a site visit conducted on February 1<sup>st</sup>, 2021, the information contained in the LACAC inventory report, and the Fire Damage Assessment Report, there does not appear to be any historic or associative value of this property to the community (for example, linked to a person, an organization, an event or time period). The property does not appear to have design or physical value given the extensive inappropriate/unsympathetic alterations over time and recent fire damage, and it does not exhibit characteristics of a rare or landmark structure. While the fire did not substantially affect the building exterior, the Fire Damage Assessment Report does outline extensive interior fire, smoke and water damage. Finally, the subject property could be said to be historically linked to its

surroundings, and have contributed to the heritage character and value of the overall neighbourhood, given its vintage, albeit not in a particularly significant way.

The owners submitted a Fire Damage Assessment Report conducted on December 15, 2020 noting a number of deficiencies, conclusions and recommendations:

1. The building is exhibiting significant smoke contamination and odour throughout the dwelling and fire damage (see photograph 2 of the report).
2. The report notes the fire likely originated around the central stairway that provides access to the crawlspace below and the upper floor. The structural framing of the staircase contains severe charring (see photograph 3 of the report). The fire consumed the top portion of the staircase that provided access to the upper floor (see photograph 4 of the report).
3. The report notes that the fire then migrated upwards and as a result the timber floor beam and timber column were damaged (photograph 5 in the report).
4. The fire also migrated to the timber floor beam and timber column below the main floor and extensive damage is evident (photograph 6 in the report).
5. The fire also caused some minor damage to the 2x10 floor joists above crawlspace (photograph 8 in the report). The report notes that the crawlspace was infiltrated with significant moisture from the firefighting activities. The floor framing throughout the crawlspace has sustained long-term deflection as indicated by the vertical supports that have been placed throughout, and the timber could be broken by hand (photograph 9 in the report).
6. A portion of the roof framing above the western section of the structure also sustained fire related damage to some of the 2x4 rafters and interior knee walls (photograph 9 in the report).
7. The conclusions of the report indicate that the structure has sustained significant fire and smoke damage. Though the report notes the dwelling is repairable, the structure has sustained significant long-term deterioration to the structural framing and as a result of the fire it faces significant reduction in structural capacity. As an aside it is likely the smoke and odour contamination would like be very difficult to remedy as well.
8. The report recommends that the dwelling be demolished to the top of foundation and re-constructed above grade.

On February 3, 2021 the property owners had a pre-consultation with The Cobourg Heritage Advisory Committee (CHAC), and the CHAC subsequently considered the available documentation relative to its heritage status and condition and a Motion was passed which recommended waiving the requirement for a Cultural Heritage Impact Assessment (CHIA). Staff would concur with this recommendation given that the property has evidently been altered substantially over time, the heritage property report acknowledged the same that was prepared in the 1980s and that the subject property has been significantly damaged by fire.



Staff does acknowledge the importance of conserving cultural heritage resources, however this must be weighed against the fact that the property has been extensively altered over time and very recently damaged by fire, furthering the loss of any tangible heritage features. The subject property is not located within a Heritage Conservation District nor individually designated, but rather is Listed on the Heritage Register (undesigned). Heritage and Planning staff's own assessment of the property's cultural heritage value or interest based on the criteria outlined in Ontario Heritage Act Regulation 9/06 concluded that the building does not have any significant design, physical or historical value and, while there may be contextual value attributable to its surroundings, it does not appear to form a critical relationship which would form the basis of a formal heritage designation.

If the CHIA is deemed unnecessary by Council, as recommended by the Cobourg Heritage Advisory Committee, and the removal of the property from the Heritage Register (undesigned) is accepted, Heritage and Planning staff recommend a well-designed modern cottage replacement of the current structure, one which acknowledges the past, but looks to the future. Further, the design, scale and massing of a new building should be sympathetic to the adjacent heritage building and character of the surrounding neighbourhood.

## **7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS**

There are no direct financial implications to the Town as a result of this Notice of Intent to Demolish.

## **8. CONCLUSION**

Based on my review of the Fire Damage Assessment Report and an examination of the building based on criteria outlined in the Ontario Heritage Act, specifically O/Reg 9/06 (Criteria for Determining Cultural Value or Interest), I am of the opinion that the property's current state of fire damage, prior unsympathetic alterations and significant long-term deterioration have diminished the cultural heritage value or interest of the building and property and does not warrant formal designation. The need for a Cultural Heritage Impact Assessment (CHIA) prepared by a qualified heritage professional has therefore been recommended to be waived by the Cobourg Heritage Advisory Committee.

Should Council agree that a CHIA not be required given the unique circumstances of this property and building, it is the recommendation of Heritage and Planning Staff that the re-construction not attempt to replicate heritage, but rather be of its time in design, massing and scale. Further, the design should take into account and be sensitive to nearby heritage resources (designated or listed) and the character of the surrounding neighbourhood.