



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: February 6, 2023

Report No: DS-010-23

Subject: Renew Notice of Intention to the Designation of 111 Mary Street (Edwin Earl House)

Recommendation: THAT Report DS-010-23, be APPROVED and;

THAT Council affirms its decision of September 12, 2022 (Item 8.d), stating its intention to designate the property at 111 Mary Street under Part IV, Section 29 of the Ontario Heritage Act.

THAT if there is an objection to the new Notice of Intention to Designate (NOID), Council affirms its decision to designate the property and approve the draft designation by-law.

THAT if there is an appeal to the Ontario Land Tribunal (OLT) to the designation, Council directs staff to take any necessary action to participate in the hearing.

AND FURTHER THAT Council authorizes the Commissioner, Development Services to retain the necessary legal and technical resources to defend Council's decision in accordance all applicable Town policies and procedures.

EXECUTIVE SUMMARY

- Council approved the designation of 111 Mary Street at its September 12, 2022 Council meeting despite an objection from the owner.
- The house caught fire on October 17, 2022 evening. The damage was limited mostly to the interior stairs.
- Due to the recent municipal election and the expiry of the statute of limitation to designate the property within 120 days after the Notice of Intention, the designation by-law could not be passed.
- A new Notice of Intention to designate this property will need to be published to recommence the designation process.

REPORT



Background

On September 12, 2022, Council approved the Designation of 111 Mary Street as outlined in Section 29 (6) of the Ontario Heritage Act despite an objection from the owner on August 19, 2022.

On October 17, 2022, the fire department responded to a fire at this property. The staircase leading to the second floor was charred, with some stairs being consumed by fire. The baseboards, wall trim and walls adjacent to the stairs were partially destroyed by fire and removed as fire crews searched for fire extension and completed their operations. There is smoke damage in the staircase leading to the second floor and on the second floor. Holes were cut into the side of the home for access and to search for fire extensions. An unsafe order on the building has been issued, but the property can be repaired.

The statute of limitation of the Heritage Act requires that the designation by law for a property must be passed within 120 days of the Notice of Intention. The previous NOID for the property was published on July 21, 2021, with an expiration date of November 18, 2022.

Due to the elections, the designation by law could not be passed and a new notice of intent to designate the property will be required

Discussion

According to the Heritage Act Section 29, 8)1. The by-law must be passed within 120 days after the date of publication of the notice of intention under clause (3) (b).

If Council fails to meet these timelines, the NOID is considered withdrawn, and Council will still need to issue the notice of withdrawal. However, for clarity, the deemed withdrawal of a NOID to designate a property under subsection (9) does not prevent the Council from giving a new notice of intent to designate the property.

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 'A' Draft Designation by-law_111 Mary Street

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.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. XXX-2023

BEING A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS 111 MARY ST, MILTON, ON L9T 1L8, LOT 31 BLOCK 7 OF FOSTER SURVEY (PLAN NO.7), TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON, IN THE TOWN OF MILTON, AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O. 18, as amended, authorizes the Council of a municipality to enact by-law to designate real property including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council or the Corporation of the Town of Milton has caused to be served on the owners of the lands and premises known as, 111 Mary Street in the Town of Milton and upon the Ontario Heritage Foundation, Notice of Intention to so designate the aforesaid real property and has caused such Notice of Intention to be published in the same newspaper having general circulation in the municipality;

AND WHEREAS the reasons for designation are set out in Schedule 'B' attached hereto;

AND WHEREAS despite a Notice of Objection from the owner to the proposed designation being received and served on the Clerk of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. THAT there is designated as being of cultural heritage value or interest, the real property known as the exterior and interior of the building located at 111 Mary St, Milton, ON L9T 1L8, Lot 31 Block 7 of Foster Survey (Plan No.7), Town of Milton, Regional Municipality of Halton, in the Town of Milton, more particularly described in Schedule A' attached hereto.
2. THAT the municipal solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule 'A', attached hereto, in the proper Land Registry Office;
3. THAT the Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in the same newspaper having general circulation in the municipality.

PASSED IN OPEN COUNCIL ON XXX XX, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Troy McHarg

SCHEDULE 'A' to BY-LAW NO. XXX-2023

ALL AND SINGULAR that certain parcel or tract of land and premises situate at, 111 Mary St, Milton, ON L9T 1L8, Lot 31 Block 7 of Foster Survey (Plan No.7), Town of Milton, Regional Municipality of Halton.

SCHEDULE 'B' to BY-LAW NO. XXX-2023

Legal Description

Part 1 of Lot 15, Concession 6, (Geographic Township of Nassagaweya), Town of Milton, Regional Municipality of Halton.

Description of Property

The Edwin Earl House is a one and a half storey frame house that is a good representative example of vernacular mid-Victorian domestic architecture fronting onto Victoria Square.

Statement of Cultural Heritage Value and Interest

The subject property is known as the Edwin Earl house and was built circa 1874. Its cultural heritage value lies in its architectural and design significance as a representative example of mid-Victorian domestic architecture with Greek Revival detailing. It has historical and associative significance as the home of Edwin Earl, a former Milton Mayor, Halton County Reeve and prominent local businessman as well as being of minor provincial significance as having been owned by Joseph H. Robinson a prominent member of the Canadian Wesleyan Methodist New Connection Church. This property also has contextual significance as one of the original lots created in Hugh Foster's 1854 plan of subdivision that includes Victoria Park and the Courthouse square in the centre of Milton's historic downtown and because it contributes to the streetscape that frames this important historical park.

Design Value or Physical Value.

The Edwin Earl house is a good representative example of vernacular mid-Victorian domestic architecture. It was likely built c. 1874. The house has a three bay facade on the ground floor and originally had two windows above. One window was later converted into a door when the second floor sun room/sleeping porch was added in the late nineteenth/early twentieth century. Most of the window and door openings are original and they include slightly pedimented heads that reflect the influence of the Greek Revival style architecture. Almost all of the original exterior form of this house and many of its original internal features remain.

Historical Value

Edwin Earl owned the house at 111 Mary Street from 1891 until his death in 1931. He was a tinsmith and plumber by trade and held a very prominent and active position in the local community. He was a member of the United Church and served as:

- Second Vice-President of the Halton Liberal Association (1907)

- Fire Chief (1894-1900 & 1901-1930)
- Town Councillor {1893-1896 & 1899-1900)
- Reeve of Milton (1913)
- Halton County Warden (1913)
- Vice-President of the Milton Baseball Club (1897)
- Treasurer of Halton Probation Association (1899)
- Chaplain of the Independent Order of Foresters (1901)
- Inspector of Waterworks Department for Milton (1901-1908)
- Treasurer of the Halton District Council of the Royal Templars of Temperance (1901)
- President of the Milton Mechanics Institute (1902)
- Assessor for Milton (1904-1905)
- Board member of Milton Board of Health (1907-1907)
- Member of Railways and Legislation Committee of the Milton Board of Trade (1912)
- Milton Hydro Commission (1914)
- Mayor of Milton (1917-1921)

This property also has some minor provincial significance due to its association with the Reverend Joseph H. Robinson. Rev. Robinson bought the property from Hugh Foster and his wife in 1855. This was shortly after Hugh Foster had registered the subdivision that is now known as the Foster Survey. Rev. Robinson was a prominent member of the Canadian Wesleyan Methodist New Connection Church and travelled widely, especially between Ottawa and London. Milton is a conveniently located stopping point between these two cities but it is unclear whether Rev. Robinson ever lived in the house that currently exists at 111 Mary Street or whether this house was built after he sold the property in 1874.

Contextual Value

This property has contextual value as one of the original lots formed by the Foster Survey (Plan No. 7) in 1854. This was one of the very early subdivisions in Milton that were created even before Milton was incorporated as a Town in 1857. The Foster Survey included the Halton County Courthouse and Victoria Park. The house and property help to define, maintain and support the character of the Courthouse square and Victoria Park. This house is one of the original buildings facing onto Victoria Park and is physically, functionally, visually and historically linked to its surroundings

Character Defining Elements/Heritage Attributes

Key heritage attributes important to the preservation of the Edwin Earl house at 111 Mary Street are the following character-defining elements/heritage attributes:

- Location of house in Mary Street opposite Victoria Park.

- The original form, rooflines and massing of the one and a half storey house exterior (with the exception of the rear single storey porch).
- Original wood cladding (with horizontal orientation and V-groove joint).
- Original window and door elements of the original house (front and sides of the main block and kitchen tail) including their pedimented heads.
- Front porch, enclosed upper sleeping porch and side bay window