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**Date** January 21, 2025 **Report No.** 2025-2

**To** Chair and Members  
Combined Committee of the Whole – Operations and Planning & Administration

**From** Nicole Wilmot, MCIP, RPP  
Commissioner of Community Development

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## 1.0 Type of Report

Consent Item   
Item For Consideration

## 2.0 Topic **Designation of 53 Charlotte Street under Part IV of the Ontario Heritage Act and Adoption of Alternative Notice Policy [Financial Impact – Approximately \$85]**

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## 3.0 Recommendation

- A. THAT Report 2025-2, titled “Designation of 53 Charlotte Street under Part IV of the Ontario Heritage Act and Adoption of Alternative Notice Policy”, BE RECEIVED; and
- B. THAT a Notice of Intention to Designate 53 Charlotte Street as a property of cultural heritage value or interest BE ISSUED in accordance with the requirements of the Ontario Heritage Act; and
- C. THAT Staff BE DIRECTED to follow the process set out in the Ontario Heritage Act, summarized in Section 9.4 of Report 2025-2, with respect to the designation of 53 Charlotte Street as a property of cultural heritage value or interest; and

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D. THAT the necessary by-law to amend Chapter 15 (Procedure) of the City of Brantford Municipal Code and implement an alternative notice policy for Ontario Heritage Act notices as detailed in Report 2025-2 BE PRESENTED to Council for approval.

#### 4.0 Executive Summary

The original site of the Crystal Cottage, 35 Chatham Street, was designated under the *Ontario Heritage Act* in 1985, through By-law 6-85. In 2020, the City of Brantford received a Zoning By-law Amendment Application (PZ-02-20) for 120-138 Market Street and 31-35 Chatham Street. The Applicant proposed as part of the application that the Crystal Cottage would be relocated from 35 Chatham Street to another property, ultimately settling on 53 Charlotte Street. Application PZ-02-20 was approved by Council on November 24, 2020. Subsequently, a heritage demolition application (HD-01-20) was submitted to the City for the purpose of moving the building and Council approved the application with conditions on February 23, 2021.

The Crystal Cottage was relocated to 53 Charlotte Street in November of 2021. Following relocation, due to difficulties encountered during the pandemic, the proponent went bankrupt, and the task of restoration fell to the Brant Historical Society. The Brant Historical Society was ultimately unable to complete the restoration, and the property was sold to a new owner who completed exterior restoration and interior renovations. This new owner has requested the designation of the property under the *Ontario Heritage Act*.

In By-law 6-85 (**Appendix A**), 35 Chatham Street was recognized for the architectural value of the Crystal Cottage, but not for other historic reasons (e.g. association with an individual). With the relocation and exterior restoration of the Crystal Cottage completed, Staff has evaluated 53 Charlotte Street and the restored Crystal Cottage against present day criteria under the *Ontario Heritage Act* and is of the opinion that two criteria for designation are met:

- 1) The property has design value because it features a unique example of a material (glass bottles) and because it is a unique example of a type (cottage); and,
- 2) The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.

Staff recommends that Council issue a Notice of Intention to Designate (“NOID”) 53 Charlotte Street under Part IV of the *Ontario Heritage Act* to recognize the

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cultural heritage value of the Crystal Cottage. The NOID is served on the property owner, the Ontario Heritage Trust, and published in the Civic News.

To facilitate a quicker designation process, Staff recommends that Chapter 15 of the Municipal Code (Procedure) be amended to allow the newspaper (Civic News) notice to be provided on the City's website. The *Ontario Heritage Act* allows municipalities to adopt a policy and provide the required "newspaper" notice through another means; this approach has been used successfully by other municipalities. Adopting the recommended amendment to allow heritage designation notices to be provided on the website instead of in the newspaper reduces the cost of designation by approximately \$1,300 (the cost for two newspaper notices) to approximately \$85 (the cost of registration of the designation by-law on title).

## 5.0 Purpose and Overview

The purpose of this Report is to:

- 1) Present information to Council respecting the designation of 53 Charlotte Street under Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest; and,
- 2) Present information to Council respecting the adoption of a policy to allow for an alternative to publishing notices required by the *Ontario Heritage Act* in a newspaper.

## 6.0 Background

In 2020, the City of Brantford received a Zoning By-law Amendment Application (PZ-02-20) for 120-138 Market Street and 31-35 Chatham Street. 35 Chatham Street is designated under Part IV of the *Ontario Heritage Act* by By-law 6-85 (**Appendix A**) and was the location of the Crystal Cottage. The Applicant proposed as part of the application that the Crystal Cottage would be relocated from 35 Chatham Street to another property, ultimately settling on 53 Charlotte Street which was provided by the Brant Historical Society. 53 Charlotte Street is located at the north-east corner of Charlotte Street and Wellington Street as shown on the Location Map attached as **Appendix B** and the Aerial Photo attached as **Appendix C**.

Application PZ-02-20 was approved by Council on November 24, 2020 subject to a holding provision which included a condition that an application under

Section 34 of the *Ontario Heritage Act* would be approved to facilitate the relocation of the Crystal Cottage and successfully move it to a new property.

*Figure 1: Restored Crystal Cottage at 53 Charlotte Street.*



On December 16, 2020, Heritage Permit Application HD-01-20 to relocate the Crystal Cottage was deemed complete. Brantford Heritage Committee was consulted on January 25, 2021 and Council ultimately approved the application with conditions on February 23, 2021. The approval included direction to report back regarding the future designation of 53 Charlotte Street. Heritage designation is applied to the property and therefore did not transfer along with the building as part of the move. The Crystal Cottage was subsequently relocated to 53 Charlotte Street in November of 2021. Following the move, due to difficulties encountered during the pandemic, the proponent went bankrupt leaving the task of restoration to the Brant Historical Society. The Brant Historical Society subsequently sold 53 Charlotte Street to a new owner who has completed an exterior restoration and interior renovations to the Crystal Cottage. The current owner has now completed work and is requesting that 53 Charlotte Street be designated under Part IV of the *Ontario Heritage Act*.

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## 7.0 Corporate Policy Context

### 7.1 2023-2026 Council Priorities

Strategic Theme 5: Develop a planning and implementation schedule and commit resources for various projects related to City assets. Action Area: Heritage Designations.

### 7.2 City of Brantford Official Plan

Principle 3: Brantford's rich and diverse cultural heritage resources will be conserved and promoted to raise awareness of local history and provide points of interest that enhance residents' and visitors' experience of the City.

## 8.0 Input from Other Sources

### 8.1 Brantford Heritage Committee

At its meeting on December 17, 2024 the Brantford Heritage Committee considered Report 2024-468 respecting the designation of 53 Charlotte Street under Part IV of the *Ontario Heritage Act* and passed the following resolution:

- A. THAT Report 2024-468, titled "Designation of 53 Charlotte Street under Part IV of the Ontario Heritage Act", BE RECEIVED; and
- B. THAT the following comments of the Brantford Heritage Committee BE INCLUDED in staff's future report to Committee of the Whole – Planning and Administration:
  - i. The Brantford Heritage Committee thanks the property owner for their initiative in seeking designation for the property and for the work they have done on it.
  - ii. The Brantford Heritage Committee recommends conducting research and including information about the individual or family who lived on the property.

With respect to Comment ii. of the Brantford Heritage Committee, Staff note that a Heritage Impact Statement was prepared to support the 2020 Zoning By-law Amendment Application PZ-02-20. The Heritage Impact Statement included discussion of property histories where historical

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research (completed with the assistance of Staff at the Brant Historical Society) showed historical associations with important individuals. Historic research completed at the time did not show any clear historical associations for the Crystal Cottage. Staff has double checked City directories and note that the first entry for 35 Chatham Street appears in 1905 and the property is the residence of “William Fitness” who is listed as a mason. By 1910 he had passed away and his widow (Emma Fitness) remained at the property. No other information about William Fitness was found as of this Report and Staff is of the opinion that no other criteria of the *Ontario Heritage Act* are met at 35 Chatham Street.

With respect to the receiving property, 53 Charlotte Street, Staff notes that historical mapping clearly shows a dwelling on the subject property. A review of City Directories shows an initial entry for 53 Charlotte Street in 1896-97 as the residence of a factory labourer (variously Silas or Syrus Whittington) until 1900, then Joseph Cocker (also a labourer). By 1910, the property was the residence of William Stiles (a salesman) and David Butler (a barber). The dwelling shown on historical photos was demolished and the property used as a parking lot. Accordingly, there is no cultural heritage value or interest for 53 Charlotte Street, nor any heritage attributes, stemming from its own history prior to the relocation of the Crystal Cottage.

## 8.2 City Departments

Planning and Development Services Staff consulted with Staff in both Clerk Services and Legal Services.

## 9.0 Analysis

### 9.1 Existing Reasons for Designation

35 Chatham Street, was designated by By-law 6-85 (Appendix A) under the *Ontario Heritage Act* in 1985 to recognize the property for its historic or architectural value or interest. By-law 6-85 provided the following description and reasons:

**“Architectural Description:**

Buff brick building with medium gable roof, one single stack chimney on both side walls, intricate barge board along eaves and cornice boxed pediment gable inserts with brackets, pendants and



[frieze]. Wooden louvred shutters; one course of green glass bottles located above arch radiating [voussoirs] over windows and entranceway, enclosed in one layer of red brick top and bottom. One course of red brick horizontal at the level of window sill and lintel. Ornamental pattered red brick [frieze] as roof trim. Double hang such windows. Plain one step concrete porch platform. The name “Crystal Cottage” is ornamentally inset in the gable.

**Reasons for the Designation on Architectural & Historical Grounds:**

The above described Cottage is exceptional example of a Cottage built around the middle of the [19<sup>th</sup>] century, it is well preserved in good condition and an asset to our City.

The designation is on architectural grounds for preservation of part of Brantford’s Heritage.”

Based on the foregoing, 35 Chatham Street was recognized for the architectural value of the Crystal Cottage, but not for other historic reasons (e.g. association with an individual).

## 9.2 Criteria for determining Cultural Heritage Value or Interest

The authority to designate property under the *Ontario Heritage Act* requires that the designation proceed in accordance with the Act at the time of the designation. Amendments to the *Ontario Heritage Act* c. 2005 changed the scope of designation from architectural or historical value or interest to a broader system of “cultural heritage value or interest” (“CHVI”). As part of this change, the Province adopted [Ontario Regulation 9/06](#) (O. Reg. 9/06) which sets out nine criteria for determining CHVI that recognize different facets of design value or physical value, historical value or associative value, and contextual value.

After reviewing the original designation by-law (**Appendix A**) and inspecting the restored building, Staff is of the opinion that the 53 Charlotte Street meets the following criteria for determining cultural heritage value or interest under O. Reg. 9/06:

1. **The property has design value because it features a unique example of a material** (glass bottles) **and because it is a unique example of a type** (cottage). The subject property is unique for the

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use of glass bottles in the exterior brick wall of the Crystal Cottage. Glass bottles are found on the front and side facades, arranged in a course near the top of the wall, oriented base-outwards. Glass bottles are also used as an accent in the front wall and the right-side facade, immediately below the windowsills. The subject property is also unique because it hosts a unique example of a cottage which, though modest in scale, is comparatively highly ornamented with Victorian and Gothic details.

**2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.**

Craftsmanship and artistic merit are visible in the composition of decorative accents located on the front and side facades of the Crystal Cottage. Polychromatic brickwork is used to highlight and emphasize the eaves, glass bottles, and the tops and bottoms of openings. The course of bottles is enhanced by flanking courses of red brick and follows the top curve of segmental arch voussoirs. The glass bottles and surrounding brickwork below windowsills are aligned to the scale of the window openings. Wood trim on the fascia and in the front gable is also detailed, leaving few areas unadorned. The name of the cottage is also spelled out in the gable using chestnuts, laid out in a curve, and embellished with a seashell and glass ornament.

A list of heritage attributes is attached to this Report as **Appendix D**.

### **9.3 Adoption of Alternative Notice Procedure Policy**

In addition to the designation of 53 Charlotte Street under Part IV of the *Ontario Heritage Act*, Staff are recommending that a policy be adopted as contemplated in the *Ontario Heritage Act* to establish an alternative process to publishing notices in the newspaper.

In several processes, the *Ontario Heritage Act* establishes a requirement that a notice be published in a newspaper having general circulation in a municipality. Given the reduction in newspapers in communities throughout the Province, the *Ontario Heritage Act* was amended to provide municipalities with the ability to create an alternative process for providing notice. Several municipalities (e.g. [Guelph](#), [Hamilton](#), [Markham](#), [Oakville](#)) publish notices on their website. Staff are proposing a similar approach whereby a section of the “[Newsroom](#)” page of the City of Brantford website could include required notices, and this could be supplemented with companion posts via social media. The advantage of



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the Newsroom page is that posts also appear on the landing page of the City website ([www.Brantford.ca](http://www.Brantford.ca)).

In consultation with Staff in Clerk Services as well as Legal Services, Planning Staff propose that Chapter 15 of the Municipal Code (Procedure) be amended to include the following section under Article 15, "Notice":

**"15.15.23 – Alternatives to notice in a newspaper – matters under Parts IV and V of the Ontario Heritage Act**

In accordance with subsections 26(4) and 39.1(3) of the *Ontario Heritage Act*, the City may publish a notice on a City Web site when Parts IV or V of said Act would otherwise require a notice to be published in a newspaper having general circulation in the municipality."

Staff are recommending the adoption this policy for the following reasons:

- Such a policy will allow for faster publication of required statutory notices. The publishing of notices in the Brantford Expositor's Civic News (published on Thursday) requires a lead time of at least one week. If notice is submitted to the news for publication after a Council decision (which usually occurs on a Tuesday), the notice is not published until the following week's Thursday (9 days later).
- The policy will allow for cost savings to the municipality. A ¼ page Civic News ad in the Brantford Expositor costs \$650 as of the writing of this Report. In some instances, two notices can be required per application (e.g. designation, demolition applications, or requests for repeal of designation by-laws) which can amount to a cost of \$1,300 to the City per application.
- The proactive adoption of this policy prevents any administrative delays if circulation of the Brantford Expositor changes in the future.

## 9.4 Next Steps

Should Council choose to proceed, then a Notice of Intention to Designate (NOID) must be served on the Owner, the Ontario Heritage Trust, and published in a local newspaper (unless an alternative procedure is set out in a Council adopted policy).

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The publishing of a NOID starts a 30-day objection period where the Owner or any member of the public can object to the designation. Objections are referred to Council. Following this 30-day objection period:

- If **no objections are received**, Staff will place a designation by-law on the next available Council agenda for Council's consideration and adoption (March Council anticipated).
- If **any objections are received**, Staff will provide those objections to Council within 90 days as required in the Act, and Council can choose to proceed with designation or to withdraw its intention to designate.

If Council chooses to proceed with adoption of a designation by-law, then Staff will issue a notice of passing a designation by-law and serve a copy of that notice on the property owner and the Ontario Heritage Trust. Staff will also publish notice of the by-law's passing in the newspaper, or on the City website if, as recommended by this Report, an amendment to Chapter 15 of the Municipal Code is adopted.

The notice of the passing the designation by-law begins a second 30-day appeal period. In this case, the designation by-law can be appealed to the Ontario Land Tribunal.

- If **no appeals are received**, the City Clerk will have the designation by-law registered on title of 53 Charlotte Street.
- If **any appeals are received**, then Staff will provide an update to Council and complete the requirements outlined in the *Ontario Heritage Act*.

## 10.0 Financial Implications

Should Council wish to pursue designation of 53 Charlotte Street, there would be administrative costs of approximately \$85 to the City (which is the cost to register the designation by-law on title). This cost can be accommodated by the Planning and Development Services budget.

If Council wishes to designate 53 Charlotte Street but elects not to adopt the recommended policy regarding alternative notice for *Ontario Heritage Act* matters, then administrative costs (approximately \$1,300) would be incurred to satisfy legislated notice requirements to publish in a newspaper, in addition to

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the registration costs. These costs could also be accommodated by the Planning and Development Services budget.

## 11.0 Climate and Environmental Implications

There are no climate and environmental implications associated with this Report.

## 12.0 Conclusion

The Crystal Cottage has been relocated from its original property at 35 Chatham Street to 53 Charlotte Street. The restoration of the cottage has been completed by the current owner, who is requesting that the receiving property now be designated under the *Ontario Heritage Act*. Staff has reviewed the request and inspected the restored Crystal Cottage at 53 Charlotte Street and recommends that the property be designated under Part IV of the *Ontario Heritage Act*. To facilitate this process, Staff also recommends that a policy be adopted to allow for notices of intention to designate (along with other *Ontario Heritage Act* notices) to be published on the City website instead of in the newspaper.



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Nicole Wilmot, MCIP, RPP  
Commissioner of Community Development

### Prepared By:

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Alan Waterfield, MCIP, RPP – Manager of Long Range Planning

### Attachments:

Appendix A: Designation By-law 6-85 for 35 Chatham Street  
Appendix B: Location Map of 53 Charlotte Street  
Appendix C: Aerial Photo of 53 Charlotte Street  
Appendix D: List of Heritage Attributes

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required  yes  no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk  yes  no

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Is the necessary by-law or agreement being sent concurrently to Council?

yes  no