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Date January 25, 2021 **Report No.** 2021-105

To Chair and Members
Brantford Heritage Committee

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1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic Applications under Section 34 of the Ontario Heritage Act (Application HD-01-20) and Demolition Control By-law 156-2019 to Remove and Relocate the Crystal Cottage from 35 Chatham Street [Financial Impact – None]

3.0 Recommendation

- A. THAT Report 2021-105, titled “Applications under Section 34 of the Ontario Heritage Act (Application HD-01-20) and Demolition Control By-law 156-2019 to Remove and Relocate the Crystal Cottage from 35 Chatham Street”, BE RECEIVED; and
- B. THAT the following comments from the Brantford Heritage Committee BE INCLUDED in Staff’s Report to Committee of the Whole – Community Development:
- i. _____; and
 - ii. _____; and

iii. _____.

4.0 Executive Summary

The City has received applications submitted by Market Street Developments Inc. (the “Applicant”) to remove and relocate the building known as the Crystal Cottage from 35 Chatham Street, which is a designated property under the *Ontario Heritage Act* and also subject to Demolition Control By-law 156-2019 (Chapter 433 of the City of Brantford Municipal Code). In accordance with the requirements of the *Ontario Heritage Act* and the City’s Demolition Control process, the Brantford Heritage Committee is being consulted prior to Council rendering a decision on the two applications.

In 2020, Council approved Zoning By-law Amendment Application PZ-02-20 to permit the redevelopment of 35 Chatham Street, together with 120-138 Market Street and 31 Chatham Street, for a 10-storey mixed use building with 200 dwelling units and 724 square metres of commercial space. As part of Council’s approval, a Holding Provision was imposed which included the condition that the Applicant receive approval to remove the Crystal Cottage and successfully relocate it to another property. The Applicant has entered into an agreement with the Brant Historical Society to allow the Crystal Cottage to be relocated to the Society’s property at 53 Charlotte Street, beside the Brant Museum and Archives.

Planning Staff supports the relocation of the Crystal Cottage since it will conserve the heritage value of the building, which was designated on architectural grounds, while facilitating the proposed redevelopment of the subject property. In order to ensure that the relocation of the Crystal Cottage is successful, Staff will be recommending to Council that the application under the *Ontario Heritage Act* (Application HD-01-20) be approved with conditions. Staff anticipates recommending the following conditions of approval:

- That associated development applications (e.g. Site Plan for 53 Charlotte Street) have received final approval and that necessary permits (e.g. Building Permit and Moving Permit) are issued by the City; and
- That the Applicant enter into a Heritage Easement Agreement with the City for 35 Chatham Street.

The conditions above reflect best practices in the relocation of heritage buildings identified in consultation with the Ontario Heritage Planners Network and are intended to ensure the safe and successful relocation of the Crystal Cottage to

53 Charlotte Street. These conditions would need to be satisfied by the Applicant before the building can be physically moved.

The removal and relocation of the Crystal Cottage will result in the loss of a dwelling unit on a property located within the Demolition Control Area which requires approval under Demolition Control By-law 156-2019. Planning Staff will also be recommending that Council approves the Demolition Control application. While the proposal will result in the loss of one dwelling unit in the near-term, it will facilitate the eventual creation of 200 dwelling units in Downtown Brantford while conserving the architectural value of the Crystal Cottage on a different property.

While Planning Staff will be recommending approval of Application HD-01-20 under the *Ontario Heritage Act* and the Demolition Control application, a number of additional permits and development approvals are also required before the Crystal Cottage can be moved, including those noted above (a Site Plan and Building Permit for 53 Charlotte Street, and a Moving Permit to relocate the Crystal Cottage), as well as a Demolition Permit for 35 Chatham Street, and other permits and approvals that will be captured through the Site Plan process for 53 Charlotte Street (e.g., Driveway Permit, Site Alteration Permit, and final approval of a Consent Application to sever 53 Charlotte Street from 57 Charlotte Street) and through the review of the Moving Permit (e.g., Road Closure Permit).

Finally, should these applications be approved by Council, Planning Staff will also be seeking direction to report to Council on the future designation of 53 Charlotte Street under the *Ontario Heritage Act* once the building has been relocated to ensure the Crystal Cottage continues to be a protected heritage resource. Staff will consult with the Brantford Heritage Committee regarding the designation of 53 Charlotte Street at a future date before reporting to Council.

5.0 Purpose and Overview

The purpose of this Report is to inform and consult with the Brantford Heritage Committee regarding:

- Application HD-01-20, made under Section 34 of the *Ontario Heritage Act*, to permit the removal and relocation of the building known as the Crystal Cottage from 35 Chatham Street to 53 Charlotte Street;
- Staff's recommendation to Council that, as a condition of approval on Application HD-01-20, the Applicant enters into a Heritage Easement

Agreement with the City under Section 37 of the *Ontario Heritage Act* ;
and

- The Demolition Control application under Demolition Control By-law 156-2019 (Chapter 433 of the City of Brantford Municipal Code) to approve the loss of a dwelling unit as the result of the proposed relocation of the Crystal Cottage.

The above applications have been submitted because 35 Chatham Street is designated under Part IV of the *Ontario Heritage Act* by By-law 6-85 and is within the Demolition Control Area established by Demolition Control By-law 156-2019. Planning Staff is seeking comments from the Brantford Heritage Committee for inclusion in Staff's report to Committee of the Whole – Community Development on February 9, 2021.

6.0 Background

The City of Brantford has received applications submitted by Market Street Developments Inc. (the "Applicant") under Section 34 of the *Ontario Heritage Act* (Application HD-01-20) and the City's Demolition Control By-law 156-2019 (Chapter 433 of the City of Brantford Municipal Code) for the property at 35 Chatham Street which is known as the Crystal Cottage. The Crystal Cottage is a one-storey single detached dwelling which contains one dwelling unit that is currently vacant. 35 Chatham Street is located on the south side of Chatham Street, between Market Street to the east and Queen Street to the west. A map showing the location of the property is attached as **Appendix A** and an aerial photo is attached as **Appendix B**. Figure 1 shows the Crystal Cottage as it appeared in 2019.

Figure 1: The front of the Crystal Cottage at 35 Chatham Street in 2019. Source: Applicant.



35 Chatham Street was designated under Part IV of the *Ontario Heritage Act* on architectural grounds in 1985, owing to the Crystal Cottage's status as an exceptional example of a cottage in the City. The Crystal Cottage is unique in the City of Brantford for its construction, which incorporates a course of glass bottles in the exterior brick walls. A copy of Heritage Designation By-law 6-85 is attached to this Report as **Appendix C**. In addition to the heritage designation, 35 Chatham Street is within the Demolition Control Area established by Demolition Control By-law 156-2019, which was adopted by Council to prevent the premature loss of dwelling units and creation of vacant properties. A map showing the Demolition Control Area is attached as **Appendix D**.

On November 24, 2020, Council approved Zoning By-law Amendment Application PZ-02-20 (refer to [Report 2020-221](#)) to permit the redevelopment of 35 Chatham Street, along with surrounding properties also owned by the Applicant at 31 Chatham Street and 120-138 Market Street, for a 10-storey mixed use building with 200 dwelling units and 724 square metres of commercial space. As part of the Zoning By-law Amendment Application, the Applicant proposed relocating the Crystal Cottage to another property, rather than demolishing it, to conserve its heritage value while also allowing for the redevelopment. The Zoning By-law Amendment was approved subject to the application of a Holding Provision which included a condition that the Applicant receives approval under Section 34 of the *Ontario Heritage Act* to remove the

Crystal Cottage from 35 Chatham Street, and successfully relocate it to a new property. To facilitate the relocation and secure a receiving property, the Applicant entered into an agreement with the Brant Historical Society to relocate the Crystal Cottage to their property at 53 Charlotte Street.

The receiving property at 53 Charlotte Street is a vacant property located adjacent to the Brant Museum and Archives on the east side of Charlotte Street, between Nelson Street to the north and Wellington Street to the south. 53 Charlotte Street is shown on the location map attached as **Appendix E** and the Aerial Photo attached as **Appendix F**. A context map showing the locations of both 35 Chatham Street and 53 Charlotte Street is attached as **Appendix G**. On March 3, 2020, City Council passed a resolution, attached as **Appendix H**, to support the Brant Historical Society in its endeavor to provide a site to receive the Crystal Cottage. Through this resolution, Council waived all municipal permit and application fees that the Brant Historical Society may incur as a result of receiving the Crystal Cottage, and allocated up to \$50,000 to be used for costs associated with the placement of the structure on site, such as site servicing, installation of a concrete foundation, and constructing a driveway to create access to the building. The Brant Historical Society is currently working with City Staff to obtain the necessary approvals to prepare the property to receive the Crystal Cottage building which is intended to be used for additional office space for the museum.

Application HD-01-20 to remove the Crystal Cottage under Section 34 of the *Ontario Heritage Act* was deemed complete on December 16, 2020. In accordance with the Act, Council must consult with the Brantford Heritage Committee and make a decision on the application by March 16, 2021. Furthermore, since Staff is recommending to Council that a Heritage Easement Agreement be included as a condition of approval of Application HD-01-20, as discussed in Section 9.1.1 of this Report, Section 37 of the *Ontario Heritage Act* also requires that the Brantford Heritage Committee be consulted.

Lastly, since the removal and relocation of the building will result in the loss of a dwelling unit on a property located within the Demolition Control Area, the Applicant has also submitted a Demolition Control Application which requires Council approval, as well as consultation with the Brantford Heritage Committee.

7.0 Corporate Policy Context

7.1 2021-2022 Council Priorities

Desired Outcome 1: All neighbourhoods in the City are safe, vibrant, attractive, and inclusive.

The subject applications, if approved, will help to achieve a Tier 2 Priority – continue to invest in downtown revitalization and advance the Downtown Master Plan – of Desired Outcome 1 of the 2021-2022 Council Priorities. Relocating the Crystal Cottage from 35 Chatham Street to 53 Charlotte Street will support Downtown revitalization by facilitating the development of increased dwelling units and commercial uses within the Downtown, while ensuring the preservation of Brantford's history and built heritage in the Downtown. The Downtown Master Plan notes that the presence of a historic built environment helps to create a unique sense of place. Part of the vision for Downtown Brantford in the Downtown Master Plan is that the Downtown is a destination that capitalizes on its heritage assets. Such assets, which include historic dwellings like the Crystal Cottage, contribute to an authentic and highly marketable identity for the Downtown.

7.2 Heritage Policy Context

The heritage policy context is established through the *Ontario Heritage Act* and three main policy documents: the Provincial Policy Statement (PPS, 2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and the City's Official Plan. Relocating the Crystal Cottage to 53 Charlotte Street is consistent with the following policies and objectives of the documents outlined above:

- The *Ontario Heritage Act* provides the framework for the protection of cultural heritage resources for the benefit and enjoyment of present and future generations. The Act gives municipalities the ability to identify and protect properties with cultural heritage value or interest through the process of designation. Designation of a property gives Council the authority to review proposals to alter, demolish, or remove a building on a designated property. Before the Crystal Cottage can be relocated to 53 Charlotte Street, consultation with the Brantford Heritage Committee and Council approval under Section 34 of the *Ontario Heritage Act* is required.

- The PPS, 2020 requires that significant built heritage resources, including buildings on designated heritage properties like the Crystal Cottage, be conserved. Conservation of a built heritage resource includes the protection and use of the resource in a manner that ensures its cultural heritage value or interest is retained. Relocating the Crystal Cottage to 53 Charlotte Street will ensure that the architectural value of the building is conserved.
- One of the guiding principles of the Growth Plan is to conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities. The Growth Plan requires that cultural heritage resources be conserved to foster a sense of place and benefit communities, particularly in strategic growth areas, like the Downtown Brantford Urban Growth Centre.
- The City's Official Plan reinforces provincial policy direction in the PPS and the Growth Plan. One of the objectives of the Official Plan is to conserve buildings of historic and architectural value like the Crystal Cottage. The Official Plan requires that applications for development of a property designated under the *Ontario Heritage Act* include a Heritage Impact Statement to determine the impacts to a heritage resource and to make recommendations for mitigative measures that would minimize negative impacts. As discussed further in Section 9.1 of this Report, a Heritage Impact Statement was completed in support of Zoning By-law Amendment Application PZ-02-20 and recommended relocation of the Crystal Cottage as an option to conserve the heritage value of this resource.

8.0 Input From Other Sources

Planning Staff have consulted the following sources in the preparation of this Report:

8.1 Heritage Planners Network

Planning Staff consulted with a network of other municipal and provincial heritage staff about successful building relocations that have occurred across Ontario. Staff from a number of municipalities outlined best practices and lessons learned from building relocation projects. Planning Staff have taken these best practices and lessons learned into consideration when reviewing Application HD-01-20 and recommending appropriate conditions, as discussed further in Section 9.1.

8.2 City Departments

Planning Staff consulted with Staff in Building Services and Traffic and Parking Services in the course of reviewing the subject applications to ensure coordination of necessary development approvals and permits to facilitate the removal, relocation, and installation of the Crystal Cottage. Additional permits required before the building can be relocated include a Demolition Permit for 35 Chatham Street, a Building Permit for 53 Charlotte Street, and a Moving Permit for the Crystal Cottage, as well as other permits and approvals that will be captured through the Site Plan process (e.g., Driveway Permit, Site Alteration Permit, and final approval of a Consent Application to sever 53 Charlotte Street from 57 Charlotte Street), and the review of the Moving Permit (e.g., Road Closure Permit). Planning Staff will continue to work with internal departments as necessary to coordinate these required permits and approvals.

Planning Staff have also worked with Legal and Real Estate Services Staff in the preparation of the draft Heritage Easement Agreement and necessary by-laws to facilitate the removal and relocation of the Crystal Cottage from 35 Chatham Street.

9.0 Analysis

The Applicant is seeking permission to remove the Crystal Cottage from 35 Chatham Street and relocate it to 53 Charlotte Street to facilitate the proposed redevelopment of 31-35 Chatham Street and 120-138 Market Street. As noted previously, 35 Chatham Street is designated under Part IV of the *Ontario Heritage Act* by By-law 6-85, attached as **Appendix C**. Designation under the *Ontario Heritage Act* provides protection to properties, ensuring that they can be preserved for future generations. As part of this protection, Council approval is required before a building or structure can be removed from a designated property. As a residential property, the Crystal Cottage is also protected by the Demolition Control By-law, which was adopted by Council to prevent the premature loss of dwelling units and creation of vacant parcels within the Demolition Control Area. Council approval of non-routine Demolition Control applications is required. As part of Council's consideration of the above noted applications, consultation with the Brantford Heritage Committee is required.

Planning Staff will be reporting to Committee of the Whole – Community Development on February 9, 2021 regarding the subject applications and Staff is seeking comments from the Brantford Heritage Committee for inclusion in Staff's

report. Staff's proposed recommendations to Council are discussed below. The recommendations below may be revised slightly before presentation to Committee of the Whole – Community Development. Section 9.1 addresses the application under the *Ontario Heritage Act* and Section 9.2 addresses the Demolition Control application. Section 9.3 discusses the future heritage designation of 53 Charlotte Street to ensure that the Crystal Cottage continues to be protected should Council approve these applications to relocate the building.

9.1 Application HD-01-20 under the *Ontario Heritage Act* to Remove and Relocate the Crystal Cottage

As previously noted, one of the protections provided to properties designated under Part IV of the *Ontario Heritage Act* is that demolition or removal of a building cannot occur without Council approval. The Applicant has submitted a Building Removal Report outlining the rationale and details of the proposed relocation of the Crystal Cottage to serve as their application under the Act.

The Applicant has outlined that the rationale for removing the Crystal Cottage from 35 Chatham Street is to relocate it to 53 Charlotte Street to preserve the building while allowing for the redevelopment of 35 Chatham Street along with surrounding properties for a 10-storey mixed use building, as proposed through Zoning By-law Amendment Application PZ-02-20. To support the Zoning By-law Amendment, the Applicant retained Allan Avis Architects Inc. and Heritagedowntowns.com who prepared a Heritage Impact Statement (HIS), dated July 16, 2020, and an HIS Addendum, dated March 20, 2020. These studies, which were reviewed by the Brantford Heritage Committee, indicated that the Crystal Cottage would not be incorporated into the new development, but proposed that the relocation of the building to a new site was one option to conserve the heritage value of the building.

The Applicant has consulted with Nestor Kozey, a building mover with experience relocating historic buildings in Ontario, to outline a proposed process to relocate the Crystal Cottage from 35 Chatham Street to 53 Charlotte Street. The proposed relocation process involves the following steps:

- Removal of attached exterior building elements which present a challenge or a risk during the physical move, including: front and side

porches; non-historic rear addition; and the portion of each chimney above the roofline.

- Excavation around the Crystal Cottage to allow for the installation of 20-inch steel beams under the structure and installation of angle iron around the structure to support the lowest course of bricks.
- Jacks are placed under the steel framework and controlled by a unified jacking system which elevates the structure off the foundation in increments. Wooden beams are stacked in piles under the steel beams to support the structure and the jacks during the lifting process.
- Once the building is raised to the needed height, dolly wheels or a flatbed truck can be placed under the structure to relocate the building.
- At the new site, the process is reversed as the structure is installed on a new foundation.

The Applicant has taken some steps outlined above, namely the removal of some architectural features to prepare the Crystal Cottage for relocation and the installation of steel beams. The current condition of the Crystal Cottage is shown in Figures 2, 3, and 4. The Applicant has indicated that all salvaged bricks, which come from the two chimneys (above the roofline); the non-historic rear addition; and where openings were made for steel beams, have been stored at 53 Charlotte Street for re-use. The porch posts have been placed inside the Crystal Cottage and the roof sections of each porch are currently stored at 35 Chatham Street at the rear of the building. These alterations occurred without approval under the *Ontario Heritage Act* and therefore if this application is denied by Council, the Owner will be required to restore the Crystal Cottage to its pre-alteration state at 35 Chatham Street.

Figure 2: The Crystal Cottage in summer 2020, showing removal of front porch in preparation for proposed relocation. Source: Staff.



Figure 3: West side of the Crystal Cottage, showing that the front and side porches have been removed ahead of proposed relocation. Source: Staff.



Figure 4: The front and east side of the Crystal Cottage showing the removal of the front porch as well as the installation of steel beams below the first floor, in preparation for the proposed relocation. Source: Staff.



As was noted in Section 8.1, Planning Staff consulted with the Heritage Planners Network comprised of heritage staff in other municipalities and at the provincial level. This consultation revealed that the relocation of heritage buildings is uncommon, partly because of the complexities of relocating historic buildings, but more importantly because relocation is not a preferred method for heritage conservation unless there is no other means to conserve the building. Standard One in the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada* includes the principle “do not move a part of an historic place if its current location is a character-defining element.” Similarly, one of the guiding principles in the Ministry of Heritage, Sport, Tourism and Culture Industries’ *Eight Guiding Principles for the Conservation of Historic Properties* is “respect for original location”. These principles are based on the notion that changing the site or the context of a heritage building can diminish its heritage value considerably. In this instance, 35 Chatham Street was designated in 1985 because of the architectural value of the Crystal Cottage, but not due to any contextual value. The HIS submitted by the Applicant to support Zoning By-law Amendment Application PZ-02-20 assessed the Crystal Cottage against present-day criteria for determining heritage value and confirmed the property has architectural

value, but not contextual value. Accordingly, it is the opinion of Planning Staff that relocating the heritage building in this instance is an appropriate heritage conservation method. The successful relocation of the Crystal Cottage to a new site will conserve the architectural value of the building, therefore satisfying the heritage conservation policies outlined in Section 7.2.

Sub-section 9.1.1 below provides an overview of the recommended approval and potential conditions of approval and sub-section 9.1.2 outlines the future repeal of the Heritage Designation By-law which is required by the *Ontario Heritage Act* if this application is approved. The entire process associated with the approval of Application HD-01-20 and relocation of the Crystal Cottage is illustrated in a flow chart in **Appendix I**.

9.1.1 Recommended Conditional Approval of Application HD-01-20

In considering an application to remove a building from a designated property, Council has the authority under Section 34 of the *Ontario Heritage Act* to approve the application with or without conditions, or to deny the application. Planning Staff is recommending to Council that Application HD-01-20, to permit the removal of the Crystal Cottage from 35 Chatham Street so that it can be relocated to 53 Charlotte Street, be approved with conditions that are intended to ensure the relocation is safe and successful. Staff anticipates that this will include conditions to ensure associated development applications (e.g., Site Plan for 53 Charlotte Street) have received final approval and to ensure necessary permits (e.g., Building Permit and Moving Permit) have been issued by the City, as well as a condition to require the Applicant to enter into a Heritage Easement Agreement with the City for 35 Chatham Street. These proposed conditions are discussed in further detail below:

- Installation of the Crystal Cottage at 53 Charlotte constitutes development that requires approval under Site Plan Control By-law 90-2018. Site Plan Control ensures that developments are attractive, safe, functional, and compatible with surrounding land uses. A number of conditions will be required to be cleared through the Site Plan process to obtain final Site

Plan Approval, including issuance of certain permits (e.g., Site Alteration Permit, Driveway Permit), and final approval of a Consent Application to sever 53 Charlotte Street from the adjacent property at 57 Charlotte Street as the properties have merged in title. The Brant Historical Society has submitted Site Plan Control application SPC-26-2020 for 53 Charlotte Street and is currently working towards approval. Requiring approval of a Site Plan Control application as a condition of Application HD-01-20 will ensure that 53 Charlotte Street is ready to receive the Crystal Cottage before the relocation process starts.

- A Building Permit will be required to install the Crystal Cottage on 53 Charlotte Street. Building permits ensure that technical requirements for the construction of buildings are met and that buildings are safe to be occupied. Including the condition of a Building Permit for 53 Charlotte Street ensures that the building can be safely installed on the new site.
- A Moving Permit is required by City of Brantford By-law 10-94 when a building is moved in whole or in sections on any municipal roadway in the City; the Applicant has submitted a Moving Permit application and is working with City Staff. This process is used to determine the route the building will travel, and identify and address any requirements or concerns related to the move such as road closure, re-routing emergency services, and the relocation of overhead utilities. Requiring issuance of a Moving Permit as a condition ensures that all matters with the relocation are addressed and that the move can occur safely and successfully.
- A Heritage Easement Agreement is a tool enabled under the *Ontario Heritage Act* which allows municipalities to enter into agreements and hold easements on designated properties. Heritage Easement Agreements are commonly used by municipalities that have permitted the relocation of historic buildings because they can outline the specific requirements for the owner and the municipality before, during, and after the relocation process to ensure that the relocation is successful. Requiring that the owner enter into a Heritage Easement Agreement with the City of Brantford will establish a clear path for the successful relocation of the Crystal Cottage, while also

ensuring that previous recommendations from the HIS Addendum are implemented. Staff anticipates that the Heritage Easement Agreement will address the following details:

- Taking of securities to cover the costs of the relocation and building restoration, should the City need to step in to relocate or restore the Crystal Cottage. If the City does not need to step in, the securities would be returned to the Applicant once the Crystal Cottage is successfully relocated and installed. Securities are common development tool that is familiar to the development industry and frequently required by the City during the Site Plan Control process. Securities related to the relocation of historic buildings are a best practice recommended by other municipalities.
- Requiring an engineer to monitor the relocation, and complete an engineering assessment of the Crystal Cottage once it is installed on 53 Charlotte Street. This requirement will make sure that the any structural damage that occurs as a result of relocation can be identified and remedied so that the building remains structurally sound after the relocation and is safe for the Brant Historical Society to use.
- Requiring that the Applicant provide high resolution catalogued photographs of the Crystal Cottage prior to its removal from 35 Chatham Street. High resolution catalogued photographs function as an archival record of the building as well as a record of its condition prior to the start of relocation. This was also a recommendation arising from the HIS Addendum.
- Requiring the Applicant to provide an information plaque for 53 Charlotte Street to the City in accordance with the recommendations of the HIS Addendum. Requiring that the information plaque be provided through the Heritage Easement Agreement allows the City to secure the plaque and ensure it is addressed in the Site Plan Control process for 53 Charlotte Street, between the City and the Brant Historical Society.

- Outlining that the Heritage Easement Agreement will be released from title of 35 Chatham Street upon receipt of confirmation that the building has been relocated and installed at 53 Charlotte Street.

The conditions above reflect the best practices identified in consultation with the Heritage Planners Network and are intended to ensure the safe and successful relocation of the Crystal Cottage to 53 Charlotte Street.

9.1.2 Repeal of By-law 6-85 After the Relocation of the Crystal Cottage

When Council approves the demolition or removal of a building on a designated property, Section 34.3 of the *Ontario Heritage Act* requires that Council repeal the by-law which designated the property. A best practice shared with Planning Staff during consultation with the Heritage Planners Network was to defer the repeal of the designation by-law until the relocation of the building is complete. This ensures that 35 Chatham Street is still protected as a designated property and that the municipality retains an interest in the original property should it be determined that the building cannot be relocated successfully, allowing the City and the Applicant to explore other options for conservation if necessary. Accordingly, if Council approves the removal/relocation of the Crystal Cottage, Staff's recommendation to Council is that designation By-law 6-85 be repealed after the Crystal Cottage is successfully relocated to 53 Charlotte Street (refer to flow chart in **Appendix I**).

9.2 Demolition Control Application

Demolition Control is a tool enabled by Section 33 of the *Planning Act* to help prevent the premature loss of dwelling units. While the Applicant is not proposing to demolish the Crystal Cottage, the removal and relocation of the building will result in the loss of a dwelling unit on a property located within the Demolition Control Area. This requires approval of an application under Demolition Control By-law 156-2019 (Chapter 433 of the Municipal Code).

The City of Brantford's Demolition Control By-law 156-2019 sets out two types or applications: "routine" applications, where development approvals

are substantially completed and there is a reasonable level of assurance that the development will occur; and “non-routine application” which do not meet the required threshold for development approvals and/or where property is designated or listed under the *Ontario Heritage Act*. The approval of routine applications is delegated to the Chief Building Official. For non-routine applications, Council retains authority to approve or deny the application and where the subject property is designated or listed and/or has a building older than 40 years, consults with the Brantford Heritage Committee.

In this instance, the Demolition Control Application is classified as “non-routine”, requiring consultation with the Brantford Heritage Committee, because 35 Chatham Street is designated under the *Ontario Heritage Act*. The Brantford Heritage Committee’s review of non-routine applications is focused on evaluating if the property meets the criteria for determining heritage value and warrants protection from demolition. As discussed in Section 9.1, the Heritage Impact Statement dated July 16, 2020 in support of Zoning By-law Amendment Application PZ-02-20 confirmed the property has architectural value. As the Demolition Control Application is required to allow for the Crystal Cottage to be relocated, rather than demolished, the architectural value of the Crystal Cottage will be retained, albeit on a different property. Accordingly, Staff is of the opinion that approval of the Demolition Control Application, along with the conditional approval of Application HD-01-20 under the *Ontario Heritage Act*, will conserve the heritage value of the building.

9.3 Future Heritage Designation of 53 Charlotte Street

As previously noted, 35 Chatham Street was designated under the *Ontario Heritage Act* in 1985 on architectural grounds, to recognize the heritage value of the Crystal Cottage. The HIS, dated July 16, 2019, submitted in support of Zoning By-law Amendment Application PZ-02-20, demonstrated that the Crystal Cottage has architectural value when assessed against the current standards prescribed under the *Ontario Heritage Act*. While relocation of the Crystal Cottage will help to conserve the architectural value of the building in the present, the ultimate goal of heritage conservation is to ensure that heritage resources can be preserved for future generations. Accordingly, Staff is proposing to Council that 53 Charlotte Street be considered for designation under the *Ontario Heritage Act*. With respect to timing, it will be recommended that Staff be directed to prepare a Report regarding the designation of 53 Charlotte

Street for Council's consideration after all required permits relating to the installation of the Crystal Cottage on 53 Charlotte Street are closed. This will ensure that the designation of 53 Charlotte Street accurately reflects the Crystal Cottage in its restored state. Staff will consult with the Brantford Heritage Committee at a future date, prior to bringing such a Report to Council.

10.0 Financial Implications

There are no financial implications to the City of Brantford arising from this Report.

11.0 Conclusion

The Applicant is seeking permission to relocate the Crystal Cottage from 35 Chatham Street to 53 Charlotte Street. The proposed relocation is intended to conserve the Crystal Cottage on a new property while also facilitating the redevelopment of 35 Chatham Street and surrounding properties for a 10-storey mixed use building. If approved, the relocated Crystal Cottage building will be used by the Brant Historical Society for office space for the museum. Through this Report, Staff are informing and consulting with the Brantford Heritage Committee in accordance with Sections 34 and 37 of the *Ontario Heritage Act* and the City's Demolition Control process. Staff is seeking comments from the Brantford Heritage Committee on Application HD-01-20 and the Demolition Control Application for 35 Chatham Street which will be included in Staff's Report to Committee of the Whole – Community Development.

It is the opinion of Planning Staff that the successful relocation of the Crystal Cottage to 53 Charlotte Street will conserve the heritage value of the building. Therefore, Staff will be recommending that Council approves application HD-01-20 to remove the building under Section 34 of the *Ontario Heritage Act* subject to conditions which are intended to ensure that the building can be safely and successfully moved and installed at the new site. Staff anticipates recommending the following conditions of approval:

- That associated development applications (e.g. Site Plan for 53 Charlotte Street) have received final approval and that necessary permits (e.g. Building Permit and Moving Permit) are issued by the City; and
- That the Applicant enter into a Heritage Easement Agreement for 35 Chatham Street.

Planning Staff will also be recommending approval of the Demolition Control application. While the proposal will result in the loss of a dwelling unit from the overall housing stock in Brantford in the near-term, it will facilitate the eventual creation of 200 dwelling units in Downtown Brantford while also allowing for the preservation of the architectural value of the Crystal Cottage on a different property.

Finally, should these applications be approved, Staff will be seeking direction to prepare a report regarding the designation of 53 Charlotte Street under the *Ontario Heritage Act* for Council's consideration once the Crystal Cottage has been relocated and all permits for 53 Charlotte Street have been closed. Heritage designation of 53 Charlotte Street would ensure the Crystal Cottage continues to be a protected heritage resource.



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Nicole Wilmot, MCIP, RPP
Director of Planning

Attachments

Appendix A: Location Map of 35 Chatham Street

Appendix B: Aerial Photo of 35 Chatham Street

Appendix C: Heritage Designation By-law 6-85

Appendix D: Demolition Control Area

Appendix E: Location Map of 53 Charlotte Street

Appendix F: Aerial Photo of 53 Charlotte Street

Appendix G: Context Map of 35 Chatham Street and 53 Charlotte Street

Appendix H: Council Resolution (March 3, 2020) of Support for the Brant Historical Society

Appendix I: Flow Chart of Proposed Relocation Process

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

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no