

**Conservation
Review Board**

Ministry of Tourism
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**Commission des
biens culturels**

Ministère du Tourisme
de la Culture et des Loisirs

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**RE: TOWN OF OAKVILLE – INTENTION TO DESIGNATE
1198 AND 1208 LAKESHORE ROAD EAST, OAKVILLE**

Heather R. Broadbent, Vice-Chairman
Barbara A. Humphreys, Member

December 11, 1997

This hearing is convened under Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Ch. O.18 (as amended) for the purpose of reporting to the Council of the Town of Oakville, whether in the opinion of the Conservation Review Board, on the basis of the evidence it will hear, the property known municipally as 1198 and 1208 Lakeshore Road East, (Ballymena Estate), Oakville, should be designated under the Act.

Notice of this hearing was given under the Act in the Oakville Beaver on August 10, 1997, by the Board, the relevant affidavit by a member of the Board's staff being Exhibit 1.

The members of the Board viewed the property during the lunch break.

Present: For the Town of Oakville
Jennifer Huctwith, Assistant Town Solicitor, Oakville
Richard Unterman, Unterman McPhail Cuming Associates,
Heritage Conservation and Planning Consultants
David Cuming, Unterman McPhail Cuming Associates,
Heritage Conservation and Planning Consultants

For the Owner
Brian Daly, Solicitor, Harrison, Elwood Law Firm
Blair S. Taylor, Solicitor, O'Connor MacLeod
Nicholas Hill, Heritage Consultant
Ann Bobyk, Heritage Consultant
Mrs. Ann Osler
Mrs. Barbara Wood
Mr. Chris Wood
David Mathews, Patrick Sweet & Associates, Limited,
Consultants in Planning and Land Economics

History of the Hearing:

Consideration of designating this property came before the Town in 1992, a decision deferred until 1993 at the owner's request and subsequently voted down by a very narrow margin and the report filed. Designation of the property was raised again in 1996 as the Town was losing valuable heritage properties and had been instructed by the Planning Committee "not to wait until the last minute" in assessing heritage properties as the Town could help only if heritage designation was in place. Therefore LACAC moved to designate the estate in 1997 despite the owner's strong objections and a notice of the Hearing was published on August 10, 1997. The hearing commenced on August 22, continued on October 3, October 8 and concluded on November 12, 1997.

The day before the hearing commenced, the owner's solicitor, Mr. Daly, requested an adjournment *sine die* until the application for the amendment to the zoning by-laws was examined by the Town – apparently suggesting that if the ruling was in his favour, the hearing would not be necessary. This was discussed in a telephone conference with Ms. Huctwith, (the solicitor representing the Town of Oakville), Mr. Daly and two members of the Board. Since adjournments are granted only under unusual circumstances and with the agreement of the parties involved and in this instance Ms. Huctwith did not agree, the request for adjournment was denied.

At the commencement of the hearing, prior to the presentation of the Town's case for designation, Mr. Daly stated his intention to refer the matter of the Board's denial of the previous request for adjournment (see attached report) for judicial review. Mr. Daly requested another adjournment of the hearing until such time as this review was completed, suggesting that should the decision of the judge be in his favour, the entire hearing would have to be repeated. Mr. Daly submitted a copy of his client's application form to amend the Zoning By-law and/or Official Plan, such amendment to provide "Site specific relief from General Policies, Part C, para 8 in its entirety and from Goals and Objectives, Part B, para 7 in its entirety" (Exhibit 2). Since referral for a judicial review was a stated intention, not a summons to Board members, it was within the Board's discretion to proceed or not. The Board decided to proceed and the hearing then resumed. Subsequently, the owner's solicitor did apply for a judicial review which was denied (see Appendices A & B).

Summary of the Presentations by the Town and the Owner

As would be expected, there were strong differences in opinions on all aspects of the proposed designation between the owner as represented by Mr. Daly and the Town. These were expressed both orally by the various witnesses and in the reports now filed as Exhibits. The Town argued that all four criteria of the Official Plan were met in the designation of the entire estate: that Ballymena was a part

of the historical development of Oakville; that both owners, Wm. Eaton and Ray Lawson, were men of note, Lawson in particular having contributed to the development of the Town, both financially and socially; further, that the Estate was one of the last remaining properties of this kind in the Town to have retained the major part of its original design, and that architecturally the Gatehouse and main house were important because of their architectural style and in the case of the gatehouse, the importance of the architects (the architects for the main house not proven). Finally, they maintained that designation was merited because of the context of the property and its place on the streetscape.

Speaking on behalf of the owner, Mr. Daly and his witnesses differed strongly in this assessment, claiming that neither Messrs. Eaton nor Lawson contributed to the historical development of the Town although admitting that Mr. Lawson had been very generous in financial support, having contributed generously to the Trafalgar Hospital development and to several local parks. They felt that Mr. Eaton played no part in the history, particularly since at the time of his occupancy Ballymena was well outside the limits of the Town. Therefore commemoration of either person had little bearing with the historical side of Oakville's history. As far as the buildings were concerned, only the gatehouse appeared to have any interest architecturally and the house had had a number of alterations and additions. Furthermore they considered the style of the house to be a poor imitation of the arts and crafts designs and a seriously downsized version of the original plan as evinced in a large drawing of what was presumed to be the original proposal. Finally, they stated that the other buildings on the Estate were in such poor shape as to negate restoration; that the Estate was not unique since there were two others in the Town, one partially and the other fully restored and lastly, that Ballymena could no longer be considered intact, lacking as it did the amenities to recreate the lifestyle which it had represented.

FACTS AND FINDINGS:

History of Ballymena Estate

The Ballymena Estate is presently a property of some eight acres located about 2 kilometres east of the historic town centre of Oakville. It is bordered on the north by the Lakeshore Road and on the south by Lake Ontario and by subdivisions on the east and west sides, and originally included the property (the Morrison farm) across the road. Its development was part of an early 20th century movement that saw a departure from large land holdings to estate properties, established somewhat along the lines of the large estates of England and mirrored the summer homes of the affluent on the southern shore of Lake Ontario. Because of its location, in proximity to both Toronto and Hamilton, and the attraction of the extensive waterfront, this area of Oakville (then Trafalgar) became a very attractive site for the large homes being erected by the wealthier members of society, several of whose business affairs were centred in Toronto or Hamilton. Commuting was greatly facilitated by improvements in the roads, particularly the paving of the highway between Toronto and Hamilton and the coming of the motor

car. Several “full panel” properties such as Ballymena were developed along Lakeshore Drive but only two others (Gaerloch and Erchless) now survive. Since the original town of Oakville was situated near the harbour and was by this time an industrial town, initially there was only a rather remote connection between it and the expanding residential section along the Lakeshore to the west. Inevitably, however, the two areas grew together and now the Lakeshore properties are a part of the Town.

Land for the Ballymena estate was purchased in 1916 by William Fletcher Eaton from Wm. McKenna, the lakeshore property for a residence and the northern section for staff residences, stables and barns. This part of the estate was deeded separately on the death of Mr. Eaton in 1935 to Mr. Noel Eaton and eventually passed into the hands of the Canada Trust, of which Lawson was a director, who donated a part of it to the Town in 1966. It is now a park and only some agricultural buildings have survived.

There are two entrances from Lakeshore Road – one a service entry (No. 1208) and the other, the main entrance (No. 1198) with a fine pair of gates bearing the name plate and flanked by stone side walls. A curved driveway leads to the house passing through a grove of deciduous trees and a garden centred by a fountain of Victorian design, presenting a very handsome entrance to the whole. The original buildings and structures on the estate include the aforementioned gates, erected in 1917, the gatehouse with a stone walled paddock, a Tudor style building designed by Munro and Mead, Architects of Hamilton, Ontario and also built in 1917; the main house, in the Arts and Crafts style, erected 1920-21; and a pump house, erected 1917, and a swimming pool and change house added in the 1930's. Some evidence remains of the original kitchen garden but very little of the balance of the gardens which included flowers, gardens and a rose arbour. The boat landing with its light standards still exists but like the pump house, the swimming pool and change house have been poorly maintained and none are in the best of repair.

Ownership and Occupancy

William Fletcher Eaton was the third son of Timothy Eaton, founder of the extensive Eaton retail chain, and builder of the Oakville estate “Raymar” (no longer extant). William worked in the family business for a time, then moved west to farm and eventually returned to the East to manage Eaton’s textile factories in Oshawa and Hamilton. He was involved in patriotic work during WW 1, being appointed Assistant Director of Recruiting for Canada and personal staff officer to the Minister of the Militia and later associated with Colonel Greer in the administration of the Military Service Act. He rose to the rank of Lieutenant Colonel. He was also involved in the Scouting movement both locally and nationally. As residents of Oakville for 25 years, the family were active in

community affairs and were most generous in opening their home and gardens for charitable events. Mr. Eaton died in 1935 and Mrs. Eaton in 1942.

Following Mrs. Eaton's death, the property was sold to Archibald and Edith Auld who never occupied it and it was vacant until purchased in 1947 by the Honourable Ray Lawson, then partner of the printing firm of Lawson & Jones, resident in London, Ontario. Early in WW II, Mr. Lawson was appointed Chair of the Crown Corporation, Federal Aircraft Ltd. which was responsible for the production of aircraft for the British Commonwealth Air Training Plan and in 1943 was awarded the O.B.E. in recognition of his contribution. After the war he was appointed Lieutenant Governor of Ontario, serving in that capacity from 1946 to 1952 and in 1953 became Canadian Consul-General in New York, resigning from that post in 1955 due to poor health. Mr. Lawson, with his wife and widowed daughter, Mrs. Ruth Kindersley and her two small children, moved to Ballymena in 1947. Mr. Lawson apparently wished to have a home within easy reach of Toronto, the centre of his activities as Lieutenant Governor. Except for the two years spent in New York, Mr. and Mrs. Lawson lived in the main house on the estate during the summer months (wintering in Florida) until his death in 1980. Mrs. Kindersley has continued to live on the estate year round, occupying the Gatehouse during the winter months and the main house in the summer. While apparently not taking too active a part personally in the affairs of the town of Oakville, Mr. Lawson contributed handsomely to the Trafalgar Memorial Hospital and to the grounds and facilities of Lawson Park.

Assessment

The Board has carefully considered the evidence placed before it both verbally over the four days of the Hearing and in the form of reports, maps and displays now registered as exhibits, numbering 84 in total. The Board has appreciated the enormous amount of research that has gone into these exhibits and recognizes the sincerity of the witnesses in their oral and written presentations. Careful note was taken where errors and omissions were pointed out, unverified statements or assumptions made. As was inevitable, most of the statements made expressed conflicting opinions on all aspects: the importance of the original and present owners, the part the estate played in the historic development of Oakville, the quality of the architectural elements and the interpretation of "contextual" significance. There was also a marked difference in opinion of what constitutes "importance" whether of a person or happening, in the analysis of architectural style, and in the interpretation of "context."

A good deal of the evidence and discussion concerned the legality of the by-law concerning designation and the necessity of conforming with the zoning, specified densities and planning, governed by the Official Plan of the Town of Oakville. While the Board found these discussions interesting, it must be realized that they are outside of the mandate of the Board which is essentially to assess the Estate on the basis of the criteria set by the Ontario Heritage Act and the Official Plan of

Oakville (quoted below) and to make a recommendation to the Town concerning the designation of the subject property. The mandate does not include a consideration of implementation of the recommendations – a matter which is essentially the business of the Town (who can accept or reject the recommendation of the Board as it sees fit) and does not bear on the Board's decision.

Criteria for Designation

The Ontario Heritage Act: A municipality may designate a property that is of historic or architectural value or interest.

The Official Plan of the Town of Oakville elaborates on this and sets the following criteria and states that it shall be the policy of the Town that individual properties may be considered for designation pursuant to the provisions of the Ontario Heritage Act if they exhibit or contain one or more of the following criteria:

- 1) the property is associated with the life of a significant member of the community.
- 2) the property has played a role in an important historic event.
- 3) the property has architectural significance, value or interest due to building type, architectural style or period, or if it is the work of an important architect or early builder.
- 4) the property has contextual significance because of its position as an integral part of the surrounding landscape.

In reaching its recommendation the Board has considered the property in light of each of these criterion:

Association with the life of a significant member of the community: While we realize that Mr. Eaton was apparently not a prominent member of the Eaton family he does however bear the name and lineage of the founder of one of Canada's first and probably best known merchandising companies. We do consider Mr. Lawson, however, to have been a significant member of the community in both the local and the wider sense in that he contributed very generously to the Trafalgar Memorial Hospital, the Oakville Library and several parks; he was distinguished on the provincial level as one of Ontario's Lieutenant Governors and on the national level as the recipient of the Order of the British Empire for his contribution to the war effort.

Ballymena perhaps cannot be said to have played a role historically on an individual basis but it was an important part of a movement that contributed to and to some extent caused a change in the historical development of the Town, broadening it from its agricultural and industry-based origins and creating the basis for the future development of an attractively sited and residential area which was an important factor in the style of the Town's development. Ballymena is also the

last of the three Lakeshore estates to have survived, and while age and changing interests have left some of the structures in poor repair and some of the gardens abandoned, what it was is still very evident and as such symbolizes the life and times of the era in which it was created.

The architectural significance of the estate lies in its major buildings and structures, i.e. the gates, gatehouse and main house. The gatehouse in particular is a notable building in both its type and architectural style. Gatehouses were essential parts of well-designed estates and this one is also a good example of the Tudor style, designed by the architects Munro and Mead who were of some repute in Hamilton. Alterations to the building have been made in a compatible manner and the building really “sets the style” of the estate. The main house, quite different in style, appears, according to the evidence presented to have been a scaled down version of the mansion originally planned. A very large drawing of this was shown at the hearing. Built a bit later than the Gatehouse, architects, builder or designer unknown, it presents a vernacular interpretation of the Arts and Crafts style, which followed the Tudor style period. Buildings often exhibit details of both styles blended together and on the main house there was an attempt apparently to do just that—blend the style with that of the gatehouse by the addition of the wood stripping which in effect detracts from its original style but fortunately is removable. There are relatively few examples in Canada of “pure interpretations” of any of the many architectural styles, vernacular interpretations usually being necessitated by the climactic conditions and location of the site, and the availability of materials, money and skills. Also there are relatively few examples in Canada of either a pure or vernacular interpretation of the Arts and Crafts style. The Ballymena residence essentially exists as originally built, alterations and additions have been well integrated into the design, the original fabric of the house is intact and it is a good example of a vernacular interpretation of the Voysey inspired Arts and Crafts architectural style.

The entrance gates and view of the gatehouse of Ballymena constitute an important part of the streetscape of Lakeshore Road. Apart from contributing handsomely to the general appearance of the Road they are one of the few reminders left symbolizing this part of Oakville as it once was.

RECOMMENDATIONS

For the reasons detailed above, the Board believes that Ballymena meets all of the criteria specified by the Official Plan of the Town of Oakville and by the Ontario Heritage Act. The Official Plan demands that only one of the criteria must be met, it is recognized that in the fulfillment of the criteria by Ballymena some criterion have been more successfully met than others but taken together they support the designation of Ballymena as a whole.

The Board therefore recommends that the Estate known as Ballymena be designated in accordance with terms and conditions of the Ontario Heritage Act. This Designation is designed to enable the Town to control but not prevent the future development of the property and to act to either protect the whole or to give guidance as to retention of the important key elements of the estate.

The Board further recommends:

- that in consideration of any future use of the property that particular attention be paid to the retention of what are considered to be the key architectural components of the estate: the gates and flanking stone walls, the gatehouse and main house. The Board believes that these components could be retained advantageously on separate lots should the estate be subdivided. It is also recommended that every effort be made to preserve, again on separate lots, the features of the existing landscape at the front section of the property—the mature trees, the Victorian fountain and paddock wall.
- that in any further developments on the site some pre-historic archaeological assessment should be undertaken on the reportedly unaltered land at the south end of the site, as is required under the Planning Act.

Finally, given the many comments heard during the course of the hearing of the regrettable situation that has arisen with the owner and the Town, the Board is aware that there have apparently been several misunderstandings and misinterpretations of the Ontario Heritage Act. The Act is designed to assist municipalities to protect and/or preserve properties considered to be of architectural or historical value, the ways and means taken to ensure such protection or preservation to be determined by the Municipality. Designation does not impose on the owner the necessity of either undertaking restoration or allowing access by the public, nor does it prohibit alterations although it does necessitate permission of the Municipality, on the advice of LACAC, to ensure insofar as is possible that such alterations are compatible with and do not destroy the historic aspects of the structure. Owners should also be aware of that part of the Act which ensures owners' rights regarding demolition and/or sale of designation properties.

Clarification of the freedoms as well as the restrictions imposed under the Act will hopefully lead to solutions which, while they may require compromises on both sides, would in the long run be more satisfactory and less costly to all concerned.

(Original Signed by)

Heather R. Broadbent
Vice-Chairman

Barbara A. Humphreys
Member

BALLYMENA ESTATE

List of Exhibits

Exhibit No.

- | | |
|-------|---|
| 1 | Notice of Hearing |
| 2 | O. P.A. -Application Form |
| 3.(a) | Certified Copy of Parcel Register |
| 3.(b) | Certified Copy of Deed |
| 4 | Certified Copy of Third Heritage District Study Area (Inventory) |
| 5 | Certified copies of Register/Description Properties |
| 6.(a) | Heritage Report (1198) |
| 6.(b) | Heritage Report (1208) |
| 6.(c) | Heritage Report (joint) |
| 7 | Heritage Structure Report (Feb. 5, 1997) |
| 8.(a) | Notice of Intention to Designate |
| 8.(b) | Council Minutes - February 24, 1997 |
| 8.(c) | Declaration of Patricia McPherson |
| 8.(d) | April 8, 1997 to the Ontario Heritage Foundation |
| 8.(e) | April 8, 1997 to Ruth Kindersley |
| 9 | April 23, 1997 - Notice of Objection |
| 10 | Letter by W. R. Hutton (Objection), May 9, 1997 |
| 11 | Unterman McPhail Cuming Associates Expert Report,
August, 1997 |
| 12 | Nicholas Hill Report -August, 1997 |
| 13 | Four Reports of Ann Bobyk - December 30, 1996,
February 18, 1997, February 24, 1997, August 19, 1997 |
| 14 | Ballymena Estate - Map (not included) |
| 15 | Ballymena Air Photo (not included) |
| 16 | Ballymena Main House Photos (not included) |
| 17 | Ballymena Estate Homes and Gardens Photos (not included) |
| 18 | Ballymena Main Gates, Lakefront & Pagoda (not included) |
| 19 | Canadian Courier (extract) |
| 20 | Canadian Homes and Gardens (May 1935) Extract |
| 21 | Page Ex.19 |
| 22 | December 1, 1992 - to Mayor and Members of the Site Plan
Committee from Legal Department |
| 23 | (New) Heritage Inventory |
| 24 | Certified copy of Block Map 24782
Sheet 3 of 5 (P.I.N. Map) |
| 25 | Certified copy of Document 10038 (1910) |
| 26 | Certified copy of Document 14019 (1921) |
| 27 | Certified copy of Document 15711 (1926) |
| 28 | Certified copy of Document 18327 (1934) |
| 29 | Certified copy of Document 21582 (1946) |

30	Certified copy of Document 111708 (1960)
31	Certified copy of Document 111709 (1960)
32	Certified copy of Document 330179 (1972)
33	Certified "Lawson Park" P.I.N. Map
34	Copy of Abstract (Inst #12355) (Merry)
35	Certified copy "Lawson ParCertified copy of "Lawson Park" (#12412) (Eaton)
37	Certified copy of "Lawson Park" (#18805) (Eaton)
38	Certified copy of "Lawson Park" (#18942) (Noel Eaton)
39	Certified copy of "Lawson Park" (#19859) (Armstrong)
40	Certified copy of "Lawson Park" (#19917) (Risewick)
41	Certified copy of "Lawson Park" (#20242) (Mendelsohn)
42	Certified copy of "Lawson Park" (#23302) (Leach)
43	Certified copy of "Lawson Park" (#24333) (Canada Trust)
44	Certified copy of "Lawson Park" (#201545) (Town of Oakville)
45	Certified copy of (#22144) (Lawson-Ballymena Deed)
46	Historical Sub-Urban Growth (Topo Maps)
47	Historical Sub-Urban Growth (excerpt)
48	Historical Sub-Urban Growth Chap. 7excerpt "Oakville - A Small Town"
49	Paragraph 22 of "Oakville - A Small Town"
50	Heritage Attributes (not included)
51	Heritage Summary (not included)
52	Official Plan extracts
53	Zoning Map
54	Regulations Table for the R01, R02, R03, R04 & R05 Zone
55	Oakville Official Plan
56	Excerpt of Planning Act
57	Sketch - 191 Cheapside, London
58	Souvenir Program - Sports Day at Woodholme
59	Nicholas Hill - C.V. and report
60	Town of Oakville - Designated Buildings
61	Board (Gairloch Gardens) (not included)
62	Ballymena Estate - Architecture (not included)
63	Munro & Mead, Architects - documents
64	Board (Munro & Mead) (not included)
65	Letter from Robert G. Hill to Margaret M. Goodbody dated August 28, 1997
66	Board - The Orchard/Ballymena (not included)
67	Board - Context (not included)
68	Recommended Designation (not included)
69	Excerpt from "Craftsman Homes" by Gustav Stickley
70	C.V. of David Mathews, M.A., M.C.I.P., P.L.E.
71	Planning Opinion of David Mathews
72	Certified copy of Figure H2 Land Use from Official Plan
73	Copy of page 73 of Official Plan re Land Use

74	Photocopy of M2 Land Use Plan
75	Photocopy of N Land Use Plan
76	Photocopy of O Land Use Plan
77	Photocopy of Q Land Use Plan
78	Application for Minor Variations A/142/92
79	Application for Minor Variations A/26/93
80	Newspaper article August 7/64
81	Report: Summary of Hearing by Mr. Daly
82	Report: C.R.B. Hearing, City of Scarborough
83	Judicial Report re Holmes et al & Regional Municipality of Halton
84	Copy of Planning Act: Menu of Regulations & of Section 45(1)