

**Ministry of Tourism,
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Conservation Review Board

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**Ministère du Tourisme,
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August 18, 1994

Mayor and Members of Council
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6J 5A6

**Re: Intention to Designate 141 Bronte Road
(Old Church of the Epiphany)**

Hearing pursuant to Section 29(8) of the Ontario Heritage Act R.S.O. 1990, chapter O.18 of the Notice of Intention to Designate given by the Town of Oakville to designate 141 Bronte Road as being of architectural and/or historic interest or value under Part IV of the Ontario Heritage Act.

The Conservation Review Board held a hearing on 29 June 1994 in the Oakville Town Hall, 1225 Trafalgar Road, Oakville. Members of the Review Board visited the site prior to the hearing examining the old church, exterior only, and its relation to newer buildings and parking areas on the church lands.

Appearing for the Town of Oakville

Beatrice Z. Howell, Assistant Town Solicitor
David Cuming, principal consultant, Unterman, McPhail,
Cuming Associates, Hamilton

Appearing for the Objector (The Anglican Diocese of Niagara)

Rev. Robert McCord, representing Officers of the Parish
of the Church of the Epiphany
Mr. Hilary Marshall, Chairman, Bishop's Advisory
Committee on Older Buildings and Heritage Designation

Individuals and Parties

None were in attendance.

The initial exhibits provided evidence:

- a. that the Town of Oakville's Intention to Designate Notice had been properly published and that the objector had been informed;
- b. that the Notice of Objection had been properly filed and referred to the Conservation Review Board; and
- c. that the hearing had been properly called, all parties and the public informed and made aware of it.

FINDINGS OF FACT

1. Ownership

Proof of ownership was provided by a certified copy (photocopy) of a Land Register Abstract, Office of Land Titles, Milton, Ontario (Exhibit 4).

2. Reasons for Intention to Designate

Following are the reasons as stated in the Heritage Structure Report (Exhibit 2) regarding Historical and Architectural significance:

Historical Significance:

The Old Church of Epiphany at 141 Bronte Road, was built in 1931 as the home of the Anglican Church in Bronte.

The first Anglican services in Bronte began in 1909, in the farmhouse of John Wilson, with Reverend J. G. Wallace of St. Jude's Church in Oakville leading the congregation. Every Friday, parishioners walked 2 1/2 miles to Wilson's Farm, located approximately in the area of the present day Coronation Park and Water Pollution Control Centre.

John Wilson and his family would continue to play an important role in the Anglican Church in Bronte for many years. He was born in 1857 to a family of gentlemen farmers in the village of Lorton, near Keswick in the English Lake District. Possibly because they had an elder brother, who according to the tradition of primogeniture, which was practiced so thoroughly at the time, would have inherited the entire family estate, John Wilson and his brother Isaac came to Canada in 1880's to become landowners in their own right. The Wilson brothers had intended to travel to Winnipeg and then to farms on the Prairies, but when visiting Oakville to see a family friend on their

journey west, they were so impressed by the Town and the surrounding area that they decided to stay. Isaac Wilson purchased a property in the east of Oakville near the Joshua Creek, while John purchased his property near Bronte on 210 acres of land between Lakeshore Road West and Rebecca Street. Meetings of the Bronte Anglican Church continued in the Wilson home until 1927, when they were moved to either the Orange Hall or Centriller School and later into a Baptist Church.

The first vestry meeting of the Bronte Anglican Church was held on January 8, 1930. As this date was two days after the annual celebration of the manifestation of Christ to the Magi on January 6, it was decided to give the Bronte Anglican Church the name of "The Church of the Epiphany". At this meeting, John Wilson was appointed first Rector's Warden and later served as Church Treasurer. His son, Don Wilson, became the first lay delegate to the Synod, a position he would hold for more than 25 years.

In 1931, the original clapboard church building was erected on land donated by John Wilson, bordered by Belyea, East River, Sovereign and Trafalgar (now Bronte Road) Streets. It was built by Frank Sullivan, a local carpenter who like many during the Depression, was out of work at the time, at a cost somewhere between \$1,360 and \$2,400. At this point in its history, the Church had 12 member families.

The building was officially dedicated on September 30, 1931 and The Rector at the time was the Reverend John Cameron, who served until 1940.

As the church grew, the need for a rectory and church hall became apparent. With the arrival of Canon Russell Smith in 1947, work began to build a basement church hall at an estimated cost of about \$7,000. This structure had a roof supported by steel girders in order that a second storey may be built in later years. Meanwhile, Canon Smith, who vowed to stay only a few weeks served the church of the Epiphany for seven years.

In 1956, the Rectory and the present day church building were constructed. A fundraising campaign was held that year to offset the \$60,634 bill for the new church. That year, the Church of the Epiphany became recognized as a separate parish.

Although no longer the main church of the congregation of the church of the Epiphany, the old building remains in near original condition and is still used for various functions by the church.

Architectural Significance:

The old church of the Epiphany is a 20 by 30 foot white clapboard place of worship. Although it was built in 1931, the building is reminiscent of the gothic style of the nineteenth century with its pointed lancet multipaned windows, high gable roof, gabled porch and belfry. A tall brick chimney is situated at the rear of the church. The roofing material is currently asphalt shingle, however, photographs from the early 1930's indicate that it was originally wood shingle. The doors are in keeping with the original style, however, they were originally constructed with a 3 over 3 multipaned window, and painted white.

3. Reasons for Objection

Following are the reasons excerpted from a letter submitted to the Town of Oakville over the signature of Walter Asbil, Anglican Bishop of Niagara:

1. Designation under Part IV of the Ontario Heritage Act will have the effect of depriving the diocese of its freedom to make such disposition and arrangements with regard to the building as may become desirable in the future;
2. There are, at present, no plans to alter or move the building because of lack of funds. However, should funds become available, there are a number of options that need to be studied and the diocese should be free to take whatever action is considered best in the best interests of the parish and the local community;
3. The diocese believes that the church deserves preservation as part of the area's heritage, but is not willing to have its ability to make decisions with regard to the property put under any unnecessary constraints. The Bishop's Advisory Committee on Older Buildings and Heritage Designation and the parish leadership will be discussing the options in the near future.

THE TOWN OF OAKVILLE'S CASE

The Assistant Town Solicitor, Ms. Beatrice Howell, introduced Mr. David Cuming whom she called as a witness for the Town.

Sworn Testimony

Mr. Cuming presented a bound report (Exhibit 5), the basis of his testimony, which included his qualifications. He is principal consultant with Unterman, McPhail, Cuming Associates based in Hamilton. He received the major part of his education in Wales earning B.Sc.(Honours) in Town Planning Studies, University of Wales, 1973. For nine years he was employed by the Heritage Branch of the Ministry of Culture (variously titled) where he acquired broad experience from assigned activities as well as the development and policy and heritage district and municipal planning guidelines. His firm has been active in preparing many studies in Southern Ontario for municipalities as well as the Environmental Assessment Act. He has appeared frequently as a witness before a variety of provincial boards.

He began his testimony by referring to the Town of Oakville's Official Plan which states that a property being considered for designation must fulfill one or more of the following criteria:

- a) the building is associated with the life of a significant member of the community;
- b) the building has played a role in an important historic event;
- c) the building has architectural significance, value or interest due to building type, architectural style or period, or it is the work of an important architect or early builder;
- d) the building has contextual significance because of its position as an integral part of the surrounding streetscape.

The property at 141 Bronte Road therefore qualifies. It is situated in an irregular block bounded on the west by Bronte Road (arterial), on the east by East River Street, on the north by Belyea Street, and on the south by Sovereign Street. The designation refers to the "Old church" of the Epiphany located at the south end of the church lands in the south portion of the block. There are also later masonry

buildings added piecemeal to the north of the building which is the subject of the hearing.

Bronte is a settlement of the 1830's which grew by the mouth of Twelve Mile Creek. Its economic development was based on a progression of enterprises:

- a. saw and grist mill site,
- b. construction of a harbour for dredging works,
- c. fishing,
- d. boat building,
- e. stone hooking,
- f. wheat export,
- g. fresh fruit export,
- h. lake steamer shipping, and
- i. marina.

The harbour presence is still strong in the community now sharing space with plazas, offices and condominiums within the old village pattern of streets.

The historical and architectural importance of 141 Bronte Road was expressed succinctly in Mr. Cuming's report:

History The subject property is located in part of lot 15 in the Village of Bronte, now the Town of Oakville, formerly Trafalgar Township. The subject building is associated with the Wilson family, a family of late-nineteenth century immigrants from England and the church building and development activities of the Anglican Church. The Heritage Structure Report prepared by the Town of Oakville provides a detailed account of the Wilsons' life and activities. Briefly, the Wilson brothers, John and Isaac emigrated from England and settled in Oakville, Isaac in the east and John Wilson in the west, purchasing 210 acres of land near Bronte. Religious services were held in the Wilson farmhouse from the early 1900s to the late 1920s. In 1930 John Wilson was appointed first rector's warden and later served as church treasurer. In 1931 the present church was constructed by local carpenter, Frank Sullivan, on land donated by John Wilson and was formally dedicated on September 30, 1931. The land to the north of the church has witnessed further church related development and expansion.

Architecture The Church of the Epiphany is a small, frame, timber-clad church, characterized by a simple rectangular plan. The structure is an excellent example of vernacular building with Gothic stylistic influences.

Mr. Cuming enlarged on the meaning of "vernacular" and its apt application to the "Old Church" built by Frank Sullivan, a local carpenter, who had an eye for appropriate architectural design features and details. The rural village setting and ambience of the 1930s have gone but the "Old Church" remains on its Bronte Road site amidst changes all around. The witness concluded that the historical associations, architectural qualities and landscape significance adequately supported the Town's Reasons for Designation of the property.

Mr. Cuming then discussed the three points made by the objector(s). He wished to assure them that designation does not:

- a. prohibit or encumber future sales of the property,
- b. prohibit the study of future options (the parish may qualify for conservation study funds), or
- c. place restraints on decision making by the owners.

The Heritage Act is the only tool that municipalities have to manage changes to historic property. He noted that the Anglican Diocese of Niagara agrees that the "Old church" deserves preservation.

Cross-Examination

The following points were made or offered in response:

1. The "Old Church" of the Epiphany, when assessed, qualifies in three of the four criteria which define whether or not a building is worthy of designation in Oakville (see p.5 Exhibit 5).
2. This building has had a long association with the Wilson family who emigrated to the area and took a leading role in the community of Bronte. The association of people with buildings is an important factor. The Wilsons donated the land for the church site.
3. Although there are many vernacular buildings, this one is unique in this area and recalls a style long gone.

4. The "Old church" remains as an anchor to the past amidst great change and the disappearance of older structures in Bronte.
5. The needs of the few Anglican families in Bronte were earlier served by the Anglican communities in Pelham and Oakville. Many of the first settlers were Baptists. The Anglicans in Bronte built their own church which initially accommodated the few families. For some reason it was not consecrated until 1937, and within 20 years, (post-war growth) the parish had outgrown it.

By this time, the very cordial and friendly discussion had headed off into territory which was, in effect, the Presentation of the Objector's Case:

The Church officers expressed their particular concerns as objectors.

1. The emphasis on the Wilson family was questioned, and although they were members of the Anglican community, they did not feel they were important in an unusual sense.
2. The weight attached to the architecture of the "Old church" was also questioned as they felt, on the whole, it lacked rich qualities of a degree worthy of protection.
3. The landscape significance hardly entered the picture in their estimation, it being only a small building that eventually came about in a field and while it may still be on its original site it is at a great disadvantage being set 18 inches from a 1950s hall.
4. The Anglican Diocese of Niagara has no intention or desire to knock down or destroy the Old Church of the Epiphany.
5. The building should be removed to a park-like setting for use as a meeting place or other agreeable use.
6. The building has been deconsecrated as an Anglican church and out of respect for its history and parishioners the diocese would stipulate that no weddings take place in it as a deconsecrated structure.
7. The Intention to Designate was spurred by thoughts that it would be torn down.

8. The issue would only be delayed by designation; the parish has no use or plans for it; the building is not in good condition as the report says - the wooden foundation posts having perished; and it will eventually collapse.

When the Church officers announced that the above was the thrust of their objection, the Board Members realized they had been remiss in the taking of oaths. Everyone present believed and agreed that the worthy gentlemen representing the Anglican Diocese of Niagara and parish of the Church of the Epiphany had been telling the truth and the whole truth in the to and fro discussion.

In the continuing discussion these items were given clarification:

1. Designation

- a. A lawyer can clarify what designation does or does not do.
- b. Reasons are part of the Designation and are appended to the by-law. Any changes require approval of Town Council.
- c. Demolition is permitted in the current Heritage Act. Removal is possible.
- d. There is financial maintenance (and possibly study funds) available for designated properties.
- e. The uses of a designated property are not controlled by the Heritage Act. Many former churches now have other uses in their communities.
- f. Only five or six buildings in the Bronte section of Oakville have been designated.

2. The Parish

- a. The building would be donated to another congregation starting up.
- b. The building would also be given to a park on condition of respecting its original use and parishioners.
- c. As far as is known, there have been no burials on the site or the one-time orchard around it. There is no evidence in parish registers.
- d. The wishes of the parishioners who used the "Old Church" would be heard.

Cross-Examination by the Town: None.

Summation by the Town of Oakville - Ms. Beatrice Howell,
Assistant Town Solicitor

The Heritage Act of Ontario states that buildings may be designated for architectural and historical value or interest. In the case of the Old Church of the Epiphany both of these points have been met.

The letter of objection, in essence, underlines and supports points in the Cuming Report. Therefore, both sides are really working toward the same goal and the best intention is to see it preserved.

Summation by the Objector - The Church officers agreed between themselves that the concluding remarks on their behalf had already been given and declined to offer a summation.

The hearing adjourned a little short of 12 noon (having begun at 10 a.m.).

FINDINGS OF FACT - Conclusions

1. The Old Church of the Epiphany is worthy of designation.
2. The research by the Town's staff and witness was excellent and commendable.
3. The position of the owners to see the building preserved is also commendable.
4. The building is currently in a neglected state.
5. There is a very small number of properties designated for protection in the Bronte portion of the Town of Oakville.
6. The hearing was friendly and the participants respectful but it was an expensive means, at taxpayers' expense, for both sides to hear the elements of each other's case described.

RECOMMENDATIONS OF THE REVIEW BOARD

We have carefully considered the evidence of history and architecture related to the subject property of the hearing in the finding of fact. From the evidence placed before it, and in the opinion of the Review Board, there are sufficient reasons to support the designation of 141 Bronte Road (Old Church of the Epiphany) and we recommend that the designation process should proceed for the benefit of the people of Ontario.

Points for Consideration

The Conservation Review Board may only make recommendations regarding the designation of properties with clear title. We offer the following thoughts for your consideration with respect to the "Old Church".

1. Moving the simple frail structure, a surviving anchor of Bronte's past, to another site may be judged very unkindly by future generations of Ontario residents.
2. A decision will have to be made about which is ultimately more important - the "Old Church" or the 1950s structure placed against it. Some may argue that they are equals.
3. The Board is convinced that the parties concerned, Church and Town officers, in friendly concert, will arrive at a wide selection of possible re-uses for the building from which to choose a solution satisfactory to the majority.
4. The "Old Church" should be carefully recorded, as it stands and when repaired, for posterity - measured drawings, black and white photography only, and a cache of architectural evidence and samples. Volunteers with close guidance of heritage staff can be productive.
5. Asphalt up to a metre away from the foundation should be removed to prevent shrinkage of the earthen support pad. Inexpensive flowers (not shrubs) in the space would bolster the charm of the building.

We trust that our report will be useful.

(Signed)

Heather Broadbent, Vice-Chairman

James Anderson, Member

LIST OF EXHIBITS

1. Affidavit, signed by N. Smith with annexed notice of the Conservation Review Board hearing scheduled for 29 June 1994 in the Oakville Town Hall which was published locally during June 1994. Dated 23 June 1994.
2. Heritage Structure Report (photocopy) prepared by Planning Services Department for the Mayor and Members of Oakville Town Council concerning 141 Bronte Road and submitted 7 Jan. 1993.
3. Excerpted Town of Oakville Council Minutes (Fax copy) recording that the building located at 141 Bronte Road be designated under Part IV of the Ontario Heritage Act. Dated 18 Jan. 1993.
4. Copy of Ownership (photocopy) as recorded in the Office of Land Titles, Milton, identifying the incumbent and Church wardens of the Church of the Epiphany as owners of Lot 74 Plan M-7.
5. Bound Report on 141 Bronte Road property prepared for the Town of Oakville by Unterman, McPhail, Cuming Associates for the Conservation Review Board hearing. Dated June 1994.
6. Letter (Fax copy) signed by Walter Asbil, Anglican Bishop of Niagara to Judith Muncaster, Clerk, Town of Oakville, objecting to the proposed designation of 141 Bronte Road property by the Town of Oakville. Dated 29 June 1992.