

**Ministry of Tourism,
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Conservation Review Board

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**Ministère du Tourisme,
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Commission des

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**RE: TOWN OF OAKVILLE - INTENTION TO DESIGNATE
"THE AMOS BIGGAR HOUSE"
502 DUNDAS STREET WEST, OAKVILLE, ONTARIO**

Heather Broadbent, Vice-Chairman
Barbara Humphreys, Member
Conservation Review Board

November 23, 1994

The hearing was convened at 1225 Trafalgar Road, Town of Oakville on November 23, 1994, pursuant to section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Ch. 0.18, 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 heard, the property known municipally as 502 Dundas Street West, Oakville, should be designated by by-law under the Act.

The owners of the property, Lapad Inc., had originally objected to the designation based on a report (not entered as evidence but contained in the Board information package) which said the building would be expensive to renovate and preserve, but did not say the building had no historical value as claimed in their original letter to the municipality.

Due to the inclement weather, the Board was not able to view the building until the afternoon.

Notice of the hearing was given under the Act in the *Oakville Beaver* newspaper on October 21 and 28, and November 4, 1994, by the Board, the relevant affidavit by a member of the Board's staff being Exhibit #1.

The Case for the Town of Oakville

Beatrice Howell, Assistant Solicitor for the Town of Oakville, presented the case for the Town of Oakville. There were no objectors present.

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Ms. Howell tabled as Exhibit #2 a letter from the owner's lawyer indicating that they withdraw their objection to the designation based on criteria outlined in their draft subdivision agreement with the Region of Halton. Entered as Exhibit #3 was the proof of ownership. Exhibit #4 was an uncertified copy of a letter from R. Mohammed, Regional Commissioner of Planning & Development for the Regional Municipality of Halton, indicating Draft Approval of 24T-93015/O, the land on which the subject building is situated. Exhibit #5 is a Staff Report and motion from the LACAC on designation of the building. Exhibit #6, a certified copy of the motion to designate 502 Dundas Street West from the Town of Oakville Council Minutes of December 7, 1992.

Daniel Shawson was the original owner of Lot 20, Concession 1, south of Dundas Street. After acquiring the property in 1808, he sold to United Empire Loyalist Amos Biggar in 1815. Biggar is credited with building the subject house probably before 1820. Purchased by Phillip L. Box in 1843 and probably enlarged by him, it was sold in 1853 to Jonathan Pettit. The staff report records a wood and stone barn behind the house. The Board could not determine if this was the building immediately behind the house or if this building had already been demolished.

Already standing in 1837, the house was later purchased by members of a family who supported the government at the time of the "MacKenzie Rebellion". Thus this building is one of very few that has survived in Trafalgar/Oakville from this period of Ontario's history.

Subsequent owners were the Kings, who moved to Trafalgar Township around 1890 and purchased the farm in 1903. They reared at least nine children there. Later owners were Harriet Pierce Bunting, and Taymouth Industries Limited.

Architecturally, the Staff Report suggests an 1816 date and describes the style as Classic Revival. It is a 1 1/2 storey rectangular frame, with single storey additions on either side. It has original narrow weatherboard siding, multi-paned windows with classical pediments and doorway. Alterations to the building have been in keeping with the original. This building was featured in the book *"The Governor's Road"* by Byers and McBarney.

Other Presentations

None.

Objections

As previously stated, objections were withdrawn and suggestions for preservation of the site are contained in Draft Subdivision 24T-93015/O.

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Findings

As a result of the site visit, the Board concurs that this is a very old building and was probably built during the Amos Biggar era. As previously noted, Section 40 of Draft Approval subdivision 24T-93015/O Schedule A states:

"That the owner agree in a Subdivision Agreement that the existing dwelling which is in the process of being designated as a heritage building under Part IV of the Ontario Heritage Act by the Town of Oakville on the lands owned by Lapad abutting to the north of the subject lands be preserved and that the preservation of the building may take one of several forms that are satisfactory to the Town of Oakville including but not limited to:

- a) the heritage building remaining in its present location and incorporated into the design of the commercial development to the satisfaction of the Town of Oakville;
- b) the heritage building being relocated within the commercial block and incorporated into the design of the commercial development to the satisfaction of the Town of Oakville;
- c) the heritage building being relocated from the commercial block to other lands that may be acceptable to the relevant landowner and to the satisfaction of the Town of Oakville the preservation of the heritage building would be the responsibility of the owner and any preservation measures would be at the expense of the owner. The method of preservation would be resolved prior to site plan approval of the commercial development."

The Board further notes that the area surrounding the house and barn have high potential for archaeological evidence of both historic and pre-historic habitation. It was noted that the conditions for approval did not require an archaeological assessment under Sections 2 & 50 of the Planning Act.

Conclusions

The Board found the site visit most depressing. No proper security or securing is evident and any Town housekeeping by-law is not being enforced. If the building is not stabilized in the immediate future, any alternative suggestions contained in Draft Sub-division approvals will be pointless. The Board trusts that the neglect is not deliberate.

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Recommendations

The Conservation Review Board confirms that the Town of Oakville acted appropriately in undertaking the heritage designation of the building at 502 Dundas Street, Oakville, for its historical architecture and local heritage associations.

The Board further recommends that the municipality immediately initiate steps to record, measure, and photograph the building and ensure that the owner boards up the structure and undertakes a daily (if necessary) inspection of the property until such time as one or the other of the suggestions in the draft plan can be implemented.

The Board also recommends that Draft Plan Approval 40.a. is the most appropriate option for this building. If the barn has not been removed, it too should be thoroughly recorded.

The Town of Oakville should further inform the owner that it will expect fulfilment of at least one restoration option whatever the condition of this important historical building at the time of final subdivision agreement and registration.

(Signed)

Heather Broadbent
Vice-Chairman

Barbara Humphreys
Member

List of Exhibits

Exhibit #

1. Affidavit of Notice of Hearing.
2. A letter from the owner's lawyer indicating that they withdraw their objection to the designation.
3. Proof of ownership.
4. Letter from R. Mohammed, Regional Municipality of Halton.
5. A Staff Report and motion from the LACAC on designation of the building.
6. A certified copy of the notice of intention to designate