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**Conservation Review Board**

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## **CONSERVATION REVIEW BOARD**

**RE: THE CORPORATION OF THE CITY OF BRAMPTON – INTENTION TO  
DESIGNATE 40 ELIZABETH STREET SOUTH (KNOWN AS THE ROYAL  
CANADIAN LEGION BUILDING)**

Jill D. Taylor, Vice-Chair  
David Davies, Member

April 2, 2001

This hearing was convened under Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, C.O.18 (as amended) for the purpose of reporting to the Council of the City of Brampton whether the property known as the “The Royal Canadian Legion Building”, 40 Elizabeth Street, Brampton, Ontario, hereinafter referred to as the Royal Canadian Legion Building, should be designated by By-Law, under the Act, an objection having been raised by Mr. John Owens, a neighbour of the property.

A Notice of the Hearing was given under the Act in the “Brampton Guardian” on March 21, 2001, the relevant Affidavit by the Board being Exhibit 1.

The Board, in accordance with its customary practice, had the opportunity to view the site and the surrounding area prior to the hearing.

Present: Janice Atwood-Petrovski, Solicitor for the City of Brampton  
Dan Nicholson, Heritage Planner for the City of Brampton  
Mr. John Owens, Neighbour (resident)  
The Public  
Mr. Paul Hunt, Brampton Historical Society  
Mr. Irving Johnstone, Resident  
Ms. Heather Gunter, Resident

The Corporation of the City of Brampton was represented by Janice Atwood-Petrovski, Solicitor who called one witness: Dan Nicholson, Heritage Planner for the City of Brampton. The Objector was Mr. John Owens of 50 Elizabeth Street South, Brampton.

The owner, the Royal Canadian Legion, had previously withdrawn its objection to the proposed designation and was not formally represented.

## **THE CASE FOR THE CITY OF BRAMPTON**

The City provided the Board with a copy of the Transfer / Deed of Land certified by the Deputy Land Registrar, Ontario Ministry of Consumer and Business Services confirming ownership by the Royal Canadian Legion (Exhibit 2). The City, through Ms. Atwood-Petrovski, provided the Board with a copy of a document entitled, "List of Exhibits", which was accepted as Exhibit 3. Contained in Exhibit 3 were Items 1 through 9, including a copy of the Notice of Withdrawal of Objection by the Royal Canadian Legion, and the Reasons for Proposed Designation of the Royal Canadian Legion Building.

Ms. Atwood-Petrovski briefly reviewed the List of Exhibits book with the Board, and Mr. John Owens was given a chance to review the material.

Ms. Atwood-Petrovski provided information relating to the qualifications of the witness, Mr. Dan Nicholson. The Board was satisfied that Mr. Nicholson could give evidence as an expert and was qualified to give expert testimony with respect to matters in the heritage field.

### **Mr. Dan Nicholson, Witness**

Mr. Nicholson is the Planner who prepared the staff report for the Planning and Building Committee regarding the Appeal to the Conservation Review Board. The witness described a chronological summary of events leading up to the date when Council passed a resolution to issue a Notice of Intention to Designate the Royal Canadian Legion Building. Mr. Nicholson stated that there were two objections to the proposed designation, one from Mr. John Owens, a neighbour to the property, and one from the owner, the Royal Canadian Legion, Branch 15. The Legion had withdrawn its objection in a letter included in Exhibit 3 (Item 7).

In reviewing the staff report presented in Exhibit 3 (Item 5), Mr. Nicholson described the primary Reasons for Designation as historical, architectural and contextual. He described the building as a Class 'A' Building, which received the highest score ever tallied when reviewed for the Brampton Heritage Inventory. The witness reviewed the relevant portions of the City of Brampton Official Plan that described designation as a way of conserving and protecting the City's heritage resources.

The witness stated that the Royal Canadian Legion had formally been known as "Alder Lea". The expansive residence at 40 Elizabeth Street South, had been built c. 1865-70 for prominent business and political leader, Kenneth Chisholm, MPP. Kenneth Chisholm was described by the witness to be one of the most influential men of the mid to late nineteenth century in Peel County. His accomplishments ranged from highly successful businessman in Brampton and Orangeville, to member of Brampton Council, to first Reeve of Brampton and Warden of the County of Peel. Chisholm as well held the roles of postmaster and registrar for Brampton and was elected to the Ontario Legislature as MPP, where he served for nineteen years. He was a benefactor who donated time, land and materials to various organizations and institutions in Brampton. "Alder Lea" was sold to the Royal Canadian Legion in 1944.

Mr. Nicholson referred to the architectural Reasons for Designation, describing “Alder Lea” as a prominent Italianate building at the top of the rise which overlooks the City-owned Gage Park. Distinctive elements of the building include its scale and proportion, its central projecting bay, projected eaves and brackets and large belvedere. Its outstanding front elevation faces Gage Park, and although significant alterations have caused the loss of some of the historical features, the east and north facades of the building were described as being very much intact. The witness indicated that the contextual significance of the building was of great importance. Gage Park, formerly the landscaped front ‘yard’ of “Alder Lea” had been purchased by William Gage, and in 1895 presented by Gage to the municipality. Gage Park is now the most prominent civic space in the City of Brampton. Together, “Alder Lea” and the civic park represent a highly significant asset within the City of Brampton.

Mr. Nicholson described the context for the discussion that prompted the City to propose to designate the building, in particular, the fact that the Legion intended to sell the building. He summarized by indicating that the proposed designation was a suitable method of helping to protect this extremely valuable resource.

In cross-examination, Mr. Owens asked Mr. Nicholson if the Municipality or Board had ever previously proposed a designation without the approval of the Owner. It was Mr. Nicholson’s response that he was not aware of a similar case in Brampton, but that it was common practice in Ontario to designate without the consent of the Owner. Mr. Owens asked Mr. Nicholson how many properties were presently being considered for designation by the City of Brampton. Mr. Nicholson answered that in addition to the Royal Canadian Legion Building, a heritage bridge spanning the Credit River at Creditview Road was a Class 'A' structure which was being designated.

The Board asked Mr. Nicholson if there were plans to elaborate in the Reasons for Designation between the architecturally significant Italianate structure and the additions made by the Legion. Mr. Nicholson responded that the later additions were functional rather than architecturally significant, and that the City’s focus was on the original architecture. The Board enquired as to the significance of interior elements of the original building, and Mr. Nicholson stated that the building had been substantially renovated on its interior, and that the City had not outlined any specific features of note.

## **THE CASE FOR MR. JOHN OWENS**

### **Mr. John Owens**

Mr. Owens stated that he was a neighbour of the Royal Canadian Legion Building. He reviewed a number of reasons which were part of his objection to the proposed designation including his opinion that the contribution of Kenneth Chisholm to the history of Brampton did not merit the designation of his personal residence, and that additions built by the Legion at the rear of the property obscured a large proportion of the original, historic architecture. It was his opinion that the appearance of these additions was inappropriate to the residential neighbourhood, being inconsistent with the surrounding homes, and he expressed concern that future development might result in further loss of residential identity along Elizabeth Street South. Mr. Owens emphasized that he felt that designation was an encumbrance which would impede the sale of the building. He also felt that the initiation of the procedure to designate without Owner approval was unusual.

A number of members of the public asked to speak prior to the closing summaries of the City and the Objector.

### **STATEMENTS FROM THE PUBLIC**

#### **Mr. Paul Hunt, Brampton Historical Society**

Mr. Hunt offered congratulations to the City for the recommendation to designate the Royal Canadian Legion Building without Owner consent. He offered the opinion that to back designation without Owner consent was a huge step forward for preservation in the City of Brampton, and indicated that the building should be saved, and put to suitable use. Mr. Hunt offered a number of suggestions of possible use, including city museum, art gallery, or period house museum. In his opinion, the assets of the building included its proximity to the City Hall, and ample automobile parking on the lot; he added that there were original intact historic interior features, including stained glass windows.

In closing, he indicated that the Legion had the foresight to buy the building in the past, and that the community should act to ensure the preservation of the historic building. Mr. Owens asked Mr. Hunt whether these opinions had been shared by the Historical Society with the City of Brampton. Although Mr. Hunt was unaware of any such discussions, Ms. Sharon Peet of the Brampton Heritage Board indicated that these matters had been discussed with the City in informal meetings.

#### **Mr. Irving Johnstone, Resident**

Mr. Johnston stated that he had been a resident of Brampton for ten years, and that he was a member of the Legion. He commented that the City had known of the impending sale for one year and that there was as yet no viable tenant. He was concerned that the building would prove costly to the City.

#### **Ms. Heather Gunter, Resident**

Ms. Gunter indicated that she was a resident and member of the Historical Society. She stated that she was dismayed that there was little commemoration of history in Brampton, and that she was in favour of the designation of the property.

### **FINDINGS**

The Board finds that the Royal Canadian Legion Building is of sufficient historical, architectural and contextual value to merit designation for a number of reasons:

1. The building is one of the most established and highly visible landmarks within the City of Brampton.
2. The building terminates an extremely important vista across Gage Park, and due to its height, can be seen from a long distance.
3. The building is of overwhelming importance to its historic context as well as being a centre piece of the overall plan of downtown Brampton.

4. The original architecture in its massing and detail is a fine example of the Italianate style.
5. The building's principal north and east elevations and roofscape are largely intact and are worthy of preservation.
6. The owner and occupant Kenneth Chisholm was a business and civic figure who left a significant mark on Brampton and Peel County at a formative period of development.

The evidence presented by the City's witness was detailed, especially as it related to the historical importance of the original owner of the property. The Objector did not offer a tangible rebuttal to the significance of the property on historical, architectural or contextual grounds.

## **RECOMMENDATIONS**

It is therefore the recommendation of the Board that the Royal Canadian Legion Building at 40 Elizabeth Street South in the City of Brampton be designated by By-Law under Part IV of the Ontario Heritage Act.

This property is representative of the highest level of heritage significance to the City of Brampton, and its preservation is critical to the historical integrity of the civic park. It is the Board's sincere hope that an owner may be found for the building whose goals are compatible with preservation and restoration of the nineteenth century architecture and grounds.

The Board strongly recommends that the City engage in discussions which explore ways of establishing appropriate partnerships for public ownership and use of the building and site. If this option is not viable, it may be possible for the City to assist the Legion in finding a new owner so that a satisfactory outcome may be achieved for all.

It is also recommended by the Board that, once designation has been completed, that the City undertake a review of the interior and exterior of the building in order to establish a distinction between the elements of the building which are of significant heritage value, and those which are not. Such a review, along with preliminary guidelines for development, may provide information to a potential owner regarding their options for future use of the site, and may serve to reassure the neighbouring residents that the residential nature of Elizabeth Street South will be preserved.

The Board strongly urges all parties to work toward the preservation and restoration of one of the most significant heritage sites in the City of Brampton.

(Original Signed By)

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Jill Taylor, Vice-Chair

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David Davies, Member