



Conservation
Review Board

Commission des
biens culturels

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Ministry of Tourism,
Culture and Recreation

Ministère du Tourisme,
de la Culture et des Loisirs

**RE: TOWN OF OAKVILLE - INTENTION TO DESIGNATE
385 TRAFALGAR ROAD, OAKVILLE, ONTARIO**

Judith Godfrey, Vice-Chairman
Heather R. Broadbent, Member

May 25, 1992

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 of the Notice of Intention given by the Council of the Town of Oakville to designate 385 Trafalgar Road as being of architectural value and historical interest under Part IV of the Ontario Heritage Act.

Beatrice Howell, Assistant Solicitor, Town of Oakville
Mrs. Inge Bustard - owner and objector
J. R. Denton, Duca Community Credit Union - objector

The Conservation Review Board attended at the municipal offices in Oakville on May 25, 1992. The public hearing was reconvened from the adjourned hearing held on March 30, 1992 and was conducted in order to determine whether 385 Trafalgar Road should be designated as having architectural and historical value. The Board visited the property before the first hearing. The hearing was convened at 10:00 a.m. and proof of ownership was reconfirmed to Inge Bustard. Mr. J. R. Denton gave sworn testimony regarding his company's fiscal interest in the property which is presently under power of sale. Both Mrs. Bustard and Mr. Denton objected to the designation, Mrs. Bustard having submitted her objection prior to the Intention receiving Council endorsement. Mr. Denton also asked for another adjournment but the Board declined pointing out that the hearing had already been adjourned and reconvened.

Ms. Howell, after a brief overview of the historical and architectural significance, confirmed that it was the wording in the longer staff report on the property rather than the published notice which should be considered to be the true Reasons for Designation. The Town called as its witness Mr. Peter Cooke whose credentials were given to the Board. In his evidence, Mr. Cooke said that the main portion of the house was

built in 1881 and was a fine example of a red brick dwelling in a classical layout and that the present front faces on to Trafalgar Road. It was built by William Bigger Chisholm who was the grandson of William Chisholm, the founder of Oakville. Son of John A. Chisholm, the younger William had spent his early years on the surrounding property where his father had established a strawberry farm and a small fruit basket factory.

The staff report on the property confirmed that, later, the younger William and his cousin Charles started the Oakville Basket Company. The Company went on to become a major factor in Oakville's prosperity. As a result of his participation in the company William was able to build the house and lived in it until his death, after a series of heart attacks, in 1889. His family continued to live there until 1904. In the contextual analyses the house is described as being pivotal to the concept of the gateway to historic Oakville. Thomas Granger Wilson purchased the house in 1907 and William Thomas Merry was the owner from 1919 to 1944. Each owner, especially Merry who was a builder, and subsequent owners, contributed additions to the house in a largely compatible manner. Architecturally the house is a blend of several styles of architecture popular in the late Victorian era. The architectural description in the staff report referred to two items and used architectural terms which could not be identified on the building. Neither did the report clearly identify the portions of the building which are very recent. There was discussion on whether the blue paint on the shutters should be interpreted as original or merely the shutters themselves.

Mr. Cooke, in closing his evidence, said the building merited designation due to its rarity, associations with Oakville's founding family, its inclusion in a possible extension to Oakville's Heritage Conservation District and the appropriateness of its scale in relationship to the rest of the historic streetscape. In answer to questions, Mr. Cooke confirmed that the term "traditional architecture" did not mean rare or different and that although various features might be reproduced today, did not necessarily render them insignificant. By using an example, the Board was able to illustrate the relevance of original material as opposed to restored or reproduced.

In their separate evidence, Mrs. Bustard and Mr. Denton both stated that they feared designation would complicate the rezoning of the site which had been rejected by Oakville and appealed to the Ontario Municipal Board. (At the earlier hearing Mrs. Bustard had requested that the Board hearing be delayed until after the, as yet unscheduled, Municipal Board hearing. The Board had notified Mrs. Bustard at the time that this was not the prerogative of the Conservation Review Board).

Mrs. Bustard described to the Board the evolution of the house, as she understood it. She elaborated on the construction of

various additions which resulted in the Spruce and Trafalgar facades and the second floor of the south portion, (to about half-way back on the south side), being the unaltered 19th century portions of the building. Mrs. Bustard agreed that she had no architectural expertise and that she really liked the building. She went on to say that she would agree to the designation if there could be some guarantees that the designation did not apply to the rear portion of the building on the south side where the 20th century alterations (some very recent) had occurred.

Mrs. Bustard also agreed that the Ontario Heritage Act did not restrict her as much as she originally thought but that she was concerned as to how the Act might be interpreted locally. She also said that any future plans for the building that she might have, if her appeal to the OMB was successful, would be very sympathetic to the original portions of the building.

In his evidence, Mr. Denton enquired about the possibility of partial designation. He explained the future problems associated with the large size of the existing building. He too indicated that he could accept a partial designation with no restrictions on the portions of the building which were already altered or added in the recent past.

In summation, the Town drew attention to the evidence that had illustrated that all witnesses had a sensitivity to the historical and architectural values of the building and that objections to the designation related more to the inability to rezone, than disagreement about its historical relevance. The Board was reminded that the Act states that buildings can be designated for both historical and/or architectural reasons and this building's association with Oakville's founders suggested the proposed designation could stand on historical relevance alone.

RECOMMENDATION:

In the opinion of the Conservation Review Board the Corporation of the Town of Oakville acted correctly in designating the building at 385 Trafalgar Road under Part IV of the Ontario Heritage Act, R.S.O. 1990.

The Board strongly recommends to the Town of Oakville that the Reasons for Designation remove unclear architectural terminology like "pedimented" and "temple plan" and restrict the designation to those portions of the building that have not been altered in the latter parts of the 20th century; namely the Spruce Street and Trafalgar Road facades and on the south side, the second floor to approximately half-way back. The Board also recommends that the Corporation reconfirm that it is the shutters that are relevant to the designation and not their present colour.

In the Board's opinion the historical, architectural and contextual relevance of the building, in relationship to the connections to the founders and founding of Oakville and as an example of vernacular Victorian architecture, make it an appropriate choice for historical designation under Part IV of the Ontario Heritage Act, R.S.O. 1990.

(Original Signed By)

Judith Godfrey, Vice-Chairman

Heather R. Broadbent, Member

EXHIBITS

- 1 Proof of Notice of reconvened hearing
- 2 Certificate of Transfer of Land resubmitted (Document #732741)
- 3 Abstract of Title. Block C. Plan 35.
- 4 Certified copy of Staff Report on 385 Trafalgar Road, Oakville
- 5 Certified copy of Council resolution of Notice of Intention
- 6 Certified copy of the Minutes of Council containing the referral of Mrs. Bustard's objection to the Designation.
- 7 Location map
- 8 Resume of Mr. P. Cooke
- 9 Photographs of 385 Trafalgar Road
- 10 Photographs of 385 Trafalgar Road