



Conservation
Review Board

Ministry of
Culture and
Communications

Commission des
biens culturels

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**RE: CITY OF GUELPH - INTENTION TO DESIGNATE
511 WHITELAW ROAD, GUELPH, ONTARIO**

Judith Godfrey, Vice Chairman
John T. Fleming, Member

October 29, 1991

Hearing pursuant to Section 29(8) of the Ontario Heritage Act, 1980, Chapter 337 of the Notice of Intention given by the Council of the City of Guelph to designate 511 Whitelaw Road as being of architectural and historical value and interest under Part IV of the Ontario Heritage Act.

Lois Payne - for the City of Guelph
Joe Wolfond - for Armel Corporation, the owner and objector

The Board attended at the City Hall, Guelph on Tuesday, October 29, 1991. A public hearing was conducted in order to determine whether the property having the municipal address 511 Whitelaw Road should be designated as having architectural and historical value.

It was acknowledged by all parties present that Armel Corporation is the registered owner of the property and that all procedures stipulated by the statute had been complied with (Exhibits 1, 2, 5, 16. a), and 16. b). The Board, as its usual practice, viewed the property prior to the hearing.

The first witness for the City of Guelph, Ms. Karen Frosch, gave evidence in favour of designation. Ms. Frosch has been a planner with the City of Guelph since 1988 and is the LACAC Coordinator for the City. She indicated the property, approximately 1.3 acres, is zoned R1BR and is adjacent to a large tract of land to the west with the same owner (Exhibit 4). Part of this land was subdivided by the owner into small regular sized lots with forty to fifty feet frontages on which are built single family homes. There are no planning applications on the adjacent land. A demolition application for the buildings on the subject site was submitted on January 14, 1991 and refused. The City's resolution of notice of designation was approved and notice was published April 5, 12 and 19, 1991 and sent to the owner.

Historical evidence is as follows: the one and one-half storey house was built before 1860 (probably 1840, as the 1851 census is lost) and belonged to Thomas Whitelaw who purchased an 83 acre parcel from the Canada Company in 1845 (Exhibit 6). The Company owned the entire area around Guelph.

Thomas Whitelaw, born September 10, 1818, in Scotland, emigrated and originally worked on steamships with his older brother. He purchased the property and developed it into a prosperous working farm. Thomas's wife, Mary Goudy, was born in York in 1830. Her Irish parents moved to Guelph and farmed in Waterloo County. Mary's brother, Thomas Goudy, was very important in Guelph's development; in the farm implement business, Toronto Lime Company and as Director of the Guelph Junction Railway. He also served as mayor of Guelph.

Both Thomas Whitelaw and his brother William enjoyed extensive agricultural productivity on their farms and were well known for breeding Leicester sheep and shorthorn cattle (shown at the St. Louis World Fair). The property is part of the Paisley Block, patented in 1829, and surveyed in 1830. The first settlers in the area arrived c. 1825. The Paisley Block and Scotch Block were settled by Scottish settlers from 1829 through the 30's and 40's. This land was predominantly very fine agricultural land.

The house is set back approximately one hundred feet from the street, on a knoll, and it is now boarded up. It is a one and one-half storey stone house of the 1840's/50's, with a later stone addition (probably 1860's) to the rear - likely a summer kitchen. The materials of the facade are local random cut limestone with ribbon or tape pointing. The rest of the foundation and remaining walls are granite fieldstone. There are two stone chimneys at each end of the original house. It is simple Georgian architecture. The doors and windows and other openings have limestone block lintels.

Although the drainage and sanitary services for the new subdivision have produced somewhat of a problem, the LACAC architects feel the structure is still sound. The witness stated that the house complies with the LACAC criteria in that it is of an early period, the person who lived in the house was important locally; it was associated with an important event (in this instance, was one of the earliest homes in the Paisley Block); it shows the progression of development from log home to stone and is indicative of the growth and development of the area.

Architecturally, the house complies with LACAC criteria for designation in that it is representative of a method of construction (fine Scottish stone masonry work), and style (Georgian); it makes an important contribution to the streetscape in that it is the only remaining Paisley Block farmhouse within the City boundaries and is a single family house in an area of single family houses. The witness stated that both the Whitelaw family's importance and the house as one of the few remaining links to the rural way of life, merit designation of the property. The witness also stated the importance of the black walnut tree on the front lawn, which was not specified in the reasons for designation.

The next witness was Professor Gil Stelter (C.V. Exhibit 19), a Professor of History at the University of Guelph. Prof. Stelter is an expert witness and the recipient of many honours and research grants. He has participated in many scholarly and professional activities and workshops; teaches Canadian history and historiography and history related to the City; is the author of numerous books, chapters in books, papers and referenced journals, and papers in referenced conference proceedings, technical reports, abstracts and/or papers. He stated that the house is very important in Guelph's history. Three major factors in the development of Guelph, shared by 511 Whitelaw Road, include the Canada Company connection in which 42,000 acres was planned in advance by John Galt with the town in the centre to make surrounding land more valuable, i.e. town and country were planned together. Secondly, that local limestone, of a warm amber hue, was used in the house. The house is a good example of the Scottish character in the use of fancy stone on the front, cheaper stone inside, with beautiful proportions and a simple, symmetrical design. Thirdly, the City of Guelph has always had an agricultural orientation and is a "country town" in a more serious way than any other town in Ontario in that, from the beginning, money and education was important. Stock breeding of a very high standard was developed as part of this philosophy. The development of the Guelph Winter Fair and the location of the Agricultural College in Guelph attest to this agricultural importance.

In Guelph, the Paisley Block is symbolic of sophisticated agriculture and the Whitelaw name is symbolic of that as well as being one of the first pioneer families in the area. The house, if retained, could add to a sense of time on the street, and will serve to connect the subdivision to a real time (the 1840's) and place, which is a great addition to an ordinary subdivision.

It was the witness's opinion, based on his own restoration experience with a similar stone structure, that there are no major structural faults and that a new roof, soffits, fascia, etc. would not exceed \$200,000; well worth the cost to retain a house of this rarity. He stated that the house is not a fancy mansion, not a lot of decoration, but that in his opinion it is a gem, and worthy of preservation. He suggested the City be flexible in order that the owner be able to save a building of great significance not just to the surrounding development but to the whole region. His opinion is that this farmhouse helps to interpret an important part of Ontario's history.

The witness reiterated the value of the house. He stated that it is a vernacular building, built by a craftsman not an amateur, (e.g. stone quoins), with stone from the Speed River area, a soft limestone that carves easily and hardens in time. In his opinion, to build a comparable stone house today would cost over \$300,000. He believes the developer and the City have a creative opportunity for this house to be the centrepiece of the Whitelaw community.

The next witness was Professor W. Chandler Kirwin (C.V. Exhibit 20), Associate Professor, University of Guelph, Department of Fine Art. Professor Kirwin teaches art and architectural history as well as history, and is the recipient of many Canadian and international awards; he is the author of many books and has participated in numerous professional associations, exhibitions, conferences, workshops and lectures, together with community responsibilities. He lives in the Guelph area in an 1865 house and was personally involved in the day-to-day details of its restoration.

Professor Kirwin is very familiar with 511 Whitelaw Road and reported that in early times the drovers going to the market from this house helped pay for the house. The stone quarry was on the way from the market to the subject property. He described the house as a one and one-half storey Georgian cottage c. 1840-50; a very important early example of a stone farmhouse. It is the only one still remaining within the City boundaries. The main facade is finished with random course limestone, with elaborately carved heavy stone lintels and sills. Of the one hundred and fifty or so examples of Georgian cottages in the Province, it is his observation that there are perhaps only one or two other examples with the unusual feature of the quoins placed in small squares as in 511 Whitelaw Road, and that only a master mason would know how to lift these small quoins in place.

Professor Kirwin is of the opinion that the summer kitchen addition is worthy of preservation. The kitchen is a later addition, probably 10 years, which utilizes the same method of masonry construction (perhaps the same mason) as William Whitelaw's barn front. William was Thomas Whitelaw's brother.

Regarding the interior, the witness stated the interior of the house should be carefully inspected by LACAC as there may be simple details which should be preserved. The other buildings on the property are approximately 1920's or 30's; the drive shed was probably constructed from the barn timbers of the original barn.

It was the Professor's opinion that 511 Whitelaw is structurally sound, the door and window sills are solid, and the chimneys may be original which is unusual. The house does need some work but would be mainly cosmetic. The witness believes every effort should be made to restore this architecturally and historically important house to its original condition.

Regarding the siting of the house, it is his opinion that it was very carefully and conscientiously sited upon a knoll, on the top of a hill, with both east/west and north/south views.

Professor Kirwin gave evidence that the historical importance of a structure like this is worth money and gave the example of Levitown, Long Island, where the original Levit "boxes" (houses) sell for two or three times the cost of other houses. He said that these houses are somewhat like antique artifacts in a monetary sense. The cost for a mason to build this house, in his experience, would be in the vicinity of \$1,000.00 per square foot, or in excess of one million dollars. The property is much more valuable on site than if it were dismantled and reconstructed, or relocated, as it is the link between site and history - its provenance - which give the value to a historic structure.

It is his opinion that restoring the house on site will provide the "roots" of the subdivision which will become very important in the future.

There was no cross-examination of any of the witnesses by the objector.

Mr. Joe Wolfond, the project coordinator of Armel Corporation, the owner and objector, was the first witness in opposition to designation.

He did not deal in his presentation with the architectural and historical merits of 511 Whitelaw Road. He was concerned with the servicing problem which would be created if the lot on which the house stands could not be used to service drainage and sanitary services for the new subdivision. The land in the rear of the Township is too low and the grade would be too steep (33% rather than the required 6%). When the Whitelaw subdivision was originally graded, a man-made cliff was made across the rear which will be a problem unless the lot at #511 can be completely regraded.

It was Mr. Wolfond's evidence that the house on the property has not been maintained, services have been cut, and there has been water in the basement. He stated that if the property is designated, the owner will offer the house to any party, City or private, who would relocate it; or they will wait the required period under the Ontario Heritage Act and then demolish the house. He stated the house is a maintenance problem and the Armel Corporation is not in the residential leasing business. The owner would accept expropriation of all of 511 Whitelaw Avenue. Mr. Wolfond stated that houses on the street sell for one hundred and twenty-five to one hundred and forty thousand dollars each.

The next witness, Mr. Alan Ferguson, Senior Project Engineer of the City of Guelph was asked to clarify the problems of grading if the Township portion was annexed to the City. He stated that all roads in the Whitelaw subdivision which now have temporary turning circles, could ultimately be extended. It was his opinion that the capacity of the existing storm services is inadequate and will not allow for any additional density to be utilized on what remains of the Whitelaw subdivision, including #511. New trunk sewers or storm sewage holding tanks, would need to be built until the township land is redeveloped. This would require new storm and sanitary services to be provided and new grading of all the cul-de-sacs, not just at 511 Whitelaw.

It was his opinion that the storm sewers for the 511 Whitelaw property could be dealt with when the township property is developed to the rear. This development might take place by the City annexing the township lands at the request of the owners. It was also his opinion that the servicing of the rear township portion could be accomplished from an engineering point of view, and the timing could be expedited if the owner would approach the City to annex the property.

In summary, Mr. Wolfond stated on behalf of the owner and the objector, that he has no knowledge of whether the property is architecturally or historically significant.

The Armel Corporation would like to demolish the house and will do so, even if it is designated, but would be willing to negotiate under the Expropriation Act. He acknowledged that the house could be sold for a fraction of its real value.

In summary, the City Solicitor stated there was no challenge of the City's architectural or historical statements as found in the Reasons for Designation. Historically, the house is important because of the Canada Company; as part of the Paisley Block with its Scottish settlers who were responsible for establishing high-quality agricultural practices; and also because it was the homestead of Thomas Whitelaw, one of the area's most advanced, progressive and productive farmers who also participated in important civic activities.

Architecturally the house is rare as the only remaining example in the Paisley Block area of a late 1840's stone farmhouse.

In summation of Dr. Stelter's historical evidence, three main links to the development of Guelph were reiterated; the connection with the Canada Company and John Galt; the unique limestone construction characteristic of the simple, unpretentious Georgian symmetry and proportion of the Scottish heritage - "a gem"; and the farmhouse as a reflection of Guelph's significant and advanced agricultural history.

In summation of Dr. Kirwin's architectural history evidence, the house exhibits the elaborate cut lintels and sills and the quoins cut in small blocks, obviously the work of a master mason. The exterior of the building, still structurally sound, is sited on a rise in the farm and is symbolic of a pioneer family farm.

The City questioned the haste of this developer to demolish a property that has stood so long and is central to the roots of the area in which the owner's existing and potential subdivisions are located. He reiterated the evidence of his expert witnesses that rather than the economic liability of retention of the house, (which was not demonstrated clearly in the objector's evidence), the house could become a positive showpiece of the entire development as a rare surviving example of the beginning of the evolution of the area to the present day.

In considering the evidence presented to this Board, there was uncontradicted testimony that the property had great historical and architectural value and interest. The objection seemed mainly to be due to problems of grading and servicing of new lots due to cul-de-sacs at the ends of unopened roads and perceived costs by the developer in

bringing new lots on stream and getting the highest yield from the remaining parcel. It is unfortunate that the retention of the house was not part of the original planning and approvals for the subdivision.

The Board is of the opinion, based on the evidence, that the property is very significant architecturally and historically for the people of Ontario due to Guelph's role as a primary agricultural focus for the province. Designation of the house is central to the character of its neighbourhood, and its agricultural context on a higher rise of land, and is necessary to preserve the inherent value of this significant Ontario residence.

As there seemed to be some willingness on the part of the City to seek flexible alternatives to siting and servicing of future development on the owner's land to encourage retention of the house, the Board suggests a meeting between LACAC and the Engineering Department be held to problem-solve the question of access to the new development on the adjacent lands. It would be desirable to discuss how sanitary and storm sewers, hydro and gas easements could be placed on the subject lot without affecting the house or the black walnut and other large trees. The possibility of road access being provided separately from storm and sanitary sewers, or other services, should be thoroughly researched prior to such a meeting.

The Board also suggests that this house be considered to be the 5% parks contribution required for the new subdivision, with the proviso that the designated house be left intact; and that possibly an extra incentive could be given in this regard to offset the large size of the lot on which the house stands.

The Board is of the opinion that the developer should be congratulated that the house is still there for posterity and encourages the use of creative effort to fully retain the significant value of the stone farmhouse at 511 Whitelaw Road both for the Guelph area and as a model for the Province. The Board recommends that the black walnut tree be included in the Reasons for Designation.

Upon consideration of the evidence given at the hearing, and taking into account what was said in summary by Counsel for the City and on behalf of the owner, it is the view of the Conservation Review Board that the Council of the City of Guelph has acted in the best interests of the citizens of the community in designating 511 Whitelaw Road of architectural and historical value and interest.

We therefore recommend that the property in question should be designated by by-law under Section IV of the Ontario Heritage Act as being of historic and architectural interest to ensure its preservation.

(Original Signed by)

Judith Godfrey
Vice-Chairman

John T. Fleming
Member

LIST OF EXHIBITS - 511 WHITELAW ROAD, GUELPH

EXHIBIT #

- 1 Statutory Declaration
- 2 Certified copy of Deed indicating ownership
- 3 City Street map
- 4 Local Map
- 5 Letter of Objection
- 6 Original Deed of Ownership from Canada Company 1845
- 7 Archival 1858 map of Township of Guelph
- 8 1877 Map Historical Atlas 124 1.2 acres
- 9 1906 historical atlas - shows ownership of property of Daniel Bailey - remaining lot property of his nephew Andrew Whitelaw
- 10 Obituary of Thomas Whitelaw, February 19, 1897.
- 11 Historical Atlas 1906, County of Wellington
- 12 Correspondence and documentation from Stephen Whitelaw
- 13 Ownership history of subject property
- 14 a) polaroid pictures, January 1991
b) photographs, Spring 1991
- 15 Designation criteria for the Guelph LACAC
- 16 a) Council Resolution
b) Notice of Intention to Designate approved by Council and advertised in the Guelph Daily Mercury, per Charlene Lavigne, Deputy City Clerk
- 17 LACAC report to Council April 2, 1991
- 18 Summary of the history of the property
- 19 Professor Gil Stelter, C.V.
- 20 Professor W. Chandler Kirwin, C.V.
- 21 Services Plan - Whitelaw Garden subdivision, 1987