
HALDIMAND COUNTY

Report CDP-09-2019 Amendment Re: Town of Haldimand By-law 769/89 Designating the Cook-Peart House

For Consideration by Council in Committee on June 18, 2019



OBJECTIVE:

To update the legal description for the heritage designation by-law for the Cook-Peart House located at 3555 River Road, Caledonia.

RECOMMENDATIONS:

1. THAT Report CDP-09-2019 Amendment Re: Town of Haldimand By-law 769/89 Designating the Cook-Peart House be received;
2. AND THAT an amending by-law be prepared to update the legal description in By-law 769/89, Instrument No. HC186008 being a by-law designating the Cook-Peart House under the *Ontario Heritage Act*;
3. AND THAT following enactment of the amending by-law and there being no objections filed with the Clerk, the County's Property Coordinator be directed to remove Instrument No. HC186008 from all lands other than 3355 River Road, Caledonia;
4. AND THAT the Mayor and Clerk be authorized to execute all necessary related documents to Report CDP-09-2019.

Prepared by: Anne Unyi, Supervisor, Heritage and Culture

Reviewed by: Sheila Wilson, CPRP, Manager, Community Development and Partnerships

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Community & Development Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

Heritage Haldimand was established to advise and assist Council on all heritage designation matters relating to Parts IV and V of the *Ontario Heritage Act*. These Parts relate to the formal designation of property to identify it as having historical, architectural or contextual value under this legislation. Executors for the Estate of the Cook-Peart House (described below and as shown in Attachment 1) have requested By-law 769/89 which designates approximately 100 acres of the William Cook Tract be amended to designate a singular property location, 3355 River Road, Caledonia being the actual Cook-Peart House only.

Staff and Heritage Haldimand have reviewed the request and recommend that By-law 769/89 be amended under Section 30.1 (2) to (10) of the *Ontario Heritage Act*.

BACKGROUND:

The Cook-Peart House, located at 3355 River Road, Caledonia was designated under Part IV of the *Ontario Heritage Act* by the Town of Haldimand August 14, 1989. At that time the designation by-law referred to a geographic area that encompassed several properties, whereas the basis of the designation was for one property only to recognize its significance as one of Haldimand County's earliest residences built by settler Nicolas Cook.

ANALYSIS:

In March 2019, staff were contacted by Solicitors on behalf of the Estate of the deceased homeowner Alfred Peart of 3355 River Road, Caledonia with reference to the Town of Haldimand By-law 769/89 which is registered on the title to this property. By-Law 769/89 designates the property for historical and architectural value or interest.

In terms of Historic Value, the Cook-Peart House is an important part of Haldimand County's historical fabric, located on the south bank of the Grand River and sitting on land granted by Joseph Brant to Nicholas Cook, one of the early settlers of Haldimand County. Since its construction in the 1830s, the house has played a significant historical role in Haldimand County by reinforcing architectural trends among early settlers.

The Cook-Peart House is an early 19th century two-storey neo-classical Georgian-style farmhouse in Oneida Township. Using local materials and vernacular Georgian architecture to great effect, examples of significant features include a three-bay front with red brick exterior, laid in Flemish bond; the first floor windows are 12 over 12 lights and the floor windows are 8 over 12 lights and the main entry door with an upper glazed panel flanked by 3-paned sidelights and an elliptical multi-paned transom, topped by an elliptical course of keystones.

Upon investigation, staff determined Town of Haldimand By-law 769/89 was intended for the Cook-Peart House, a property municipally known as 3355 River Road, Caledonia. However, as the legal description contained in that by-law (registered as Instrument No. HC186008) only referred to "Part of the William Cook Tract, in the former Township of Oneida", the by-law in fact was registered against seven (7) separate properties. Attachment 3 and 4.

Given this information, it is considered necessary to correct the legal description for the by-law contained in instrument No. HC186008 to state the heritage designation affects only the lands legally described as:

PT WILLIAM COOK BLK ONEIDA PT 7 -9 18R1095 & AS IN HC107301 (SECONDLY EXCEPT MRO IN HC22640) EXCEPT PT 1, 3, 4, 4, 6 18R1095 & PT 1 18R1252 LYING S OF RIVER RD, DESCRIPTION MAY NOT BE ACCEPTABLE IN FUTURE AS IN HC107301; S/T 07188; HALDIMAND COUNTY.

Additionally, it will be necessary to remove the designating By-law 769/89 from all properties located with the William Cook Block by deleting Instrument No. 186008 from all lands, other than 3355 River Road, Caledonia (being PIN 38177-0039LT).

FINANCIAL/LEGAL IMPLICATIONS:

Designating by-laws may be amended to correct the Legal Description of a Property under Part IV, section 30.1(2) to (10) of the *Ontario Heritage Act*.

Under section 30.1 (3) If the Council of a municipality proposes to make an amendment described in subsection (2), the Council shall give the owner of the designated property written notice of the proposed amendment in accordance with subsection (4). 2005, c. 6, s. 19. In this instance, i.e. to correct

the legal description of the property, notice of the proposed amendment is sent to the Solicitor for the Estate of Alfred Peart who is given the opportunity to object. If the Solicitor, on behalf of the Estate does not object within 30 days Council may pass the amending by-law. If the Solicitor, on behalf of the Estate does object, the proposed amendment is referred to the Conservation Review Board (CRB) in a process similar to the objection process for a designation (Attachment 2). The CRB is an adjudicative tribunal that, through the mandate provided by the *Ontario Heritage Act*, considers matters such as: the proposed designation of a property as having cultural heritage value or interest; applications for the repeal of a by-law on a specific property, etc.

To date approximately \$50.00 has been spent to identify the properties affected by the erroneous by-law. It is estimated that approximately \$300.00 will be spent relating to the deletion of Instrument No. HC186008 from all property other than 3355 River Road, Caledonia; this expense will be funded from the Heritage Haldimand account.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Cook-Peart Designation and Record of Designation.
2. *Ontario Heritage Act*, Part IV, section 30.1 (2) to (10).
3. Location Map (3355 River Road, Caledonia).
4. Property Index Map.