
HALDIMAND COUNTY

Report CDP-08-2022 Amendment to Heritage Designation of the Cook-Peart House



For Consideration by Council in Committee on May 31, 2022

OBJECTIVE:

To seek approval to further amend Town of Haldimand By-law 769/89, in order to limit the heritage designation to a portion of the original Cook-Peart property, located at 3355 River Road Caledonia, and to remove the designation from parcels since severed from the original property.

RECOMMENDATIONS:

1. THAT Report CDP-08-2022 Amendment to Heritage Designation of the Cook-Peart House be received;
2. AND THAT Town of Haldimand By-law 769/89, as amended, be further amended to correct the legal description, limiting the heritage designation to the lands described as Parts 1, 2 and 3, Plan 18R-7950, being all of PIN 38177-0218 (LT);
3. AND THAT following enactment of the amending by-law, and there being no objections filed with the Clerk, the Mayor and Clerk be authorized to sign the consent form to be filed with the Ontario Superior Court of Justice requesting that heritage designation be deleted from all registered parcels within the William Cook Block, Oneida, with the exception of the designation remaining on PIN 38177-0218 (LT);
4. AND THAT the Mayor and Clerk be authorized to execute all necessary documents associated with Report CDP-08-2022.

Prepared by: Anne Unyi, Supervisor, Heritage & Culture

Reviewed by: Katrina Schmitz, Manager, Community Development & Partnerships

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, 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* (Act) which relate to the formal designation of property, identifying it as having historical, contextual or architectural value under the legislation.

Solicitors acting on behalf of the Trustee of the Estate of Alfred Peart have requested that Town of Haldimand By-law 769/89 (registered as HC186008) and Haldimand County By-law 2062/19 (registered as CH93824), which designated the property at 3355 River Road, Caledonia (The Cook-Peart House) under Section 29 of the Act, be amended to delete sections of the two previous by-laws on parcels no longer impacted by the heritage designation. The request is outlined in an affidavit and draft Court Order included as Attachment 2 to this report.

BACKGROUND:

The Cook-Peart House, located at 3355 River Road, Caledonia was designated under Part IV of the Act by the Town of Haldimand August 14, 1989 for its historical and architectural value. Built along the Grand River in the 1830s, the home, a Georgian-style, two-storey red brick house with a gabled roof, is located on land granted by Joseph Brant to Nicholas Cook, one of the early settlers of Haldimand County. At that time, the designation by-law referred to a geographic area that encompassed several properties owned by Alfred Peart per his original request for heritage designation. As the nature of those properties has changed (i.e. severances have taken place), and given the designation was never intended to be as broadly applied as it was, this report is being brought forward as a housekeeping matter to revise and scope the designation to suite the actual heritage area and features.

ANALYSIS:

In March 2022, staff were contacted by the solicitors representing the Estate Trustee of the Estate of Alfred Peart requesting certain references to Town of Haldimand By-law 769/89, and Haldimand County By-law 2062/19 be deleted in order that the heritage designation no longer apply to seven registered parcels located within the William Cook Block, and remain solely on the property where the Cook-Peart House is situated being PIN 38177-0218 (3355 River Road, Caledonia, The Cook-Peart House). (See Attachment 1).

The portion of this property, upon which the said Cook-Peart House is situated, has been severed from the abutting portion of the property, and is now designated as Parts 1, 2 and 3, Plan 18R-7950, PIN 38177-0218 (LT).

Given this information, it is considered necessary to delete references in the two existing by-laws, in order to remove the designation from the following PINs:

- 38177-0039 (LT)
- 38177-0040 (LT)
- 38177-0043 (LT)
- 38177-0217 (LT)
- 38177-0220 (LT)
- 38175-0108 (LT)
- 38175-0109 (LT) – a small island in the Grand River in front of the William Cook Block.

The amending by-law will also correct the legal description (noted above) for PIN 38177-0218 (3355 River Road, Caledonia, the Cook-Peart House). The current property owner has been made aware of these proposed changes. These changes effectively represent housekeeping efforts that scope the designation to the actual lands/features that have heritage significance and which were intended to be recognized and protected.

FINANCIAL/LEGAL IMPLICATIONS:

Designating by-laws may be amended to correct the legal description of a property under section 30.1 of the Act. Under section 30.1, if the Council of a municipality proposes to make an amendment, the Council shall give the owner of the designated property written notice of the proposed amendment in accordance with the legislation. In this instance, to correct the legal description of the property, notice of the proposed amendment will be sent to the owner of the Cook-Peart House who will be given the opportunity to object.

If the owner does not object within 30 days, Council may pass the amending by-law serving notice on the owner and the Ontario Heritage Trust.

If the owner files a notice of objection with the Clerk setting out the reasons for the objection and all relevant facts, Council shall consider the objection and make a decision whether or not to withdraw the amendment. If the amendment is not withdrawn, the owner may appeal to the Ontario Land Tribunal (OLT). Under the Act, the OLT may consider 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.

The solicitor representing the Estate Trustee has prepared a draft Affidavit and Court Order and provided this to the County (as respondent) for signature. (Attachment 2) The Court Order, to be submitted to the Ontario Superior Court of Justice, requests that:

- a) Town of Haldimand By-law 769/89 (registered as HC 186008) and Haldimand County By-law 2062/19 (registered as CH 93824) shall apply only to that portion of the William Cook Block in the former Township of Oneida designated as Parts 1, 2 and 3, Plan 18R-7950 being all of PIN No. 38177-0218 (LT);
- b) that the said by-laws be deleted from all other parcels in the William Cook Block, Oneida, Haldimand County, upon which they are registered namely the parcels with the following PIN:
 - 38177-0039 (LT)
 - 38177-0040 (LT)
 - 38177-0043 (LT)
 - 38177-0217 (LT)
 - 38177-0220 (LT)
 - 38175-0108 (LT)
 - 38175-0109 (LT)
- c) that the Director of Titles or other appropriate persons administering the land registration system for Haldimand County be directed to delete the said by-laws from the said PIN Numbers in accordance with the foregoing provisions, except for PIN 38177-0218.

It will be at the discretion of the Director of Titles, as to whether or not the reference to the original heritage designation will be expunged from the titles of the severed properties.

It is estimated that approximately \$720.00 will be spent relating to the deletion of heritage designation from all property other than 3355 River Road, Caledonia. This expense will be funded from the Heritage Haldimand 2022 Tax Supported Operating Budget. Any expense(s) related to or arising from the Court Order would be the responsibility of the Estate Trustee of the Estate of Alfred Peart.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [Report CDP-09-2019 Amendment Re: Town of Haldimand By-law 769/89 Designating the Cook-Peart House](#)
2. [Ontario Heritage Act, R.S.O. 1990](#)

ATTACHMENTS:

1. Property Location/Index Map - 3355 River Road, Caledonia
2. Affidavit, Court Order and Consent