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THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 33-2006

To designate the property at 133 Main Street South (Kirkwood House) as being of cultural heritage value or interest.

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 (as amended) authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest;

WHEREAS the Brampton Heritage Board supports the designation of the properties described herein;

WHEREAS a Notice of Intention to Designate has been published and served in accordance with the Act, and there has been no Notice of Objection served on the Clerk;

NOW THEREFORE the Council of the Corporation of the City of Brampton HEREBY ENACTS as follows:

1. The property at 133 Main Street South (Kirkwood House) more particularly described in Schedule "A" is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. The City Clerk shall cause a copy of this by-law to be registered against the property described in Schedule "A" to this by-law in the proper Land Registry Office.
3. The City Clerk shall cause a copy of this by-law to be served upon the owners of the property at 133 Main Street South (Kirkwood House) and upon the Ontario Heritage Trust and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Brampton as required by the *Ontario Heritage Act*.
4. The City Clerk shall serve and provide notice of this by-law in accordance with the Act.
5. The short statement of the reason for the designation of the property, including a description of the heritage attributes are set out in Schedule "B" to this by-law.
6. The affidavit of Leonard J. Mikulich attached, as Schedule "C" hereto shall form part of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 13 DAY OF February 2006.

Approved as
to form
C. Vinberg
02.10.06

Susan Fennell
SUSAN FENNELL - MAYOR

Leonard J. Mikulich
LEONARD JOSEPH MIKULICH - CLERK

Approved as to Content:

Karl Walsh
Karl Walsh, Director, Community Design, Parks Planning and Development

SCHEDULE "A" TO BY-LAW

33-2006

LEGAL DESCRIPTION

Part of Lot 5, Plan BR 27 designated as Parts 3 & 4 of Reference Plan 43R-4354, Brampton

PIN 14059-0056

**SHORT STATEMENT OF THE REASON FOR THE DESIGNATION OF 133
MAIN STREET SOUTH (PLAN BR 27, PT LOT 5 RP 43R-4354 PARTS 3, 4)**

The Kirkwood house is one of the best examples of a 19th century Gothic Revival home in the City of Brampton. Its triple-gable form is quite unusual for Brampton. The house was built for David Kirkwood and his family about 1876.

Several exterior architectural heritage attributes are intact and well preserved on this one and a half storey, red brick masonry house. The house is an outstanding example of mid Victorian domestic architecture with exceptional construction methods.

The house holds prominent landmark status along a major roadway. It possesses tremendous visual and aesthetic value and distinctiveness.

The large, open lot surrounding the house is noted for its groupings of deciduous trees, including a rare black walnut tree in the backyard, and other vegetation. These natural and contextual attributes are of great importance.

The Kirkwood house is among the oldest residential properties in the City and symbolizes the contributions of the Kirkwood family - among the most industrious and historically significant 19th century families in Peel. The house was owned by three generations of the Kirkwood family, over a century. It was built for David Kirkwood soon after he accepted the position of Peel County Clerk. The property holds deep and meaningful historical associations to an early period of development in Brampton.

The Kirkwood house possesses considerable cultural heritage value. Heritage designation under Part IV of the Ontario Heritage Act is recommended for architectural, historical and contextual reasons.

The short statement of reason for the designation, including a description of the heritage attributes along with all other components of the complete Heritage Report: Statement of Reason for Heritage Designation, constitute the "reason for heritage designation" required under the Ontario Heritage Act. The complete Heritage Report is available for viewing in the City Clerk's office at City Hall, during regular business hours.

DESCRIPTION OF HERITAGE ATTRIBUTES (CHARACTER DEFINING ELEMENTS):

Unless otherwise indicated, the reason for designation, including the following heritage attributes (character defining elements), apply generally to all exterior elevations, facades, foundation, roof and roof trim, all entrances, windows, structural openings and associated trim, all architectural detailing, construction materials of wood, stone, brick, plaster parging, metal and glazing, their related building techniques, along with all contextual and landscaping features as cited.

The cultural heritage attributes that contribute to the significance of the subject property include the following:

2.1 Exterior Architectural Heritage Attributes:

Rare triple-gabled form with steeply pitched gables; polygonal bay windows on front facade, symmetrical massing with centre hall plan; un-painted red brick masonry laid in stretcher bond; dichromatic brick patterning with buff yellow brick utilized to produce quoining, voussoirs and water table; predominating window shapes are segmented arched and round-headed windows; round-headed double Tuscan window over the two bay windows (front façade); central balcony over the main entrance decorated with an iron crest rail; Gothic headed opening over the central balcony; main entrance with single leaf painted paneled door, rectangular sidelights and panels, an arched three light transom spanning the top of the door, recessed paneled door jamb; attached brick stable at rear; buff brick voussoirs decorated with projecting brick details in saw tooth or diamond pattern distinguish arches and drop finials decorations are created at ends of certain voussoirs using shaped buff brick; all stone window sills and hand carved motifs in the sills.

2.2 Contextual Heritage Attributes:

Main house standing on a graded rise; large open lot; intact lot that has changed little since 1870s; unobstructed views to the house from Main Street South; deep setback from street to front façade of house; several mature deciduous trees (including a rare black walnut tree in the backyard) that surround the house; open rear yard; L-shape path from driveway to front of house; steps set into the sloping grade leading to front entrance.

2.3 Historical /Cultural Heritage Attributes:

The property is associated with several members of the Kirkwood family who were prominent in the Brampton area, particularly Peel County Clerk David Kirkwood; property linked to the establishment of the Town of Brampton; associated with commercial development of the City, European settlement patterns, history of carpentry trade and Victorian life in Ontario.

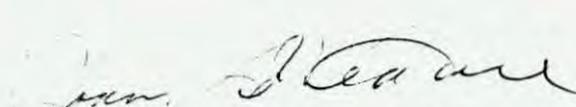
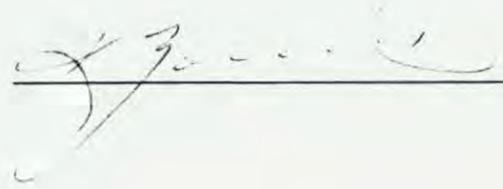
SCHEDULE "C" TO BY-LAW 33-2006

AFFIDAVIT OF KATHRYN ZAMMIT

I, KATHRYN ZAMMIT, of the Town of Caledon in the Region of Peel, MAKE OATH AND SAY:

1. I am the ~~Acting~~ Clerk for the Corporation of the City of Brampton and as such I have knowledge of the facts therein contained.
2. The public notice of intention to designate "Kirkwood House, 133 Main Street South" was served on the owner of the property and was advertised, in the form attached as Exhibit A to this my affidavit, in the Brampton Guardian, a newspaper having general circulation in the City of Brampton, on January 6, 2006.
3. No notice of objection was served upon the Clerk.
4. The by-law to designate the "Kirkwood House, 133 Main Street South" came before City Council at a Council meeting on February 13, 2006 and was approved.
5. A copy of the by-law, including a short statement of the reason for the designation has been served upon the owner of the property and the Ontario Heritage Trust and notice of such by-law was published in the Brampton Guardian on March 3, 2006.

SWORN before me at the City)
of Brampton, in the Region)
of Peel, this 7th)
day of March 2006)



A Commissioner for Taking Affidavits, etc.