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May 10, 2023

**Sent via email and mail:**  
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10 Adelaide Street East  
Toronto, Ontario M5C 1J3  
Canada

**RECEIVED**  
2023/05/10  
(YYYY/MM/DD)  
Ontario Heritage Trust

**RE: Notice of Council Decision for alterations, demolition and removal under sections 33(6) and 34(4.2) of the *Ontario Heritage Act, R.S.O. 1990, c. O.18***  
**200 John Street East, Heritage File #: HER-015-2022**  
**and**  
**588 Charlotte Street, Heritage File #: HER-016-2022**

This is a notice of Council decision as required under sections 33(6) and 34(4.2) pertaining to Applications under the Ontario Heritage Act for alterations, demolition and removal on the Part IV designated properties at 200 John Street East and 588 Charlotte Street.

Please be advised that the Council of the Corporation of the Town of Niagara-on-the-Lake, at their Council Meeting on April 24, 2023, resolved the following:

Whereas the two previous Councils of Niagara-on-the-Lake both approved motions to protect the buildings and designed landscape of the Rand Estate; and

Whereas this Council wishes to reinforce the previous decisions of Council regarding heritage protection at the Rand Estate;

Be it resolved that the minutes of the Municipal Heritage Committee and all recommendations in report CDS-23-077 be approved, except for recommendations permitting removal/demolition of designated heritage attributes (specifically items 1.1.13, 1.1.22 and 1.2.1), and that such permit applications under the Ontario Heritage Act be denied:

*Note items 1.1.13, 1.1.22 and 1.2.1 have been amended per Council's resolution below.*

**1.1 With respect to the Heritage Permit Application for 200 John Street East (File No. HER-015-2022) it is respectfully recommended that:**

1.1.1 The proposal to remove mature trees and plantings and construct a road and pedestrian pathway through the panhandle at 200 John Street East be refused;

1.1.2 The removal of the White Ash, identified as Tree #5 in Appendix D, drawing L-900A within the Wallace HIA Addendum, be approved, subject to the following condition:

1.1.2.1 Prior to the removal of the tree, a report is prepared by a qualified engineer, at the applicant's cost, demonstrating that any potential impacts to the boundary wall will be mitigated prior to removal of the tree or its root system to the satisfaction of the Director of Community and Development Services;

1.1.3 The proposal to remove healthy trees along the boundary wall on 200 John Street East be refused;

1.1.4 The proposal to remove and widen the boundary wall opening and remove the brick pillars at the entrance to 200 John Street East be refused;

1.1.5 The proposal to construct a new Axial Walkway on 200 John Street East with new alignment and the proposed commemoration plans for sunken gardens be refused;

1.1.6 The Peony Garden adjacent to the Tea House on 200 John Street East be restored in-situ, that mowing of the area ceases immediately, and that the original (existing) plants be provided on-going maintenance, and the opportunity to recover in order to encourage the plant's vitality and ability to grow on;

1.1.7 The proposal to remove the extant circular Mound Garden on 200 John Street East and construct a new mound garden in a new location be refused;

1.1.8 That the existing Mound Garden be retained and the Austrian Pine Trees circling the mound be restored;

1.1.9 The proposed restoration of the Swimming Pool Garden according to the original Dunington-Grubb drawings be approved;

1.1.10 The proposal to remove any portion of the Dunington-Grubb designed Swimming Pool Garden on 200 John Street East be refused;

1.1.11 The proposed use of Corten Steel plaques and their locations as proposed in the Commemoration Plan for the Swimming Pool Garden at 200 John Street East be refused;

1.1.12 The proposed restoration of the Tea House, in-situ, at 200 John Street East is approved, subject to the following condition:

1.1.12.1 Prior to restoration, a Documentation Report and Restoration Plan for the structure and its context, prepared by a qualified professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;

1.1.13 The proposed removal of the concrete swimming pool structure on 200 John Street East be refused;

1.1.14 The proposed removal of the footings from the original pergola in the Dunington-Grubb designed Swimming Pool Garden at 200 John Street East be refused;

1.1.15 The construction of a contemporary pergola design at 200 John Street East be refused;

1.1.16 The proposal to relocate the Bath Pavilion on 200 John Street East be refused;

1.1.17 The proposed removal of trees within the arboretum-like landscape on 200 John Street East, adjacent to the Bath Pavilion, be refused;

1.1.18 Any development within the former orchard area on 200 John Street East include landscape enhancements through the planting of suitable fruit bearing tree species;

1.1.19 The proposed restoration of the Whistle Stop structure on 200 John Street East, and the reuse of the salvageable wood brackets be approved, subject to the following condition:

1.1.19.1 Prior to restoration, a detailed Restoration Plan, prepared by a professional member of CAHP, at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;

1.1.20 The installation of interpretive signage within the Whistle Stop setting be approved, subject to the following condition:

1.1.20.1 Prior to installation, a detailed Commemoration Plan for the area and a Landscape Restoration & Management Plan for the surrounding naturalized area, prepared by a professional member of CAHP at the applicant's cost, be submitted to the satisfaction of the Director of Community and Development Services;

1.1.21 The removal of healthy and viable trees within the naturalized area surrounding the Whistle Stop on 200 John Street East be refused;

1.1.22 The proposed demolition of the Calvin Rand Summer House on 200 John Street East be refused;

1.1.23 The proposal to demolish the Carriage House on 200 John Street East be refused;

1.1.23.1 In light of the unique attributes that the Carriage House exhibits which demonstrate the disruptive change in transportation from horse and buggy to automobile on this former hobby farm, the Municipal Heritage Committee specifically endorses the recommendation 1.1.23 to deny demolition of the Coach House.

1.1.24 The proposed removal and transplanting of the Rose of Sharon hedge and Oriental Cedar hedge northeast of the Carriage House on 200 John Street East be refused; and

1.1.25 An archaeological assessment be completed for the entire property at the applicant's expense, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Director of Community and Development Services.

**1.2 With respect to the Heritage Permit Application for 588 Charlotte Street (File No. HER-016-2022) it is respectfully recommended that:**

1.2.1 The proposed demolition of the main residence (former stables and barn) on 588 Charlotte Street be refused;

1.2.2 Any materials that can be salvaged from the main residence (former stables and barn) on 588 Charlotte Street, such as the cupola, weathervane, horse stall doors, wood half glass door and wood paneling, be re-used on the subject properties, as recommended within the Commemoration Plan, to the satisfaction of the Director of Community and Development Services;

1.2.3 The proposal to relocate the one-storey outbuilding be approved, subject to the following condition to the satisfaction of the Director of Community and Development Services:

1.2.3.1 Prior to for the relocation within a Community Garden Park setting on 588 Charlotte Street:

i. a Temporary Protection Plan, prepared by an Ontario licensed P. Eng. at the applicant's cost, detailing the specifications for its relocation; and

ii. a Restoration Plan, prepared by a professional member of CAHP with specialization in buildings for its rehabilitation and final proposed location at the applicant's cost;

1.2.4 The proposal to demolish the two smaller sheds on 588 Charlotte Street be refused; and

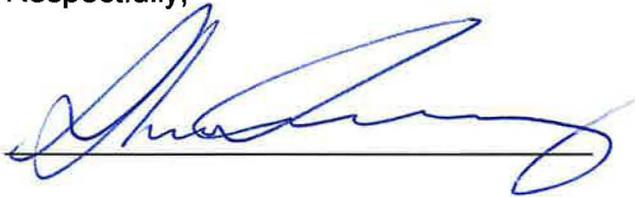
1.2.5 An archaeological assessment be completed for the entire property at the applicant's expense, and that no demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Citizenship and Multiculturalism confirming to the Town that all archaeological resources concerns have met licensing and resource conservation requirements, and that a copy of all archaeological assessment reports and Ministry Compliance Letters are submitted to the Town, to the satisfaction of the Director of Community and Development Services.

1.2.6 The proposal to remove and widen the boundary wall opening and remove the red brick pillars at the entrance to 588 Charlotte Street be refused; and

1.2.7 The proposal to remove healthy trees along the boundary wall on 588 Charlotte Street be refused.

If you have any questions please contact the Town's Clerk's Department at [clerks@notl.com](mailto:clerks@notl.com).

Respectfully,



Shaunna Arenburg  
**(A) Town Clerk**  
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