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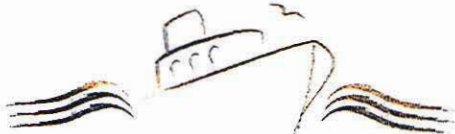


Un organisme du gouvernement de l'Ontario

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Where Ships Climb The Mountain...

November 8, 2010

Mr. Jim Leonard, Registrar  
Ontario Heritage Trust  
Heritage Programs and Operation  
10 Adelaide Street East  
Toronto, ON M5C 1J3

Dear Mr. Leonard:

Re: Designation of the O'Brien House  
38 South Street South  
Under Ontario Heritage Act - By-law No. 114-2010

Please be advised that Thorold City Council, at its November 2, 2010 meeting, adopted By-Law No. 114-2010 which designates the O'Brien House, as being of cultural heritage value or interest pursuant to Part IV, Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18. A Notice of the Passage of the By-Law will be published in Niagara News on November 10, 2010.

In accordance with Section 28(6)(a)(ii) of the Act, we have enclosed a copy of the registered By-Law being No. SN297813 registered November 5, 2010 for your records.

We trust this is in order.

Yours truly,

Adele Arbour, MCIP, RPP,  
Director of Planning & Building Services

AA:em  
Attach.

cc: S. Daniels, City Clerk  
David & Dianne Winterton, Owners

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**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-6613

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 114-2010

A BY-LAW TO DESIGNATE THE O'BRIEN HOUSE,  
PLAN M-10, Lot 38, MUNICIPALLY KNOWN AS 38 SOUTH STREET SOUTH  
AS BEING OF CULTURAL HERITAGE VALUE OR INTEREST

WHEREAS:

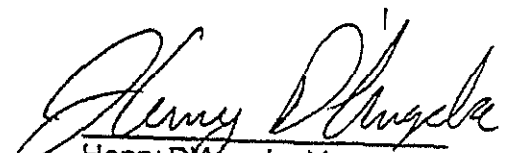
1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18 authorizes the Council of a municipality to enact by-laws to designate a property within the municipality including all buildings and structures thereon, to be of cultural heritage value or interest.
2. David and Dianne Winterton own the Lands.
3. Council has served a Notice of Intention upon the Owners of the Lands and upon the Ontario Heritage Trust providing Notice of Intention to designate The O'Brien House as being of cultural heritage value or interest and has caused Notice of Intention to be published in Niagara News, a newspaper having general circulation in the municipality on the 15<sup>th</sup> day of September, 2010.
4. No Notice of Objection to the proposed designation has been served upon the City.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD  
ENACTS AS FOLLOWS:

1. In this by-law and its preambles:
  - (a) "Building" means any premises or structures on the Lands;
  - (b) "City" means the Corporation of the City of Thorold;
  - (c) "Council" means the Council of the City;
  - (d) "Designated" or "Designation" means the designation of the building known as "The O'Brien House" located on the east side at the intersection of Cross Street and South Street South, Plan M10, Lot 38, municipally known as 38 South Street South, in the City and located on the Lands, to be of cultural heritage value or interest, pursuant to the relevant provisions of the Ontario Heritage Act, R.S.O. 1990, Ch.O.18, as amended;
  - (e) "Lands" means lands and premises and buildings or improvements thereon, described in Schedule "A" annexed hereto and made part of this By-law;
  - (f) "Notice of Intention" means the Notice set out in Schedule "B" annexed to and made part of this By-law.
2. In accordance with the recommendation of Report PBS2010-56 adopted at a Council Meeting held on September 7, 2010, the building known as "The O'Brien House" and located on the Lands as such are described in Schedule "A" annexed to this By-law is Designated as being of cultural heritage value or interest.
3. The Municipal Solicitor is hereby authorized to cause a copy of this by-law including a copy of the reasons for designation, as stated in Schedule "B" to this By-law, to be registered on the title to the Lands at the Registry Office for the Registry Division of Niagara South in the City of St. Catharines.

4. The Clerk of the City is hereby authorized to cause a copy of this By-law to be served upon the Owners of the Lands and upon the Ontario Heritage Trust and to cause Notice of the passing of this By-law to be published in a newspaper having general circulation in the City.
5. Amendments to Schedule "A" annexed to and made part of this By-law may be made by the Clerk of the City after passage of this By-law in order to register the By-law pursuant to Section 3 hereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL  
THIS 2<sup>nd</sup> DAY OF NOVEMBER, 2010.

  
Henry D'Angela, Mayor

  
Susan Daniels, City Clerk

## SCHEDULE "A"

### DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thorold, formerly the Town of Thorold, in the Regional Municipality of Niagara, formerly the County of Welland, and being:

Lands described as the Plan M-10, Lot 38, municipally known as 38 South Street South.

## SCHEDULE "B"

### NOTICE OF INTENTION TO DESIGNATE

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18 AND IN THE MATTER OF THE LANDS AT THE FOLLOWING LOCATION IN THE CITY OF THOROLD, IN THE PROVINCE OF ONTARIO.

TAKE NOTICE that the Council of the Corporation of the City of Thorold intends to designate The O'Brien House located at 38 South Street South, on the east side of South Street South at the intersection of Cross Street, as a property of cultural heritage value or interest under Part IV of The Ontario Heritage Act, R.S.O. 2005 Chapter 0.18, Section 29.

#### REASONS FOR THE PROPOSED DESIGNATION:

The O'Brien House  
38 South Street South  
Plan M10 Lot 38  
Port Robinson, Ontario

The O'Brien House is located at 38 South Street South, on the east side at the intersection of Cross Street and South Street South.

#### Cultural Heritage Value

This property offers a unique insight into the waxing and waning of fortunes of residents of Port Robinson, which enjoyed considerable economic prosperity when it was the southern terminus of the 1<sup>st</sup> and 2<sup>nd</sup> Welland Canal as it linked to the Welland River (Chippewa Creek) in the mid nineteenth century. It is one of the only properties in Thorold to have retained such decorative ornamentation (gingerbread).

#### Architectural Value

This attractive house is a 1-1/2 storey timber framed building with Victorian Farmhouse floor plan, popular in the mid 19<sup>th</sup> century Ontario, while embracing a certain amount of creative license in its ornamentation through recourse with Picturesque and Gothic Revival aesthetics. Noteworthy details include the off-centre front door, sawn verge-board (gingerbread) tracery along the front gable end facade, the generous two-sided pagoda style roofed verandah, overhanging eaves and horizontal clapboard siding. The house occupies its original site. The layout of the house is typical of a small dwelling style commonly found in Niagara in the mid 19<sup>th</sup> century. The gabled roof is steep pitched with verge board ornamentation on the front gable end. Most of the windows contain original or heritage class panes. The verandah reveals a fondness for wraparound verandahs from early 1840's on.

#### Historical Value

Robert Elliot owned the lot on which this house sits, for 6 years before selling it in 1868 to John Nelson O'Brien, an Engineer. With a remarkable 600% increase in purchase price makes it probable that the property had been expanded and that O'Brien had built a house. In 1887 the property was sold to the Grisdales and belonged to them for 17 years. There have been several other owners.

The history of the property and house, its owners and residents, is closely tied to the economic development of Port Robinson brought about by the development of the Welland Canal and associated industrial, commercial and infrastructural interests. Within the context of other mid nineteenth century structures in the village, the property also serves as a useful benchmark in the evolution and stylistic range of the Victorian Farmhouse idiom - and especially its attempts to emulate the so-called Ontario Cottage style. Through the history of this house we are granted an unparalleled insight into a range of lives of working and middle class Ontarians.

Further information respecting the proposed designation is available in the Planning and Building Services Department during regular office hours, 8:30 a.m. to 4:30 p.m., Monday to Friday, 227-6613, 3540 Schmon Parkway, Thorold.

Any person may object to the proposed designation within thirty (30) days after the date of the publication of the Notice of Intention by serving on the Clerk of the Corporation of the City of Thorold a notice of objection setting out the reason for the objection and all relevant facts. The last day for filing objections will be **Friday, October 15, 2010**. All objections received within the aforementioned time period will be referred to the Heritage Conservation Review Board for a hearing and report.

DATED at the City of Thorold this 15th day of September, 2010

Susan Daniels, City Clerk  
Corporation of the City of Thorold  
P.O. Box 1044, 3540 Schmon Parkway  
Thorold, Ontario L2V 4A7