

Subject: Consideration of Objection to the Notice of Intention to Designate 50 Carruthers Avenue, under Part IV of the *Ontario Heritage Act*

File Number: ACS2024-PDB-RHU-0086

**Report to Built Heritage Committee on 10 December 2024
and Council 11 December 2024**

Submitted on November 29, 2024 by Court Curry, Manager, Right of Way, Heritage, and Urban Design Services, Planning, Development and Building Services

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Ward: Kitchissippi (15)

Objet: Examen de l'opposition à l'avis d'intention de désigner la propriété située au 50, avenue Carruthers en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*.

Dossier : ACS2024-PDB-RHU-0086

Rapport au Comité du patrimoine bâti

le 10 décembre 2024

et au Conseil le 11 décembre 2024

Soumis le 29 novembre 2024 par Court Curry, Gestionnaire, Services des emprises, du patrimoine, et du design urbain, Direction générale des services de la planification, de l'aménagement et du bâtiment

Personne ressource : Avery Marshall, Urbaniste I, Planification du patrimoine

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Quartier: Kitchissippi (15)

REPORT RECOMMENDATIONS

That the Built Heritage Committee recommend that Council:

1. **Not withdraw the Notice of Intention to Designate 50 Carruthers Avenue, and proceed with the designation process under Part IV of the *Ontario Heritage Act* using the amended Statement of Cultural Heritage Value available as Document 1.**
2. **Suspend the notice required under Subsections 29(3) and 34(1) of the Procedure By-law to consider this report at its meeting on December 11, 2024, to decide this matter within the legislated timeline.**

RECOMMANDATIONS DU RAPPORT

Que le Comité du patrimoine bâti recommande au Conseil:

1. **Ne pas révoquer l'avis d'intention de désigner le 50, avenue Carruthers, et procéder à la désignation en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario* en utilisant la déclaration de la valeur de patrimoine culturel modifiée (document 1).**
2. **De suspendre l'obligation d'avis prévue aux paragraphes 29(3) et 34(1) du Règlement de procédure afin d'examiner ce rapport lors de sa réunion prévue le 11 décembre 2024 en vue de pouvoir prendre une décision à ce sujet dans les délais prescrits par la loi.**

BACKGROUND

On September 18, 2024, City Council directed staff to issue a Notice of Intention to Designate (NOID) under Section 29 (1.1) of the *Ontario Heritage Act* (OHA) for 50 Carruthers Avenue. In accordance with the *Ontario Heritage Act Alternative Notice Policy*, the NOID was published on the City's website on September 27, 2024. In accordance with the OHA, the NOID was also served on the property owner and the Ontario Heritage Trust.

Under Part IV, Section 29 (5) of the OHA any person can serve the City with Notice of Objection to a NOID within 30 days after its publication. City Council must consider objections and render a decision to either withdraw or proceed with the designation within 90 days from the end of the objection period.

A Notice of Objection was received on October 24, 2024 by the City Clerk, within the required timeframe set out in the OHA. Council has until January 26, 2025 to consider the objection. This report was prepared in response to the objection.

Cultural Heritage Value of the Property

The house at 50 Carruthers Avenue was constructed in the 1870s during the earliest period of development in Mechanicsville. The property has design value as an early and unique example of a vernacular residence built in Mechanicsville. The house reflects the simple forms and modest massing of early village buildings. The prominent curved veranda expresses the Queen Anne Revival style. The property has strong ties to the Vachon family, well known merchants of ice, coal, and wood. The family operated its businesses from Carruthers Avenue, which was well placed west of downtown Ottawa, with convenient access to the river, local mills, the railway, storage buildings and stables. The property offers information about the early village of Mechanicsville, a French-speaking community, and reflects its character.

Ontario Regulation 9/06 establishes criteria to determine if a property is of cultural heritage value or interest. A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets two or more of the nine criteria set out in the regulation. Through research and evaluation, staff have determined that 50 Carruthers Avenue meets five of the nine criteria. Detailed research and analysis are outlined in the related report "Designation of 50 Carruthers Avenue under Part IV of the *Ontario Heritage Act*" File No. ACS2024-PDB-RHU-0049.

DISCUSSION

Heritage staff have reviewed the Notice of Objection dated October 24, 2024 attached as Document 1. Through this letter, the objector does not refute the designation itself, rather, the dispute is Council's decision to proceed without providing a financial commitment to the owner. The objector asks the City to allocate funding for future maintenance costs and for additional information regarding the proposed name of the building. The following section provides staff's comment on the objection letter.

1) The potential impact designation will have on maintenance costs

The objector asks the City to allocate funding for future maintenance costs resulting from the heritage designation. The property owner is seeking this financial commitment in writing from the City as part of the designation process. Financial implications are not part of the report or evaluation under Ontario Regulation 9/06. A property may be designated if it meets two or more of the nine criteria in the regulation. 50 Carruthers Avenue meets five of the criteria.

The conservation of properties of cultural heritage value is a priority for the City as outlined in Section 4.5 of the City of Ottawa Official Plan. Section 4.5.3 (12) of the

Official Plan states that the City will create and maintain financial incentive programs to support the rehabilitation and sensitive development of designated heritage properties.

Financial incentives offered by the City include the Heritage Property Grant Program to assist owners with costs related to restoration of designated heritage properties.

Smaller scale properties such as 50 Carruthers Avenue may qualify for a matching grant of up to \$10k. Owners are eligible to apply every two years. Newly designated properties are the highest priority for funding, according to the program guidelines.

The City of Ottawa also offers a recently amended Community Improvement Plan (CIP) which encourages the restoration and adaptive reuse of designated buildings as part of development proposals. The CIP offers Tax Increment Equivalent Grants for eligible projects up to \$500,000 over a period of up to 10 years.

While potential financial impacts are not a consideration in the evaluation of properties for designation under Part IV of the *Ontario Heritage Act*, financial concerns may be considered when staff review applications to alter designated properties under Section 33 of the *Ontario Heritage Act*. In instances where the maintenance of the heritage attributes of a property become a financial challenge for a property owner, staff work with owners on creative solutions to conserve the heritage value and attributes of designated properties while working within a property owner's financial means.

Heritage and Legal staff met with the property owner on November 19, 2024 to discuss the objection letter and have advised that the request for financial commitment by the City is not possible within existing budgets and legislative framework. Staff also discussed possible required maintenance projects with the property owner and how they would be potentially impacted by the proposed designation. Staff advised that there is no regular maintenance funding available to property owners of designated properties beyond the Heritage Property Grant Program which oversee rehabilitation and restoration projects.

2) The City refers to the dwelling on the property as the Vachon House.

Clarification on the name would be appreciated.

Following detailed research on the property and outreach to the Mechanicsville Community Association, staff proposed the name Vachon House / Maison Vachon in recognition of the property's longstanding connection to the Vachon family. The Vachons occupied the property from approximately 1907 to the 1980s. The presence and contributions made by members of the Vachon family to Mechanicsville and to Ottawa are well documented and broadly acknowledged in secondary sources. The building across the street at 18 Burnside Avenue was given the name Vachon Place /

Place Vachon. In some sources, Lazy Bay is referred to as Vachon's Bay, for the same family.

After discussion with the owner, and acknowledging that the original owner was Charles Jubinville, and that the Vachon family is already recognized in the area, staff agreed to refer to the property simply as 50 Carruthers Avenue. This report and related documents were amended accordingly.

Conclusion:

Heritage staff are of the opinion that the objection letter does not provide new or substantive information related to the designation of 50 Carruthers Avenue. Staff cannot disperse funds for future maintenance of private property. Staff maintain the position that the property merits designation under Part IV of the *Ontario Heritage Act*. Staff recommend that Council not withdraw the Notice of Intention to Designate and proceed with the passage of a by-law to designate the property to be of cultural heritage value.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

LEGAL IMPLICATIONS

The staff report has outlined the legislative criteria for designation, as well as responding to the owner's request for guaranteed financial assistance should Council proceed with the designation. If Council proceeds to designate the property, the owner does have a right to appeal the designation to the Ontario Land Tribunal.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Leiper is aware of the Notice of Objection received for 50 Carruthers Avenue.

CONSULTATION

The Mechanicsville Community Association is aware of the Notice of Objection received for 50 Carruthers Avenue.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

INDIGENOUS GENDER AND EQUITY IMPLICATIONS

The house at 50 Carruthers Avenue highlights the presence and contributions of Mechanicsville's French-speaking residents. Proceeding with the passage of a by-law to

designate the property will increase the number of designated heritage properties in Ottawa that reflect the history and culture of Francophones.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

RURAL IMPLICATIONS

There are no rural implications.

APPLICATION PROCESS TIMELINE STATUS

The statutory 90-day timeline for consideration of this objection under the *Ontario Heritage Act* will expire on January 26, 2025.

SUPPORTING DOCUMENTATION

Document 1: Statement of Cultural Heritage Value

Document 2: Objection Letter

DISPOSITION

If, after considering the objection to the Notice of Intention to Designate the property known as 50 Carruthers Avenue, Council proceeds with the designation of the property under Part IV of the *Ontario Heritage Act*, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Development and Building Services Department, is to finalize the designation by-law, under the authority of the approval of this report and Legal Services to submit to City Council for enactment within 120 days of the publication of the Notice of Intention to Designate as prescribed in Section 29(8) of the *Ontario Heritage Act*.
- 2) Office of the City Clerk, Council and Committee Services to cause a copy of the by-law together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, to be served on the owner of the property and on the Trust according to the requirements of the *Ontario Heritage Act*. Heritage Planning Branch, Planning, Development and Building Services Department to ensure publication of the notice of the by-law according to the requirements of Section 29(8)(4) of the *Ontario Heritage Act*.

If, after considering the Objection to the Notice of Intention to Designate the property known as 50 Carruthers Avenue, Council decides to withdraw the notice and not

proceed with the designation of the property under Part IV of the *Ontario Heritage Act*, several actions must be taken:

- 1) Heritage Planning Branch, Planning, Development and Building Services Department, is to prepare the notice of withdrawal. Office of the City Clerk, Council and Committee Services to notify the property owner and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision to withdraw the Notice of Intention to Designate 50 Carruthers Avenue under Part IV of the *Ontario Heritage Act*.
- 2) Heritage Planning Branch, Planning, Development and Building Services Department to ensure publication of the notice of withdrawal according to the requirements of Section 29 the *Ontario Heritage Act*.

Document 1:

Statement of Cultural Heritage Value / Déclaration de la valeur de patrimoine culturel

Le français suit

Description of Property

50 Carruthers Avenue contains a two and one-half storey red brick house with a two-storey veranda located on the west side of Carruthers Avenue near Burnside Avenue in Ottawa's Mechanicsville neighbourhood.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of 50 Carruthers Avenue is found in its design, historical associations, and context.

The property has design value as an early and unique example of a vernacular residence built in Mechanicsville. Incrementally constructed beginning in the 1870s, the house reflects the simple forms and modest massing of early village buildings. The reconstructed curved veranda presents a unique expression of the Queen Anne Revival style.

The property has associative value due to its direct association with the Vachon family, well-known merchants and Francophone residents of Mechanicsville. The Vachon family lived at 50 Carruthers Avenue and operated C. Vachon & Sons, a company that traded ice, coal, and wood in the twentieth century. The Vachons occupied the property from approximately 1907 to the 1980s.

The property has historical value for its direct association with the ice harvest. In Ottawa, ice was cut from frozen rivers in winter and hauled to ice houses where it was stored until the blocks were delivered to customers in warmer months to preserve food. C. Vachon & Sons was one of Ottawa's largest ice companies. They operated from Carruthers Avenue for over 40 years, pulling ice from the Ottawa River at Lazy Bay.

The property has the potential to yield further information about French cultural life in Ottawa. Mechanicsville was historically a French-speaking community. Residents of 50 Carruthers Avenue such as Charles Vachon and Zénaïde Charette were francophone. The contributions and ambitions of the Francophone population shaped many of Ottawa's communities and institutions.

50 Carruthers Avenue has contextual value because it is important in supporting the character of Mechanicsville, a small 19th century hamlet. Workers built vernacular style houses near the Blasdell and Baldwin lumber mills in accordance with a subdivision plan filed by the mill owners in 1872. These modest houses were typically constructed with wood on stone foundations in simple rectangular forms. The house at 50 Carruthers was one of the earliest to be built on Carruthers Avenue, a central street in Mechanicsville, and was one of the first buildings in the community to be bricked. Built circa 1872-1873, the architectural features of the house, retention of its form and materials reflect the character of the early village.

The property has contextual value because it is functionally and historically linked to its location in Mechanicsville along the Ottawa River near Lazy Bay. The property provided a central location west of downtown Ottawa with convenient access to the railway, storage buildings and stables that bolstered the operations of C. Vachon & Sons.

Heritage Attributes

The following attributes express the cultural heritage value of the house at 50 Carruthers Avenue as an early example of a vernacular Mechanicsville residence with a unique Queen Anne Revival expression:

- Hipped gambrel roof
- Wood shingle in the gambrel ends
- Two and one-half storey height
- Red brick cladding
- Shallow stone foundation
- Decorated wood soffits
- Rectangular window and door openings
- Double hung sash windows, various sizes, many with sills and brick voussoirs
- Transom windows over ground floor entrance doors
- Presence of a prominent two-storey painted wood veranda with a curved design that wraps around the south and east facades

The contextual value of 50 Carruthers Avenue is demonstrated by its location on Carruthers Avenue near Burnside Avenue and Lazy Bay.

The designation is limited to the front and side elevations of the main residence and its curved two-storey veranda. The rear elevation, yards, outbuildings, the interior of the building and any new additions are excluded.

Description du bien-fonds

Le 50, avenue Carruthers est une habitation de brique rouge de deux étages et demi, dotée d'une véranda de deux étages située du côté ouest de l'avenue Carruthers, non loin de l'avenue Burnside, dans le quartier Mechanicsville d'Ottawa.

Déclaration de la valeur ou du caractère sur le plan du patrimoine culturel

C'est à son esthétique, à ses associations historiques et à son contexte que le 50, avenue Carruthers doit sa valeur de patrimoine culturel.

La propriété a une valeur esthétique parce qu'il s'agit d'un exemple unique des premières résidences vernaculaires construites dans Mechanicsville. Bâtie petit à petit à partir des années 1870, la maison reprend les formes simples et la volumétrie modeste des premiers bâtiments du village. La galerie rénovée de forme courbe témoigne singulièrement du style néo-Queen Anne.

La propriété a une valeur historique en raison de son association directe avec la famille Vachon. Les Vachon étaient des commerçants et des résidents francophones bien connus de Mechanicsville. La famille a habité au 50, avenue Carruthers et a exploité l'entreprise C. Vachon & Sons, qui vendait de la glace, du charbon et du bois au XX^e siècle. Les Vachon ont occupé la propriété dans la période comprise approximativement entre 1907 et les années 1980.

La propriété a aussi une valeur historique de par son association directe avec la récolte de la glace. À Ottawa, la glace était découpée sur les cours d'eau gelés en hiver et transportés jusqu'aux dépôts de glace, où on l'emmagasinait avant de livrer les blocs de glace aux clients dans les mois plus chauds pour préserver les aliments. C. Vachon & Sons était l'une des plus grandes entreprises de glace d'Ottawa. Elle a exercé ses activités pendant plus de 40 ans sur l'avenue Carruther, en extrayant la glace dans la baie Lazy de la rivière des Outaouais.

Cette propriété offre la possibilité d'apporter de l'information complémentaire sur la vie culturelle française à Ottawa. Mechanicsville était historiquement une collectivité francophone. Certains des premiers propriétaires du 50, avenue Carruthers, dont Charles Vachon et Zénaïde Charette, étaient francophones. Les contributions et les ambitions de la population francophone ont façonné de nombreuses collectivités et institutions d'Ottawa.

Le 50, avenue Carruthers doit sa valeur contextuelle à son importance pour le caractère de Mechanicsville, petit hameau du XIX^e siècle. Les travailleurs construisaient des habitations de style vernaculaire non loin des scieries Blasdell et Baldwin, conformément à un plan de lotissement déposé par les propriétaires de ces scieries en 1872. Ces modestes demeures étaient généralement construites en bois sur des fondations de pierre dans des formes rectangulaires élémentaires. La maison du 50, avenue Carruthers était l'une des premières bâties sur cette avenue, artère centrale de Mechanicsville; il s'agissait de l'un des premiers bâtiments revêtus de brique dans cette collectivité. Cette maison a été construite vers 1872-1873; les caractéristiques architecturales de cette demeure, qui a gardé sa première forme et ses premiers matériaux, rendent compte du caractère du village d'antan.

Cette propriété a une valeur contextuelle parce qu'elle est fonctionnellement et historiquement liée à sa localisation dans Mechanicsville, sur la rivière des Outaouais, non loin de la baie Lazy. Située au cœur du secteur à l'ouest du centre-ville d'Ottawa, cette propriété permettait d'avoir commodément accès au chemin de fer, aux entrepôts et aux écuries qui permettaient à C. Vachon & Sons d'exercer ses activités.

Caractéristiques patrimoniales

Voici les caractéristiques qui expriment la valeur de patrimoine culturel de la maison au 50, avenue Carruthers, qui se veut un exemple hâtif et exceptionnel des résidences vernaculaires de Mechanicsville :

- toit mansardé en croupe;
- bardeaux de bois sous la mansarde;
- deux étages et demi de hauteur;
- revêtement de brique rouge;
- fondation superficielle en pierre;
- soffites de bois décorés;
- ouvertures des fenêtres et portes rectangulaires;
- fenêtres à guillotine à châssis doubles de différentes grandeurs, la plupart dotées d'assises et de voussoirs en brique;
- fenêtres à imposte surmontant les portes d'entrée du rez-de-chaussée;
- Présence d'une importante galerie en bois peint sur deux étages dont la

forme courbe épouse les façades sud et est.

Le 50, avenue Carruthers doit sa valeur contextuelle à sa localisation sur l'avenue Carruthers, non loin de l'avenue Burnside et de la baie Lazy.

La désignation est limitée aux élévations avant et latérales de la résidence principale et de sa véranda courbée de deux étages. Sont exclus, l'élévation arrière, les cours, les dépendances, l'intérieur du bâtiment et toutes les annexes nouvelles.

Document 2: Objection Letter

Please note the objection letter is reproduced below in an accessible format. Personal information was redacted by the City.

October 24, 2024

To be sent via email to: CityClerk-Heritageobjections@Ottawa.ca
 Attention: Caitlin MacDonald,
 c/o Melanie Blais, Committee Coordinator

Dear Ms. MacDonald,

Designation of 50 Carruthers Ave. Ottawa K1Y1N2 as Heritage Property

The purpose of this letter is to express my objection to the decision by City Council on September 18, 2024 "To issue a notice of intention to Designate "Vachon House, 50 Carruthers Ave...." under Part 1V of the *Heritage Act*.

Before I explain my objection, it needs to be noted that the City refers to this property as Vachon House but as yet has not provided me, the owner, with any written confirmation and proof that this is the legal name. I will refer to the house as 50 Carruthers. The City refers to the property as Vachon House. Where is this legal proof of name? If the name is not yet legal then the designation is moot. Clarification on the name would be appreciated.

The City has decided to apply the *Ontario Heritage Act* Part IV and designate 50 Carruthers Ave. a legal heritage property. I do not object to the recognition of this address as a heritage house. After all, we have for the last forty plus years worked and paid to keep the house presentable and in line with its heritage. We have never required the City to give a legal label in order to maintain this dwelling. The legal category now forced upon us by the City puts a **mantel of control** in terms of maintenance and repairs which requires adherence to the style of by gone historical times. This legal control is not appropriation as such but given the legislative requirements now placed upon the property owner, this legal category is a first cousin to appropriation. Appropriation requires fair payment for value. I refute not the actual designation but the overall decision of the City to do this designation without **concomitantly assigning, in writing, a financial commitment** to the ongoing maintenance and repairs when those costs are more expensive due to the need to maintain the dwelling according to historical times. One simple example: the verandah floor is rotting, and the same wood size needs to be milled to size at wood source. If we go to Home Depot, the floor will be sized by today's standards and look different. The wood pieces on the verandah are

mainly hand cut and Some are steam bent. Again, old fashioned techniques. In simple terms, The City needs to 'put money where its mouth is' otherwise, I am being unfairly targeted for additional costs.

I am requesting a written and legal commitment to accessible funds to be made available to me, the property owner on an annual basis by the City if and when the need arises for repairs and maintenance to this property whereby costs are above today's repairs. Show me, in writing, the dollars available and then I can assess, along with an engineer and a lawyer as to whether the City has allocated sufficient repair monies for the next several years. The City designation is not incorrect but for the City to do so as if they can get a 'FREEBY' arrangement from the owner is wrong and unfair to this owner. My objection is based on the unfairness of the future cost burden.

I am not requesting full reimbursement for repairs but the difference in cost between old fashioned and newly available materials and methods. My objection is that the City failed to allocate money into their decision in a transparent manner. This access to funds needs to be transparent to me and to the taxpayers. Without this monetary commitment in writing the decision to designate is unfair to the property owner. An incomplete or partial decision is invalid. The Ontario Land Tribunal does not determine City financing. The City does. This means my appeal would most certainly go upward to the Ontario Superior Court, the Ontario Court of Appeal etc. Where are the official dedicated funds to defray the cost differential for maintenance and repairs of a historical dwelling? Please show me. There is no written mention in any official notation. The City has a responsibility to put money into this designation so as to not saddle me, the homeowner for over 40 years, with unfair additional expenses regarding maintenance and repair. My objection is that the City is negligent in its designation as it put the onus on the owner to do the bidding of the City as directed by Provincial legislation. Unless concomitant funds are allocated, hiding behind Provincial legislation is not the way to be fair to me as a city property taxpayer.

The above is my stand on this matter. The City is in a position to resolve the missing cost aspect of their proposed designation. I was given **30** days to raise my objection and I understand the City has **90** days to respond. Surely in that 90 days the financial issue can resolved to my satisfaction.

It should be noted that there will be legal costs to proceed to the Ontario Land Tribunal and from my viewpoint, I will be asking for these to be reimbursed. One legal counsel has estimated the cost to be \$70,000 for the hearing with the Ontario Land Tribunal, due to the payments required for expert witnesses. Since the Land Tribunal does not have jurisdiction on my dispute regarding funding, this matter would then by necessity go to the Ontario Superior Court.

If the City wishes to engage in a dispute resolution meeting to discuss this situation, I am willing and may bring legal counsel. Please take note, I am a frontline worker in mental health and cannot simply show up on any day selected by the City. A date would need to be arranged. Thank you for understanding my objection and proffering a solution.

Sincerely,

[signed]

cc. Jeff Leiper, City Counsellor